



Fort Myers Beach Local Planning Agency

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

Agenda

Tuesday, June 11, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Local Planning Agency - May 14, 2024

V. PUBLIC COMMENT

VI. PUBLIC HEARINGS

A. VAC20240030- 190 Estero Blvd
Beach Access Easement #42

B. CB Zoning District Language Change
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION V. CB ZONING DISTRICT AND AMENDING ARTICLE III., DIVISION 2. TABLE 34-2 USE SUB-GROUPS PERMITTED IN EACH ZONING DISTRICT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

C. DCI20240015; 1836 AND 1840 ESTERO BLVD
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A TOWN OF FORT MYERS BEACH ORDINANCE, AND APPROVING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT REZONING FOR THE PROPERTIES LOCATED AT 1836 AND 1840 ESTERO BLVD. (LESS THE AREA WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT), GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-03200.00CE AND 19-46-24-W4-03200.1010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

D. SEZ20240126-7400 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENY SPECIAL EXCEPTION SEZ20240126 TO ALLOW RECONSTRUCTION OF STORM DAMAGED INFRASTRUCTURE IN THE EC ZONING DISTRICT, INCLUDING: A PARTIAL PARKING LOT, A NEW ALUMINUM RAIL FENCE ALONG THE SEAWALL, AND NEW FENCE WITH GATE AROUND THE SOUTH GARDEN, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

E. VAR20240071; 1250 Estero Blvd; "Cottage and Shuckers"

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VAR20240071, FIVE (5) VARIANCES FROM LDC SECTIONS 34-674(a)(1)(b), 34-675(b)(3), 34-676(a)(4), 34-676(b) AND 34-676(d) REQUESTING RELIEF FROM BUILD-TO LINE MAXIMUM SETBACKS, INCREASED BUILDING HEIGHT, PARKING REDUCTIONS, RELIEF FROM PARKING LOCATION AND LOCATION OF SITE ACCESS IN THE DOWNTOWN ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 1250 ESTERO BLVD. (LESS ANY AREA WITHIN THE EC ZONING DISTRICT), GENERALLY KNOWN AS STRAP # 19-46-24-W4-0070F.0010 TO REDEVELOP A RESTAURANT/ BAR; AND PROVIDING FOR AN EFFECTIVE DATE.

F. DCI20240143, 1668 I Street

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE THE PROPERTY LOCATED AT 1668 I STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, WITH DEVIATIONS, FOR A BAR AND RESIDENCE; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VII. ADMINISTRATIVE AGENDA

A. LPA Policies and Procedures

A review and update of the LPA Policies and Procedures

VIII. LPA MEMBERS ITEMS/REPORTS

IX. LPA ATTORNEY ITEMS/REPORTS

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XI. ITEMS FOR NEXT MONTHS AGENDA

XII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

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

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



In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings. 239-765-0202



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, May 14, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Eckmann, LPA Member McLean, LPA Member Plummer and LPA Member Sudduth.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Sudduth moved to approve the final agenda, seconded by LPA Member Plummer.

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 30, 2024

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

The motion carried unanimously.

VI. PUBLIC COMMENT

Patrick Vanasse, planner, represented the Cottage and stated that the staff was unable to complete the review by the deadline, so the project was set back. He requested that the LPA meet on Tuesday, May 28, 2024, so they could present their project.

Fred Drovdlc, planner, represented the Outrigger project and was working with staff to move their project forward. He requested an additional LPA meeting on June 25, 2024, to present their plan.

Patrick Vanasse commented that some people would like to speak now rather than during the public comment portion of the Myerside project.

Ellen Vaughan, resident, supported the Myerside project and the owners.

Becky Weber, resident, supported both of the projects on the agenda.

Dale Snow, the resident, supported the Myerside project and the owners and would like to see it go forward.

VII. PUBLIC HEARINGS

Town Attorney Stuparich explained the expedited variance process and the quasi-judicial procedures. Town Clerk Baker confirmed that all agenda items were properly noticed and she swore in those providing testimony.

Jeanna Green, professional engineer, reviewed her experience.

LPA Member Eckmann moved to accept Ms. Green as an expert in her field, seconded by LPA Member Sudduth.

The motion carried unanimously.

A. VAR20240111, 5662/5664 Estero Blvd

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

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

Community Development Planner Sarah Propst reviewed the background of the request as stated on the yellow sheet. LPA Member Boan questioned why it was a nonconforming property. Planner Propst indicated it was not in the analysis.

Charles Capps from Pavese Law commented that the applicant could not attend the meeting. He stated that the applicant had no objections to the accessory apartment designation or the conditions. He thought the width was nonconforming and Planner Propst confirmed.

No public comment.

LPA Member Sudduth moved to approve the requested variance based on competent and substantial evidence that the criteria in Section 34-1174(b) of the LDC are satisfied, having heard the testimony at the hearing, review of the agenda materials, and subject to the three conditions listed in the materials, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich announced that there were ten business days to allow for additional review if requested.

B. VAR20240095, 714 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20240095 TO ALLOW 12.5 FOOT

VARIANCE TO THE REQUIRED 25-FOOT STREET SETBACK AND A VARIANCE OF 14.5 FEET FROM THE REQUIRED 20-FOOT REAR SETBACK FOR THE PROPERTY LOCATED AT 714 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Community Development Senior Planner Jason Smalley reviewed the background of the requests as stated in the yellow sheet. He pointed out that staff requested that the elevator shaft and storage area on the ground floor be left open. He noted they had not received opposition from their neighbors and Planner Propst stated that she received a phone call supporting the project.

Kara Stewart represented the applicant and stated that the structure was similar to what was there, but they shifted it. The applicant accepted the conditions.

No public comment.

LPA Member Eckmann commented that seeing an aerial of the previous structure would have been helpful. Planner Propst stated that the year could be changed on the LEEPA (Lee County Property Appraiser) website so that properties can be viewed before the hurricane.

LPA Member Eckmann moved to approve the requested variance based on competent and substantial evidence that the criteria in Section 34-3 of the LDC are satisfied, having heard the testimony at the hearing, review of the agenda materials, and subject to the conditions established by the staff, seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich announced that there were ten business days to allow additional review if requested.

C. VAR20240094; 21481 Widgeon Terrace

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

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

Planner Propst reviewed the background of the request as stated in the

yellow sheet. LPA Member Sudduth indicated that the steps were built with the house.

Jeanna Green, engineer, verified that the stairs were built with the house. She noted there was a limited rear yard and the pool was smaller than what most people build. She distributed photos of the backyard and stated that it would not be elevated and there would not be a deck.

No public comment.

LPA Member Sudduth moved to approve the requested variance based on competent and substantial evidence that the criteria in Section 34-638 (d)(3)c.3(iii) of the LDC is satisfied, having heard the testimony at the hearing, review of the agenda materials, and subject to the two conditions as set forth in the materials, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich announced that there were ten business days to allow for additional review if requested.

D. CPD20240049, Amending CPD 22-06

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

Chair Cereceda read the title of the ordinance. Ex parte communications: All LPA members disclosed their meeting with The Neighborhood Company. Planner Smalley reviewed the background of the request as stated in the yellow sheet. Planner Propst clarified that the previous hours of operation for the business were 6:00 a.m. to midnight; the hours of operation for the indoor restaurant were 7:00 a.m. to midnight, with outdoor seating limited between 7:00 a.m. and 10:00 p.m. 7 days a week. The proposed hours of operation would be 7:00 a.m. to midnight, 7 days a week, for both the restaurant and the outdoor seating area. The staff proposed a change and the conditions in the report were different from what was requested. The applicant requested that amplified music or entertainment be permitted outdoors until 11:00 p.m. within the designated areas on the master concept plan and will be oriented away from residential uses.

Planner Smalley noted that some deviations were eliminated and the numbers were compressed. He acknowledged that the numbering was a little confusing and that the nine deviations would be renumbered. He

explained the requirements to provide a 10-foot triangle. No trees with branches above two feet and lower than six feet were allowed and hedging material had to be maintained above two feet or below six feet. He indicated that the applicant requested that the 10-foot triangle be reduced to three feet, but the staff was concerned about the inherent risk.

Ken Gallander with the Neighborhood Company represented the applicant and utilized PowerPoint for his presentation. Slides included Background & Request, Aerial of the Location, and CPD Amendment to Resolution 22-06. He clarified that the hours of operation for the outdoor seating area would be 6:00 a.m. to 10:00 p.m. The Master Concept site plan was displayed, Conceptual Renderings of the Tiki Structure, Constructed Tiki Structures from the Tiki company, Findings & Conclusions, Deviations, Deviation #9, Fairweather intersection, Example of Proposed Triangle with Landscape and Tiki and Conclusion. Mr. Vanasse added that typically, traffic was slow-moving and was an important factor.

LPA Member Eckmann questioned why they could not modify the footprint of the tiki hut to ten feet since the area was not utilized. Mr. Gallander replied that they could evaluate that area. LPA Member Sudduth noted that removing the tables and pavers would not keep people out of the area. Mr. Vanasse requested consideration of the conditions today since the better line of sight created some mitigation from the ten feet. LPA Member Plummer indicated the umbrellas used to obstruct the view more than the landscaping. Public comment:

Mike Miller, applicant, clarified that bushes would be added partially under the tiki hut to keep people out of the area. They installed an eight-foot fence at the back of the property and will do more planting. The outdoor music would consist of one or two people and he encouraged feedback from the neighbors. The food truck was temporary until they got the CO (Certificate of Occupancy) for their building.

Dawn Miller, applicant, stated that they were investigating creative ways to keep people out of the area.

Public comment closed.

LPA Member Sudduth moved to approve recommending to the Town Council approval of the rezoning subject to the conditions based on a finding of consistency with the comp plan and compliance with the LDC and based on competent substantial evidence and allow the deviation for the visibility triangle and nothing can be installed to obstruct the view, seconded by LPA Member Plummer.

LPA Member Boan disagreed with allowing a three-foot visibility triangle. Planner Smalley noted that a reduction in the site triangle would allow at least one post to be between the two and six-foot area. He commented that the staff did not believe the line of sight would be clear regardless of the applicant's proposal. The expectation was that there would be at least one post, if not multiple posts, depending on the construction method.

Mr. Gallander stated that two vertical posts would potentially be in the triangle and mitigation measures would be taken to provide visibility down Estero Blvd.

The motion carried 4-1, with LPA Member Eckmann dissenting.

E. DCI20230246; REZONING FROM CPD TO CPD

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 125, 131-151 SCHOOL ST AND 2661-2681 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 FORT MYERS BEACH TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. All members disclosed ex parte communications via a meeting with The Neighborhood Company. Chair Cereceda and LPA Member Plummer were involved with the first CPD on the property.

Planner Propst reviewed the background of the request as stated in the yellow sheet and read the six deviation requests. She noted she had not heard anything from the library or school district. She explained deviation six regarding the maximum equivalency factor.

Attorney Noel Davies from Davies Duke represented the applicant. Patrick Vanasse from The Neighborhood Company described the background of the Myerside Resort & Cottages Pre-lan, the MCP (Master Concept Plan), the Winkler Subdivision Plat and The Myerside - Redevelopment. Ken Gallander from The Neighborhood Company continued the presentation with The Myerside - Redevelopment bullet points, an Aerial Photo of the Property, the Proposed MCP, Location, Site Design & Compatibility, Renderings, Elevation, View toward the Library, Looking Down School St., Interior Portion of Proposed Live-Work Units, Height Comparison, Stepped Back (Wedding Cake) Design, Density/Intensity Analysis, Transportation & Parking, Parking Analysis, Other Mitigation, Consistency with Comprehensive Plan & LDC, Deviations, Public Benefits and Findings & Conclusions.

Mr. Vanasse discussed the height and meeting specific requirements and noted that letters of support were provided. He stated the workforce housing units were approximately 500 square feet. He said they did not need special permission for a COP in a restaurant and did not need a deviation because they were not a bar. He added that the workforce units could be made larger. LPA Member Boan expressed concern regarding the reduced parking. Mr. Vanasse commented on mixed-use zoning and encouraging bicycle and pedestrian use. He added that they were open to leasing parking places and mentioned that the Sandy Bottoms project had a 30% parking reduction. He

acknowledged that there were 45 lodging units, not 42. LPA Member Plummer explained why she was concerned about the lack of parking for the employees and retail uses. Mr. Vanasse stated that parking ratios and requirements were based on IT Manuals and looked at things comprehensively to establish a number. LPA Member Eckmann thought the parking was okay because one of the goals of the comp plan was to reduce traffic and decrease traffic. He mentioned utilizing unused parking at the library and Bay Oaks and offering valet parking. LPA Member Sudduth stated that they would need more spots and suggested adding a parking deck or car lifts. He noted there were ways to address the parking issue and he thought the building concept looked great. He said that more projects like this would come forward and they would have to get comfortable with being uncomfortable. LPA Member Plummer loved the design, but they had to have accessibility so the businesses could succeed. She felt they needed to come up with more parking. Mr. Vanasse responded that they would have discussions about parking spaces and solutions.

Public comment:

Cheri Dobroski, resident, commented that the location was accessible to many amenities and did not think parking was a big issue.

Gill Poff worked for the applicants and described how they turned the place around. He supported the project.

Marty Lemmons, resident, stated the development would be across the street from his complex and was excited. He understood parking concerns but did not think it should mess up the opportunity for the project.

Gabriella Leonard thought the project was fantastic for the beach. She agreed about the parking but felt it would work itself out.

Joy Leonard, part-time resident, loved the design and location. She compared the project to Casa del Mar in Santa Monica, CA. She supported the project.

Bev Milligan, applicant, thanked staff for working with them and stated that Myerside had always supported the community and would provide membership for Bay Oaks. She described how they supported the Little League, the Mound House, the school, the Methodist Church and the library. She noted she received support from her neighbors.

Public comment closed.

Chair Cereceda supported the design and suggested adding a condition that the end product would look like the renderings provided. Mr. Vanasse replied that they could be generally consistent with the renderings and an alternative planting plan was included. Chair Cereceda questioned whether Myerside would offer incentives so people do not come to the island with a car. Mr. Vanasse noted they could commit to encouraging people not to drive and would be a part of any island-wide policy. He agreed to commit to addressing overflow parking as a condition.

Planner Propst suggested the following changes and additions: Condition 2 - Add any other tenants will have to demonstrate employment on the island.

Condition 7 - Encourage visitors and staff to arrive without an automobile, and if they need additional parking, they will look at other options. Condition 8 - The final development must be consistent with the master concept plan renderings and generally consistent with the landscape betterment plan attached to this ordinance.

LPA Member Boan moved to recommend to the Town Council that they approve the ordinance rezoning the property and it was consistent and in compliance with the LDC with the conditions added, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

A. Policies and Procedures Update

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

Town Attorney Stuparich noted the current resolution was from 2009, which set forth policies & procedures. She provided a copy for members to review and discuss at a future meeting. She indicated that the draft resolution for the three variances they made today would be modified.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer reminded members that the ethics paperwork was due in July and could only be submitted online. Town Clerk Baker noted that the paperwork was sent to members by the ethics commission.

Chair Cereceda asked whether the changes to the comp plan could come back to them after the state reviewed it.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Discussion was held regarding adding additional meetings on May 28, 2024, and June 25, 2024, for the Cottage and the Outrigger projects. Planner Propst explained that adding meetings slowed down the entire process. She stated that the Cottage could come forward at the June 11th meeting and the town council meeting on the 17th. Another LPA meeting for the Outrigger is tentatively scheduled for June 25, 2024. Planner Propst listed the nine CPDs in the pipeline.

XII. ITEMS FOR NEXT MONTHS AGENDA

Discussed above.

XIII. ADJOURNMENT

LPA Member Boan moved to adjourn, seconded by LPA Member Eckmann.

The motion carried unanimously.

The meeting was adjourned at 1:10 p.m.

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

Yellow Sheet Number: **2024-90**

1. Request:

Meeting Date: June 11, 2024

VAC20240030- 190 Estero Blvd

Why the action is necessary:

The LPA hears and recommends easement vacations and relocations.

What the action accomplishes:

Moving Beach Access Easement #42 will allow for a more usable and accessible beach access easement for beach goers.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The Pink Shell Resort is proposing the relocation of the Beach Access Easement that currently goes between two pool decks. The applicant is remodeling the pool decks and would like to limit access through that area. The applicant is requesting that the beach access easement be moved to go from the trolley stop in front of the resort, through the pool deck and to the beach. This will allow a safe accessible path with access to amenities for beach goers. Lee County has provided a letter recommending this relocation.

Attachments:

1. LPA Memo
2. Applicant Request Letter
3. Exhibit A Easement Relocation View Corridor Agreement
4. Exhibit B Amended and Restated Easement Relocation View Corridor Agreement
5. Exhibit C Second Amended and Restated Easement Relocation View Corridor Agreement
6. Exhibit D Sketch and Description
7. Exhibit E County Consent
8. Public Hearing Application
9. Petition for Vacation of Platted Rights-of-Way and Easements
10. Letters of No Objection
11. LPA AND TC VAC postcard 190 Estero Blvd- Pink Shell
12. LPA AND TC VAC an SEZ postcard 190 Estero Blvd- 200 Estero- Pink Shell

Financial Impact:

Unknown

6. Alternative Action

7. Staff Recommendations:

Find that the vacation request is legally sufficient and appropriate.

8. Recommended Approval:

Date: June 05, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: June 07, 2024

Date: June 07, 2024

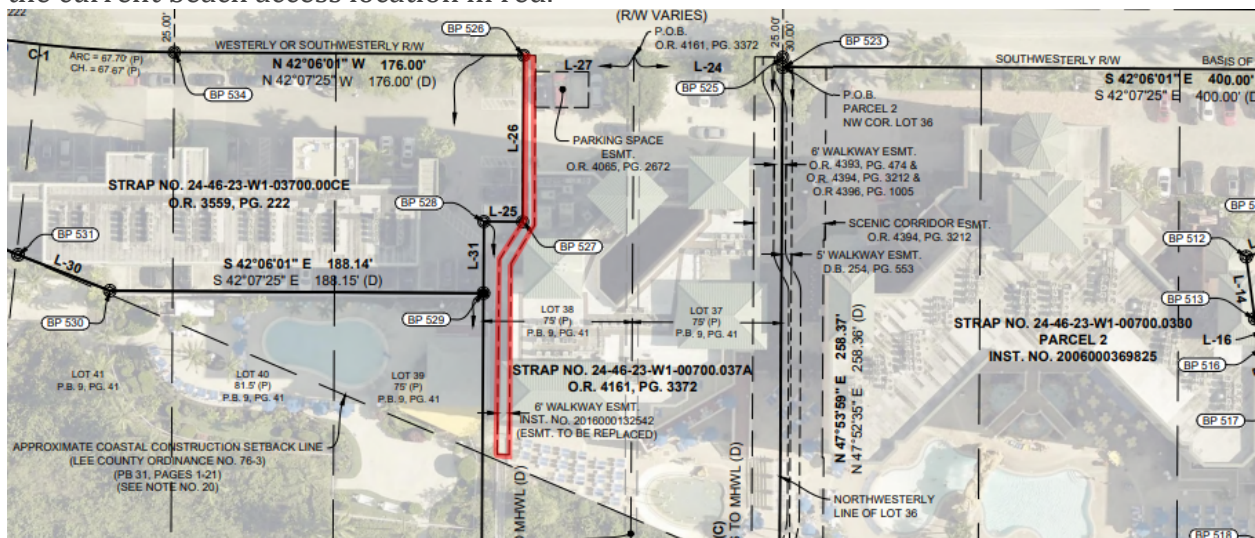


**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: LPA
From: Sarah Propst, AICP, PMP
Date: June 11, 2024
Re: VAC20240030, Vacation and Relocation of Beach Access Point #42

BACKGROUND

Beach access #42 was originally granted to Lee County in 1985 and has been relocated twice over the years in addition to recordation in favor of the Town also. The picture below shows the current beach access location in red.

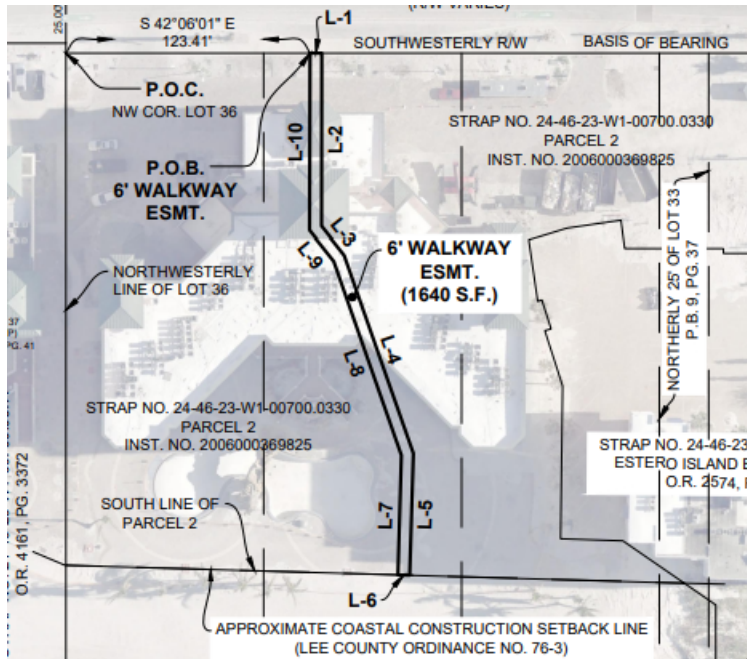


PROPOSED SOLUTION

The current location of the beach access will go through the middle of proposed pool improvements between Sanibel View and Captiva Villas. The property owner, Captiva Villas Development LLC, has requested that the current walkway easement be vacated and relocated. JABO, LLC owns the property at 200 Estero Blvd, directly to the south of Captiva Villas. JABO, LLC has proposed that the easement be moved to 200 Estero Blvd. The beach access would extend from the trolley stop at the front of the property, through the pool deck, to the beach. This location is shown in the picture below.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



The beach walkway easement would be open from dusk to dawn for safety. The applicant has met with staff and the attorney and this proposal was found to be appropriate. The applicant has also provided letters from the County indicating a willingness to move the beach walkway easement also. The application packet also includes all required letters of no objection.

The view corridor will not be moved, it will remain in its original location between the Captiva Villas building and the Pink Shell Resort building.

Summary

Staff recommends that the LPA recommend approval of the Second Amended and Restated Easement Relocation View Corridor Agreement. While the title calls out the relocation of the view corridor, the agreement actually states that the view corridor is remaining in the same place and that the beach walkway easement will be relocated

ATTACHMENTS

Exhibit A – Application Packet



April 2, 2024

VIA EMAIL ONLY: sarah.propst@fmbgov.com

Sarah Propst, Planning Manager
Town of Fort Myers Beach
Community Development Department

Re: Pink Shell Beach Access Easement Relocation - REVISED¹

Dear Community Development Department:

By submittal of the enclosed Application for Public Hearing and Petition for Vacation of Platted Rights-of-Way and Easements (collectively referred to as the "Application"), Captiva Villas Development LLC is requesting that the Town of Fort Myers Beach relocate Beach Access North 42 so that it runs beneath the White Sands (main) Pink Shell Resort building. Beach Access North 42 is currently six feet (6') wide and wholly located on property owned by Captiva Villas Development LLC. The entire six foot (6') wide access easement would be relocated to property wholly owned by JABO, LLC.

In the way of background, Beach Access North 42 (the "Easement Area") was originally created by easement granted by Johnavieve Davis to Lee County recorded on May 6, 1985 in Official Records Book 1782, Page 1814 *et seq.* of the Public Records of Lee County, Florida (the "Original Agreement"). The Easement Area was relocated by that certain Easement Relocation View Corridor Agreement, one recorded in favor of the County and a separate one recorded in favor of the Town on August 9, 2004 in Official Records Book 4394, Page 3212 *et seq.* (the "First Relocation Agreement"). A copy of the First Relocation Agreement is attached hereto as Exhibit "A," which pictorially identifies the new location of the Easement Area on Exhibit "A" to the First Relocation Agreement.

The Easement Area was relocated a second time by that certain Amended and Restated Easement Relocation View Corridor Agreement, with the Town's agreement recorded on June 21, 2016 as Instrument Number 2016000132542 (the "Second Relocation Agreement"). A copy of the Second Relocation Agreement is attached hereto as Exhibit "B," which again pictorially identifies the new location of the Easement Area on Exhibit "A" to the Second Relocation Agreement. The Easement Area created by the Second Relocation Agreement is the current area identified as Beach Access North 42. To understand where the Easement Area is in relation to the Pink Shell Resort buildings, it is easiest to look to the survey overlaid on an aerial attached to the Application as Exhibit 6-2 to the Application. The current Easement Area has been outlined in red. As you will note, the Easement Area runs between

¹ The application originally submitted on January 29, 2024 is being updated to suggest a new location for the relocated beach access easement.

April 2, 2024

Page 2

the Sanibel View Villas and Captiva Villas buildings and continues across the pool deck in between amenity features.

Captiva Villas Development LLC is requesting that the Town once again relocate the Easement Area so the foot traffic associated with use of Beach Access North 42 is in an area of the Resort where staff is most heavily concentrated to allow for efficient monitoring of the Easement Area. For this reason, we have proposed a Second Amended and Restated Easement Relocation View Corridor Agreement (the "Third Relocation Agreement"), a copy of which is attached hereto as Exhibit "C." Exhibit "A" to the Third Relocation Agreement shows and legally describes the proposed Easement Area, while Exhibit "B" identifies the location of the view corridor, which we are not proposing to move. For ease of reference in identifying the location of the easement in reference to the Resort buildings and amenities, a copy of the sketch laid over an aerial photograph has been attached hereto as Exhibit "D."

Given its central location and that it will run through the Resort's main pool deck, we are requesting that the relocated Beach Access North 42 be open only from dawn until dusk. At all other times, the gates providing access to the pool deck and the beach will be locked. This will allow Pink Shell employees to assist in directing the public to the beach while also advising them of the public benefits available at this access point. That is, in addition to providing direct beach access, there are several public benefits provided by the proposed Easement Area, to be created by the Third Relocation Agreement. It will start at the trolley stop in front of the Pink Shell Resort, restrooms will be made available to the public, and those using the new Beach Access North 42 will have several dining options available to them within the Resort.

As previously noted, the original Easement Area was created by an agreement with the County, as its creation pre-dates the incorporation of the Town of Fort Myers Beach. Given that separate agreements were recorded in favor of both the County and the Town, we will also be seeking approval from Lee County of an agreement similar to the Third Relocation Agreement. We have had preliminary discussions with the County Manager, County Attorney, and Director of County Lands, and have obtained written confirmation of the County's agreement with both the relocation and hours of operation. This written confirmation is attached hereto as Exhibit "E."

We thank you in advance for your consideration of this matter. Should you have any questions or need additional information to process the Application, please do not hesitate to contact me.

Very truly yours,

ROETZEL & ANDRESS, LPA



Sarah E. Spector

Enclosures (as stated)
21018294_3



EXHIBIT "A"

EASEMENT RELOCATION VIEW CORRIDOR AGREEMENT

This Easement Relocation and View Corridor Agreement is made by and between Boykin Hotel Properties, L.P., an Ohio limited partnership, and Captiva Villas Development, LLC, a Delaware limited liability company (collectively, the "Owner") and the Town of Fort Myers Beach, Florida ("Easement Holder").

INST # 8383656 OR BK 04394 Pgs 3212 - 3222; (1pgs) RECORDED 08/09/2004 01:30:14 PM
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY, FLORIDA
REC FEE \$1.00
DEPUTY CLERK J Meyer

WITNESSETH:

WHEREAS, by instrument dated February 27, 1984, from Johnavieve Davis to Lee County, Florida, recorded in Official Records Book 1782, Page 1814, Public Records of Lee County, Florida, such grantor granted to Lee County a six (6) feet wide easement ("Existing Easement") for a public walkway from Estero Boulevard to the Gulf of Mexico (ingress, egress and maintenance) on and over the real estate described on Exhibit A ("Existing Easement Area");

WHEREAS, Easement Holder has or may have an interest in the Existing Easement;

WHEREAS, Captiva Villas Development LLC ("CVD") owns the fee simple title to the Existing Easement Area;

WHEREAS, Boykin Hotel Properties, L.P. and CVD are affiliates and are the fee simple owners of all (but different portions) of the real estate described on Exhibit B ("New Easement Area");

WHEREAS, Owner has requested that Easement Holder agree to relocate the Existing Easement to the New Easement Area which Owner owns in fee simple;

WHEREAS, Easement Holder has agreed to the foregoing relocation of the Existing Easement to the New Easement Area;

WHEREAS, Owner and Easement Holder have agreed to enter into this Easement Relocation Agreement in order to set forth their agreement in regard to the foregoing matters; and

WHEREAS, in addition to the foregoing, by this instrument Owner desires to establish and preserve, in perpetuity, a view corridor in connection with that certain Resolution of the Town Council of the Town of Fort Myers Beach, Florida, Resolution Number 01-26 ("Resolution"), and Easement Holder desires to join in and consent to the establishment of such view corridor, all as set forth below.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Owner and Easement Holder agree as follows:

1. Owner hereby grants and conveys to Easement Holder a perpetual, non-exclusive walkway easement on, over and across the New Easement Area for the purposes of providing the public with pedestrian (only) ingress and egress to and from Estero Boulevard and the Gulf of Mexico, together with the right and easement to maintain same to the extent Owner fails to do so. In addition to the foregoing, Owner hereby establishes a non-exclusive, perpetual view corridor area ("View Corridor") on, over and across the thirty-six (36) feet wide area of land described in Exhibit C attached hereto in order to preserve a view of the Gulf of Mexico from Estero Boulevard, all as more particularly described in the Resolution and the Master Concept Plan ("Plan") referred to therein (together, and as amended from time to time, the "Resolution/Plan"). The New Easement shall be located within the View Corridor. As set forth in the Resolution/Plan and in any local development order issued pursuant to the Resolution/Plan, Owner shall in conjunction with the construction of the 43 hotel/time share units approved via the Resolution/Plan construct and improve the View Corridor as well as the walkway within the New Easement; provided, however, that Owner will not construct any structures or facilities within (i) the New Easement and (ii) the View Corridor. Owner further will, in perpetuity, maintain the View Corridor and such walkway in good order and repair, at Owner's sole cost and expense. In the event that Owner fails to do so, the Easement Holder may perform such maintenance and recover the reasonable cost thereof from Owner. This walkway easement only allows the use by pedestrians of the new Easement Area; such users shall not be permitted to use motorcycles, bicycles, skates, skateboards, scooters or other motorized or non-motorized aids to or forms of transportation within the New Easement Area. Within the View Corridor, parking is allowed, in substantial conformance with the Resolution/Plan. Such View Corridor shall be improved with low-lying vegetation along the walkway with and trees to help define the View Corridor. Owner shall place a sign along Estero Boulevard that identifies the walkway as "Public Beach Access."

2. The Existing Easement over the Existing Easement Area is hereby terminated, and CVD shall own the Existing Easement Area free and clear of any easement rights in favor of Easement Holder.

IN WITNESS WHEREOF, the parties have signed this Easement Relocation Agreement this 20 day of February, 2004.

[signatures on following page]

STATE OF OHIO

COUNTY OF Cuyahoga

The foregoing instrument was acknowledged before me this 20th day of February, 2004, by RICHARD C. CONTI, as PRESIDENT of Boykin Lodging Company, an Ohio corporation, General Partner of Boykin Hotel Properties, L.P., an Ohio limited partnership, on behalf of said corporation and limited partnership, who is personally known to me or ~~provided~~ provided _____ ~~[type of identification]~~ as identification _____.

(Notary Seal)

Mindy M.T. Toth
Notary Public - State of Ohio
Print Name: _____
Serial No: _____
My Commission Expires: _____

STATE OF OHIO

COUNTY OF Cuyahoga

MINDY M.T. TOTH
Notary Public, State of Ohio, Cuy. Cty.
My commission expires May 2, 2008

The foregoing instrument was acknowledged before me this 20th day of February, 2004, by RICHARD C. CONTI, as VICE PRESIDENT of Bellboy, Inc., a Delaware corporation, Managing Member of Captiva Villas Development LLC, a Delaware limited liability company, on behalf of said corporation and limited liability company, who is personally known to me or ~~provided~~ provided _____ ~~[type of identification]~~ as identification _____.

(Notary Seal)

Mindy M.T. Toth
Notary Public - State of Ohio
Print Name: _____
Serial No: _____
My Commission Expires: _____

MINDY M.T. TOTH
Notary Public, State of Ohio, Cuy. Cty.
My commission expires May 2, 2008

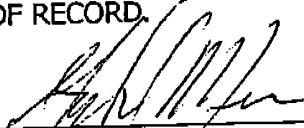
APRIL 29, 2003
JOB # 03-7021A
FILE # 03-7021AVAC2LGL

DESCRIPTION OF EASEMENT TO BE VACATED ON LOTS 37 AND 38 OF
ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DESCRIPTION:

A SIX (6) FOOT EASEMENT FOR PUBLIC WALKWAY AS RECORDED IN O.R.
BOOK 1782, PAGE 1814 OF SAID PUBLIC RECORDS; THE CENTERLINE
BEING THE COMMON LOT LINE BETWEEN SAID LOTS 37 & 38, ISLAND
SHORES CLUB SECTION.

SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS OF
WAY OF RECORD.


GORDON D. MEIERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. # 2858

LEGEND
 D.B. DEED BOOK
 (A) UNRECORDED
 D.B. OFFICIAL RECORD
 P.A. PAGE
 (P) PLAT
 N/A RIGHT OF WAY

- REFER TO ATTACHED DESCRIPTION
- SURVEYOR'S NOTES
1. DIMENSIONS SHOWN HEREON ARE BASED ON THE CENTRELINC OF ESTERIO BLVD. BEING N. 43° 07' 23" W.
 2. MEAN HIGH BUT LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SHOWN. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND MAPPER.
 3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 4. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SKETCH (NOT A SURVEY) EASEMENT VACATION A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 S., RANGE 23 E. LEE COUNTY, FLORIDA

DATE	4/28/03
SCALE	NOTED
DRAWN	CP
CHECK	
APPROVED	

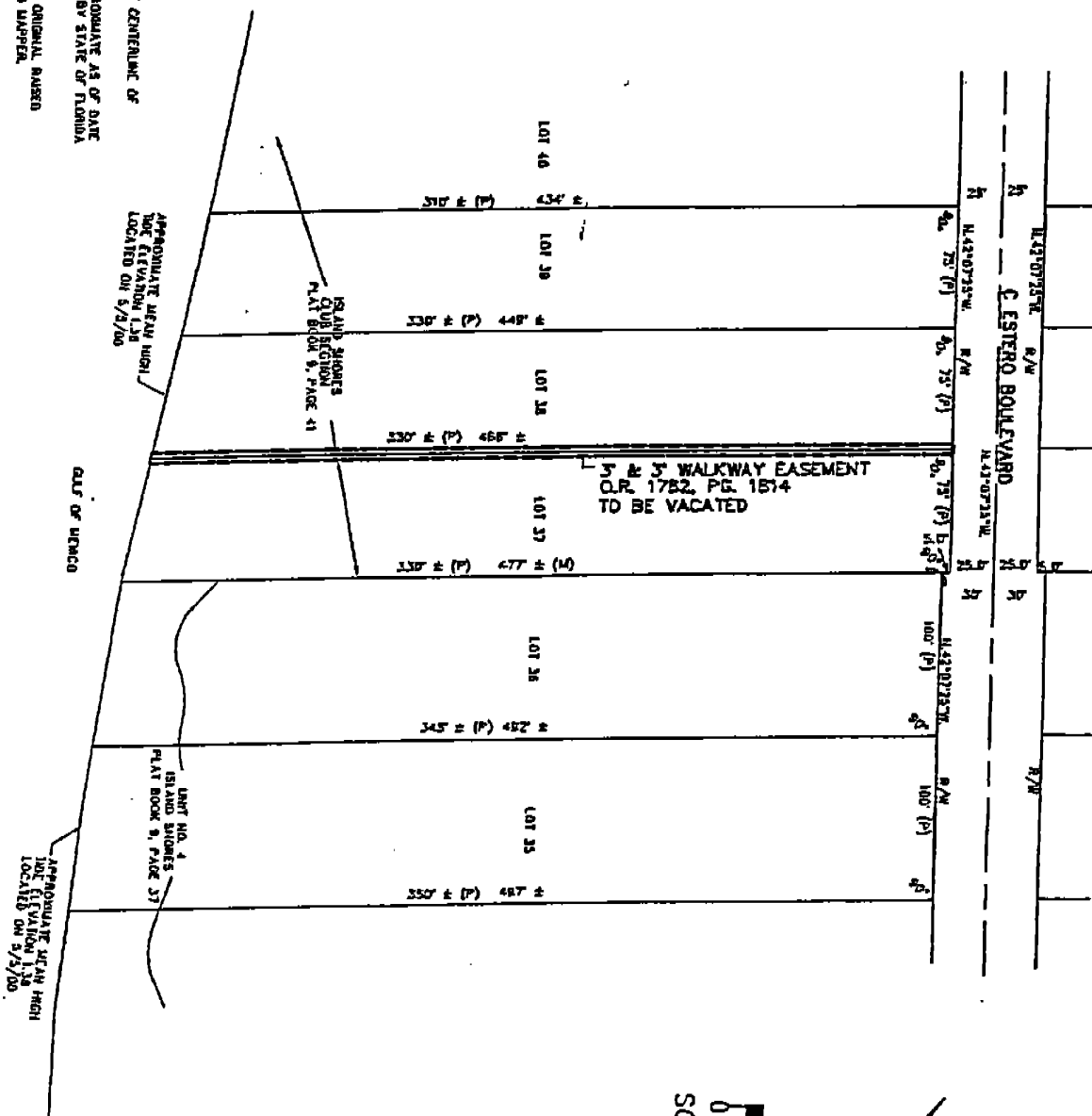
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03-7021AVACZ
 JOB NO.:
03-7021A

SHEET 2 OF 2

GORDON D. WILKINS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 2656



SCALE IN FEET
 0 50 100

JANUARY 6, 2004
JOB # 03-7021A
FILE # 03-7021ASK6LGL

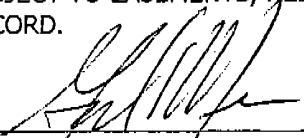
SHEET 1 OF 2

A SIX (6) FOOT WIDE WALKWAY EASEMENT LYING ON LOT 36 OF UNIT NO. 4, ISLAND SHORES, PLAT BOOK 9, PAGE 37 AND LOT 37 OF ISLAND SHORES CLUB SECTION, PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

DESCRIPTION:

COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID LOT 37 AND THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE N.42°07'25"W. ALONG THE SAID RIGHT OF WAY FOR 7.01 FEET TO THE POINT OF BEGINNING : THENCE S.47°52'35"W. FOR 11.09 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 7.00 FEET, CENTRAL ANGLE OF 27°42'24"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 3.38 FEET TO THE POINT OF TANGENCY; THENCE S.20°10'11"W. FOR 7.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 13.00 FEET, CENTRAL ANGLE OF 27°42'24"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 6.29 FEET TO THE POINT OF TANGENCY; THENCE S.47°52'35"W. ALONG A LINE 1.02 FEET PERPENDICULAR TO AND PARALLEL WITH A LINE COMMON TO SAID LOTS 36, AND 37 FOR 69.68 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 13.00 FEET, CENTRAL ANGLE OF 27°42'24"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 5.19 FEET TO THE POINT OF INTERSECTION OF SAID LINE COMMON TO LOTS 36 AND 37; THENCE CONTINUE ALONG THE ARC OF SAID CURVE FOR 1.10 FEET TO THE POINT OF TANGENCY; THENCE S.20°10'11"W. FOR 10.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 13.00 FEET, CENTRAL ANGLE OF 27°42'24"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 6.29 FEET TO THE POINT OF TANGENCY; THENCE S.47°52'35"W. ALONG A LINE 6.82 FEET PERPENDICULAR TO AND PARALLEL WITH SAID LINE COMMON TO LOTS 36 AND 37 FOR 111.62 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 40.00 FEET, CENTRAL ANGLE OF 41°00'55"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 23.70 FEET TO THE POINT OF INTERSECTION OF SAID LINE COMMON TO LOTS 36 AND 37; THENCE CONTINUE ALONG THE ARC OF SAID CURVE FOR 4.93 FEET TO THE END OF SAID CURVE; THENCE S.47°52'35"W. ALONG A LINE 3.00 FEET PERPENDICULAR TO AND PARALLEL WITH SAID LINE COMMON TO LOT 36 AND 37, FOR 205 FEET MORE OR LESS TO THE APPROXIMATE LOCATION OF THE MEAN HIGH WATER LINE AND EROSION CONTROL LINE AS RECORDED IN PLAT BOOK 70, PAGE 25 OF SAID PUBLIC RECORDS AND POINT OF TERMINUS OF SAID EASEMENT, THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OR PROLONGED TO MEET AT SAID MEAN HIGH WATER LINE AND RECORDED EROSION CONTROL LINE.

SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS OF WAY OF RECORD.


GORDON D. MEIERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. # 2858

D.B.
(M)
O.R.
P.C.
R/W

DEED BOOK
MEASURED
OFFICIAL RECORD
PAGE
PLAT
RIGHT OF WAY

LEGEND

LINE TABLE

Line	Bearing	Distance
L1	S 47°52'35"W	11.09'
L2	S 20°10'11"W	7.95'
L3	S 47°52'35"W	69.68'
L4	S 20°10'11"W	10.45'
L5	S 47°52'35"W	111.62'
L6	S 47°52'35"W	205' ±

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	7.00'	27°42'24"	3.38'	3.35'	S 34°01'23"W
2	13.00'	27°42'24"	6.29'	6.23'	S 34°01'23"W
3	13.00'	27°42'24"	5.19', 1.10'	6.23'	S 34°01'23"W
4	13.00'	27°42'24"	6.29'	6.23'	S 34°01'23"W
5	40.00'	41°00'55"	23.70', 4.93'	28.03'	S 68°23'02"W

REFER TO ATTACHED DESCRIPTION

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ESTERO BLVD. BEING N.42°07'25"W.
2. MEAN HIGH TIDE LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SHOWN. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA DEPARTMENT OF SURVEYING AND MAPPING.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

REVISED 1/6/04

SKETCH (NOT A SURVEY)

6' WIDE WALKWAY EASEMENT

A PARCEL OF LAND LYING IN

SECTION 24, TOWNSHIP 46 S., RANGE 23 E.

LEE COUNTY, FLORIDA

DATE	9/24/03
SCALE	NOTED
DRAWN	CP
CHECK	
APPROVED	

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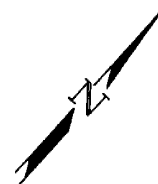
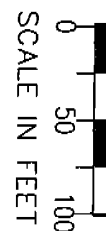
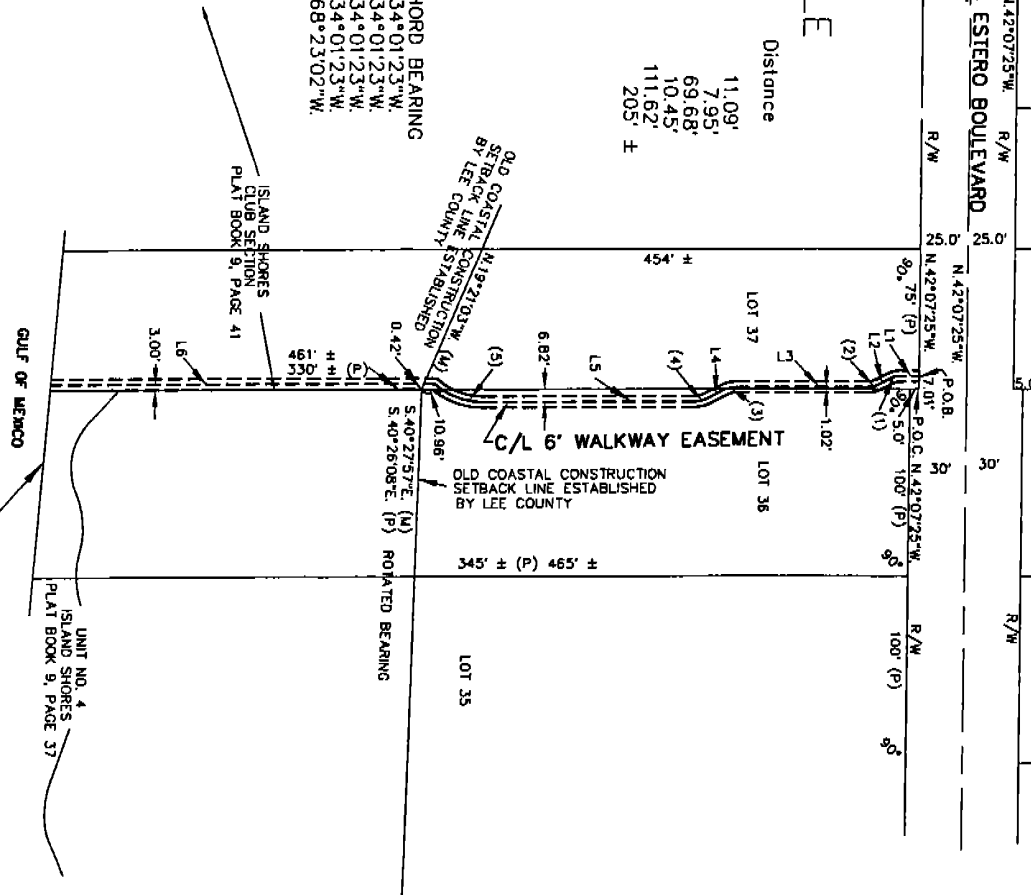
03-7021ASK6

JOB NO.:

03-7021A

SHEET 2 OF 2

GORDON D. MEERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 2838



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EXHIBIT "C"
PAGE 1 of 2

OCTOBER 1, 2003
JOB # 03-7021A
FILE # 03-7021ASK7CORLGL

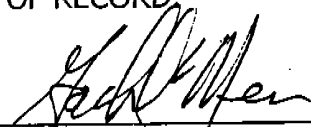
SHEET 1 OF 2

A SCENIC CORRIDOR EASEMENT LYING ON LOT 36 OF UNIT NO. 4, ISLAND SHORES, PLAT BOOK 9, PAGE 37 AND LOT 37 OF ISLAND SHORES CLUB SECTION, PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID LOT 37 AND THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W. ALONG THE SAID RIGHT OF WAY FOR 5.00 FEET SAID POINT BEING 30 FEET FROM THE CENTERLINE AND BEING THE NORTHERLY MOST CORNER OF SAID LOT 36; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY AND THE NORTHEASTERLY LINE OF SAID LOT 36 FOR 21.84 FEET; THENCE S.47°52'35"W. LEAVING SAID RIGHT OF WAY FOR 86.72 FEET; THENCE N.42°07'25"W. FOR 0.74 FEET; THENCE S.47°52'35"W. FOR 109.57 FEET; THENCE S.42°07'25"E. FOR 0.74 FEET; THENCE S.47°52'35"W. FOR 62.70 FEET TO A POINT ON THE OLD COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY LEE COUNTY; THENCE ALONG THE SAID SETBACK LINE FOR THE FOLLOWING TWO CALLS: (1) N.40°27'57"W. FOR 22.27 PASSING THROUGH THE LINE COMMON TO SAID LOT 36 AND LOT 37; (2) THENCE N.19°21'03"W. FOR 14.90 FEET; THENCE N.47°52'35"E FOR 257.58 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY AND THE NORTHEASTERLY LINE OF SAID LOT 37 FOR 14.16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS OF WAY OF RECORD.


GORDON D. MEIERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL. CERT. # 2858

LEGEND

D.B. DEED BOOK
(M) MEASURED
O.R. OFFICIAL RECORD
P.G. PAGE
(P) PLAT
R/W RIGHT OF WAY
P.O.B. POINT OF BEGINNING

LINE TABLE

Line	Bearing	Distance
L1	S.47°52'35"W.	5.00'
L2	S.42°07'25"E.	21.84'
L3	S.47°52'35"W.	86.72'
L4	N.42°07'25"W.	0.74'
L5	S.47°52'35"W.	109.57'
L6	S.42°07'25"E.	0.74'
L7	S.47°52'35"W.	62.70'
L8	N.40°27'57"W.	22.27'
L9	N.19°21'03"W.	14.90'
L10	N.47°52'35"E.	257.58'
L11	S.42°07'25"E.	14.16'

- REFER TO ATTACHED DESCRIPTION
- SURVEYOR'S NOTES
1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ESTERO BLVD. BEING N.42°07'25"W.
 2. MEAN HIGH TIDE LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SHOWN. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA DEPARTMENT OF SURVEYING AND MAPPING.
 3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 4. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SKETCH (NOT A SURVEY)

SCENIC CORRIDOR EASEMENT

A PARCEL OF LAND LYING IN
SECTION 24, TOWNSHIP 46 S., RANGE 23 E.
LEE COUNTY, FLORIDA

DATE	10/1/03
SCALE	NOTED
DRAWN	CP
CHECK	
APPROVED	

SHEET 2 OF 2

GORDON D. MEERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 2858

CONSULTING CIVIL ENGINEERS,

Ink Engineering

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Value By Design

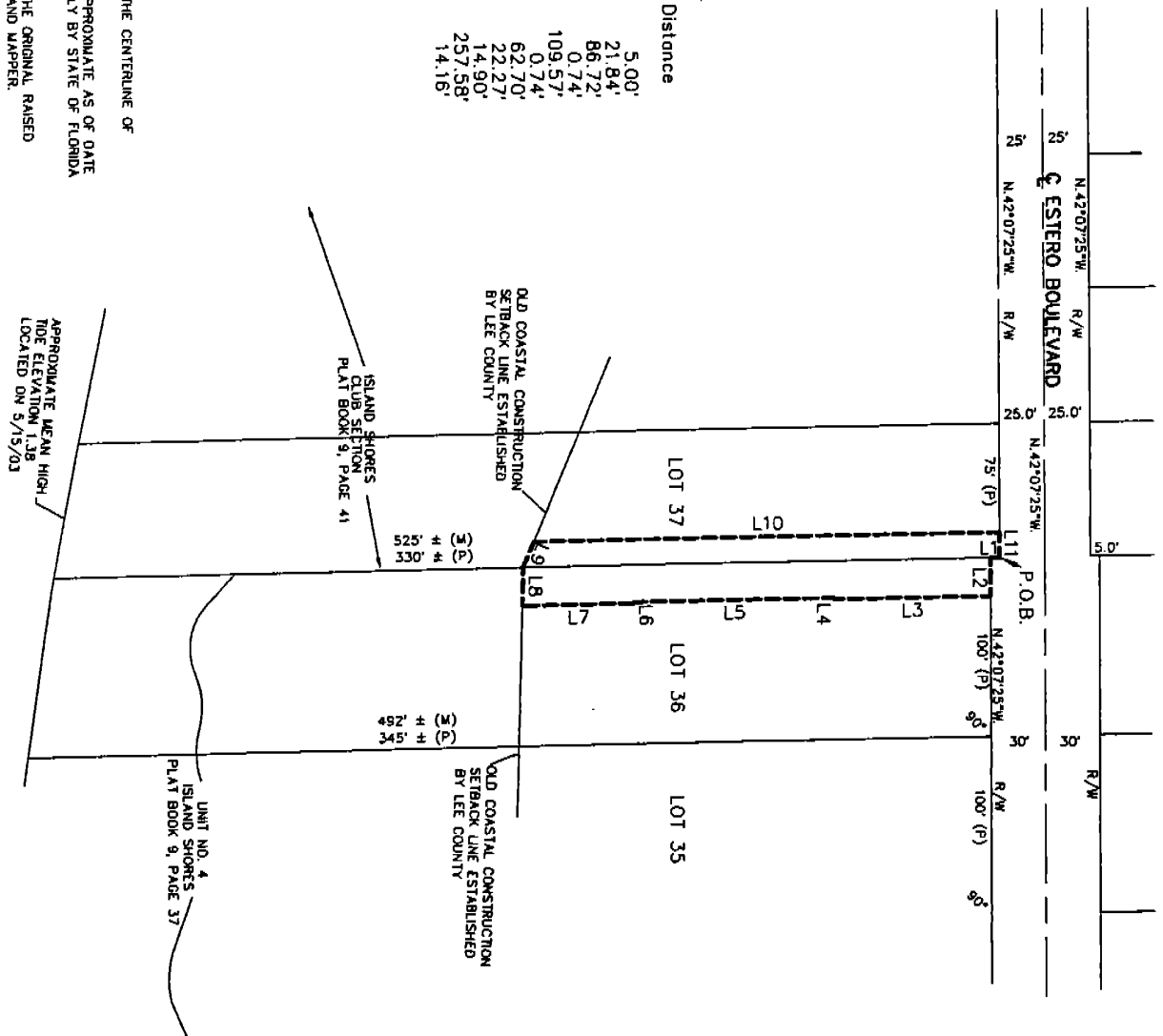
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03-7021ASK7COR

JOB NO.:

03-7021A



This document was prepared by:

Steven W. Hubbard, Esq.
Roetzel and Andress, a Legal Professional Association
2320 First Street, Suite 1000
Fort Myers, Florida 33901

JOINDER AND CONSENT

The undersigned, AmSouth Bank, an Alabama state banking corporation, ("Bank"), the owner and holder of a certain Mortgage and Security Agreement recorded in O.R. Book 3835, Page 2996, Assignment of Leases, Rents, and Profits recorded in O.R. Book 3835, Page 3016, and UCC Financing Statement recorded in O.R. Book 3835, Page 3027, all in the Public Records of Lee County, Florida (collectively, and as modified and amended from time to time, the "Security Instruments"), hereby joins in and consents to that certain Easement Relocation View Corridor Agreement by and between Boykin Hotel Properties, L.P., Captiva Villas Development, LLC and the Town of Fort Myers Beach, Florida to which this Joinder and Consent is attached and agrees that the same shall survive and not be impaired by any foreclosure or other enforcement of such Security Instruments or the liens thereof. This Joinder and Consent shall be binding upon the Bank and its successors and assigns.

IN WITNESS WHEREOF, the Bank has made and executed this Joinder and Consent this 26th day of July, 2004.

Witnesses:

Sandra H. Van Horn
1st Witness
SANDRA H. VAN HORN

Print Name

Kimberly S. Best
2nd Witness
Kimberly S. Best

Print Name

AmSouth Bank
an Alabama state banking corporation

By: Thomas E. Finlay
Print Name: Thomas E. Finlay
Title: Vice President

STATE OF FLORIDA)
COUNTY OF Collier)

The foregoing instrument was acknowledged before me this 26th day of July, 2004, by Thomas E. Finlay, as Vice President of AmSouth Bank, an Alabama state banking corporation, on behalf of such bank. He is personally known to me or has produced _____ (type of ID) as identification.

My Commission Expires:

(SEAL)

Sandra H. Whidden
Print Name: _____
Notary Public - State of Florida
Serial No.: _____

170052_1



Sandra H. Whidden
My Commission DD211382
Expires August 09, 2007

EXHIBIT "B"

This Instrument Prepared By:

ROETZEL & ANDRESS, LPA
2320 First Street, Suite 1000
Fort Myers, Florida 33901

**AMENDED AND RESTATED EASEMENT
RELOCATION VIEW CORRIDOR AGREEMENT**

This Amended and Restated Easement Relocation View Corridor Agreement is made by and between JABO, LLC, a Delaware limited liability company (successor in title to Boykin Hotel Properties, L.P., an Ohio limited partnership), and Captiva Villas Development, LLC, a Delaware limited liability company (collectively, the "Owner") and the Town of Fort Myers Beach, Florida a municipality, ("Easement Holder").

WITNESSETH:

WHEREAS, Boykin Hotel Properties, L.P., predecessor in title to JABO, LLC, and Captiva Villas Development, LLC, collectively as Owner, and the Town of Fort Myers Beach, Florida, as Easement Holder, are parties to that certain Easement Relocation View Corridor Agreement, recorded in Official Records (O. R.) Book 4394, at Page 3212, Public Records of Lee County, Florida ("Existing Walkway/View Corridor Easement");

WHEREAS, JABO, LLC has acquired from Boykin Hotel Properties, L.P. fee simple title to all real estate owned by it which is subject to the Existing Walkway/View Corridor Easement;

WHEREAS, the Existing Walkway/View Corridor Easement: (1) created a certain 36 foot wide "View Corridor" (as defined therein) and contained certain terms related thereto; and (2) created a certain walkway easement within the New Easement Area described on Exhibit B to the Existing Walkway/View Corridor Easement (hereafter referred to as the "Existing Walkway Easement") and contained certain terms related thereto;

WHEREAS, Owner has requested that Easement Holder agree to further relocate the Existing Walkway Easement to the easement area described in Exhibit A attached hereto ("2014 New Easement Area"), which is owned by Captiva Villas Development, LLC, and Easement Holder has agreed to such relocation of the Existing Walkway Easement, all in accordance with the terms and conditions hereof; and

WHEREAS, Owner and Easement Holder desire to amend and restate the Existing Walkway/View Corridor Easement in order to (1) provide for the relocation of the Existing Walkway Easement to the 2014 New Easement Area, (2) preserve the View Corridor provided in

the Existing Walkway/View Corridor Easement and the terms and conditions of such document as it relates to the View Corridor, and (3) conform such agreement to the current intent and desires of the parties.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Owner and Easement Holder agree as follows:

1. Captiva Villas Development, LLC ("CVD") hereby grants and conveys to Easement Holder a perpetual, non-exclusive walkway easement ("2014 New Easement") on, over and across the 2014 New Easement Area described in Exhibit "A" attached hereto for the purposes of providing the public with pedestrian (only) ingress and egress to and from Estero Boulevard and the Gulf of Mexico, together with the right and easement to maintain same to the extent CVD fails to do so. As set forth in Resolution of the Town Council of the Town of Fort Myers Beach, Florida, Resolution Number 10-05, the Master Concept Plan referred to in such Resolution 10-05, (collectively, the "Resolution/Plan") and in any local development order issued pursuant to the Resolution/Plan, CVD shall construct and improve the walkway within the 2014 New Easement Area; provided, however, that CVD will not construct any structures or facilities within the 2014 New Easement Area. CVD further will, in perpetuity, maintain the walkway in good order and repair, at CVD's sole cost and expense. In the event that CVD fails to do so, the Easement Holder may perform such maintenance and recover the reasonable cost thereof from CVD. The 2014 New Easement only allows use by pedestrians of the 2014 New Easement Area; such users shall not be permitted to use motorcycles, bicycles, skates, skateboards, scooters or other motorized or non-motorized aids to or forms of transportation within the 2014 New Easement Area. The obligations of CVD under this Section 1 apply only to Captiva Villas Development, LLC, as it is the sole owner of the 2014 New Easement Area.

2. Owner hereby establishes a non-exclusive, perpetual view corridor area ("View Corridor") on, over and across the thirty-six (36) feet wide area of land described in Exhibit B attached hereto in order to preserve a view of the Gulf of Mexico from Estero Boulevard, all as more particularly described in the Town of Fort Myers Beach Resolution 01-26 and ADD2003-00086 (View Corridor Plan). As set forth in the View Corridor Plan, Owner has constructed and improved the View Corridor; Owner will not construct any structures or facilities within the View Corridor. Owner further will, in perpetuity, maintain the View Corridor in good order and repair, at Owner's sole cost and expense. In the event that Owner fails to do so, the Easement Holder may perform such maintenance and recover the reasonable cost thereof from Owner. Within the View Corridor, parking is allowed, in substantial conformance with the View Corridor Plan.

3. This Amended and Restated Relocation View Corridor Agreement amends and restates in its entirety the Easement Relocation View Corridor Agreement recorded in O. R. Book 4394, Page 3212. Notwithstanding, and without limitation: (a) the Existing Walkway Easement on, over and across the "New Easement Area", as defined in the Easement Relocation View Corridor Agreement recorded in O. R. Book 4394, Page 3212, is hereby terminated, and Owners shall own their portion of such "New Easement Area" free and clear of any walkway easement rights in favor of Easement Holder; and (b) Section 2 of the Easement Relocation View Corridor Easement recorded in O. R. Book 4394, Page 3212 is hereby restated in this Amended

and Restated Easement Relocation View Corridor Agreement, and the "Existing Easement" referred to in Section 2 of the Easement Relocation View Corridor Agreement recorded in O. R. Book 4394, Page 3212 remains terminated.

IN WITNESS WHEREOF, the parties have signed this Amended and Restated Easement Relocation View Corridor Agreement this 17th day of June, 2016.

"Easement Holder"

Approved as to form:

By:

Town Attorney

Town of Fort Myers Beach

By:

Mayor

Attest:

By:

Town Clerk

Witnesses (as to JABO, LLC):

Print Name:

Print Name:

"Owner"

JABO, LLC, a Delaware limited liability Company

By:

Robert W. Boykin, Managing Member

Witnesses (as to Captiva Villas):

Print Name:

Print Name:

"Owner"

CAPTIVA VILLAS DEVELOPMENT, LLC, a Delaware limited liability company

By: New Pink Shell, LLC, a Delaware limited liability company, Sole Member

By:

Robert W. Boykin, Manager

Address: 8015 W Kenton, Suite 220
Huntersville, NC 28078

Address: 8015 W Kenton, Suite 220
Huntersville, NC 28078

STATE OF Florida)
COUNTY OF Lee) §:

The foregoing instrument was acknowledged before me this 26 day of April, 2016, by Robert W. Boykin, as Managing Member of JABO, LLC, a Delaware limited liability company, on behalf of such company, who ☒ is personally known to me OR ☐ provided _____ [type of identification] as identification.

(Notary Seal





Notary Public – State of Florida
Print Name: Robbinn Jorden
Serial No: EE 879986
My Commission Expires: July 1, 2017

STATE OF Florida)
COUNTY OF Lee) §:

The foregoing instrument was acknowledged before me this 26 day of April, 2016, by Robert W. Boykin, as Manager of New Pink Shell, LLC, a Delaware limited liability company, sole member of CAPTIVA VILLAS DEVELOPMENT, LLC, a Delaware limited liability company, on behalf of said companies, who ☒ is personally known to me OR ☐ provided _____ [type of identification] as identification.

(Notary Seal / Stamp)





Notary Public – State of Florida
Print Name: Robbinn Jorden
Serial No: EE 879986
My Commission Expires: July 1, 2017

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS



LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

(WALKWAY EASEMENT)

AN EASEMENT LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, PART OF LOT 38, ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SANIBEL VIEW VILLAS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 3559, PAGE 222 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE S.42°07'25"E. ALONG THE NORTH LINE OF SAID LOT 38 FOR A DISTANCE OF 6.00 FEET; THENCE S.47°52'35"W. LEAVING SAID NORTH LINE FOR A DISTANCE OF 85.35 FEET; THENCE S.79°02'16"W. FOR A DISTANCE OF 22.47 FEET; THENCE S.48°08'09"W. FOR A DISTANCE OF 96.31 FEET; THENCE N.41°54'23"W. FOR A DISTANCE OF 6.00 FEET; THENCE N.48°08'09"E. FOR A DISTANCE OF 97.97 FEET; THENCE N.79°02'16"E. FOR A DISTANCE OF 22.45 FEET; THENCE N.47°52'35"E. FOR A DISTANCE OF 83.68 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 38 AND THE POINT OF BEGINNING.

EASEMENT CONTAINS 1,225 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON THE NORTH LINE OF LOT 38, ISLAND SHORES CLUB SECTION AS BEARING S.42°07'25"E.

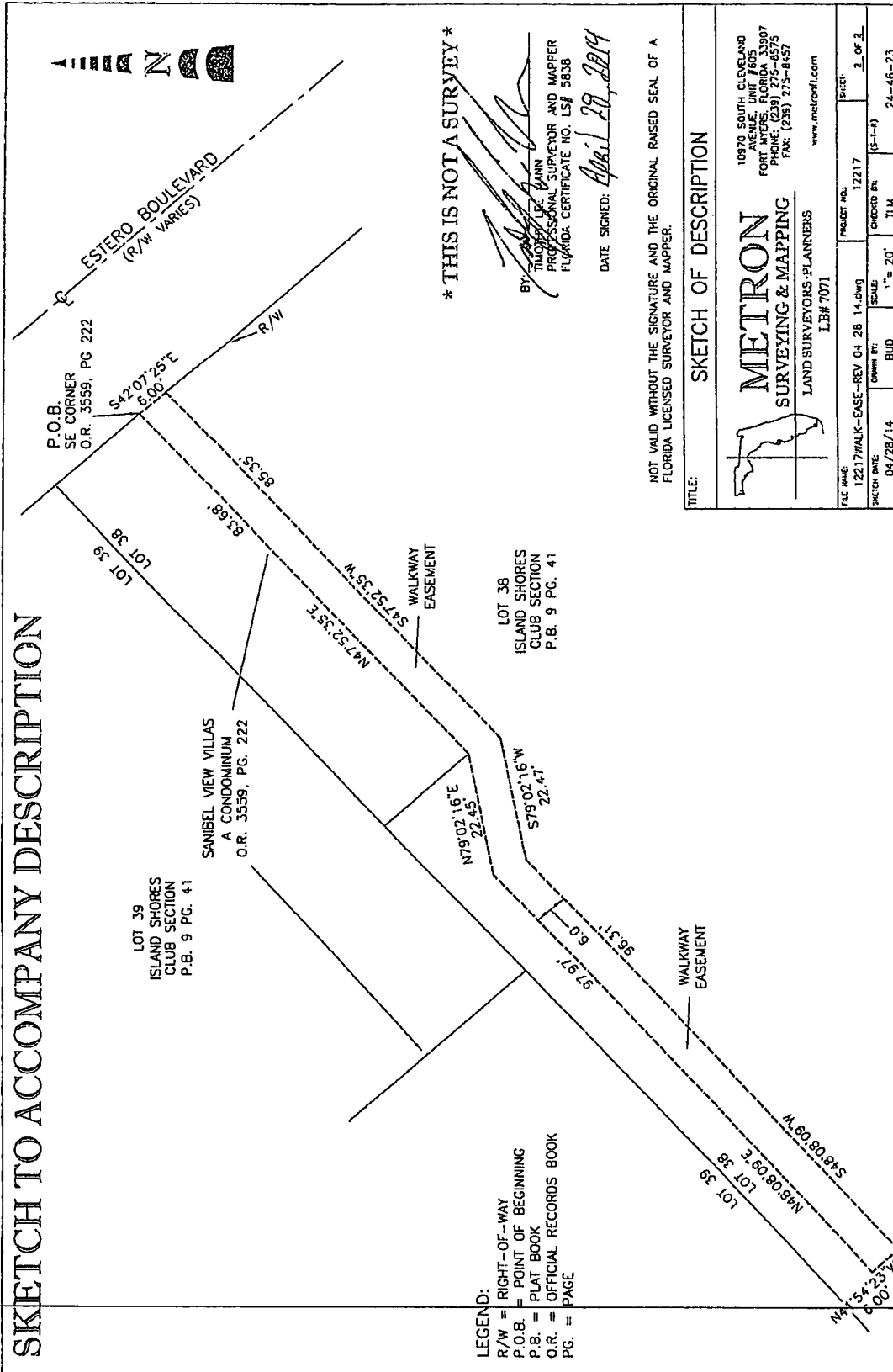
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

12217WALK-EASE-REV 04 28 14.doc



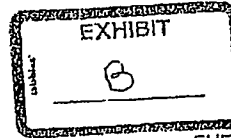
Ink
Engineering

A Division of
LBFH, Inc.

CML
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

"Partners for Results
Value by Design"

1400 Colonial Blvd., Suite 31
Fort Myers, FL 33907
(239) 931-6455
Fax: (239) 931-0456
www.lbfh.com



SHEET 1 OF 2

OCTOBER 1, 2003
JOB # 03-7021A
FILE # 03-7021ASK7CORLGL

A SCENIC CORRIDOR EASEMENT LYING ON LOT 36 OF UNIT NO. 4, ISLAND SHORES, PLAT BOOK 9, PAGE 37 AND LOT 37 OF ISLAND SHORES CLUB SECTION, PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID LOT 37 AND THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W. ALONG THE SAID RIGHT OF WAY FOR 5.00 FEET SAID POINT BEING 30 FEET FROM THE CENTERLINE AND BEING THE NORTHERLY MOST CORNER OF SAID LOT 36; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY AND THE NORTHEASTERLY LINE OF SAID LOT 36 FOR 21.84 FEET; THENCE S.47°52'35"W. LEAVING SAID RIGHT OF WAY FOR 86.72 FEET; THENCE N.42°07'25"W. FOR 0.74 FEET; THENCE S.47°52'35"W. FOR 109.57 FEET; THENCE S.42°07'25"E. FOR 0.74 FEET; THENCE S.47°52'35"W. FOR 62.70 FEET TO A POINT ON THE OLD COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY LEE COUNTY; THENCE ALONG THE SAID SETBACK LINE FOR THE FOLLOWING TWO CALLS: (1) N.40°27'57"W. FOR 22.27 PASSING THROUGH THE LINE COMMON TO SAID LOT 36 AND LOT 37; (2) THENCE N.19°21'03"W. FOR 14.90 FEET; THENCE N.47°52'35"E FOR 257.58 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY AND THE NORTHEASTERLY LINE OF SAID LOT 37 FOR 14.16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS OF WAY OF RECORD.


GORDON D. MEIERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL CERT. # 2858

EXHIBIT "C"

PAGE 2 OF 2

NOT TO SCALE
SECTIONAL VIEW
PLAN
POINT OF VIEW
POINT OF VIEW

LINE TABLE

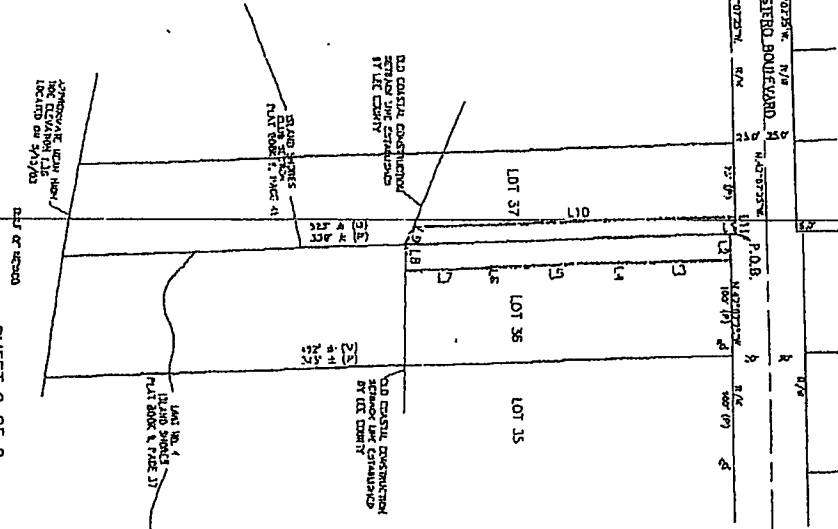
Line	Bearing	Distance
L1	S 47° 32' 35" W	2.00'
L2	S 47° 07' 25" E	11.84'
L3	N 47° 07' 25" W	86.72'
L4	N 47° 07' 25" W	0.77'
L5	S 47° 32' 35" W	108.57'
L6	S 47° 07' 25" E	0.77'
L7	S 47° 32' 35" W	62.72'
L8	N 47° 07' 25" W	22.72'
L9	N 47° 32' 35" W	14.84'
L10	N 47° 32' 35" E	25.84'
L11	S 47° 07' 25" E	14.15'

REFER TO ATTACHED DESCRIPTION

1. PLANNING AND DESIGN ARE BASED ON THE CONTINGENCY OF THE PLANNING AND DESIGN.
2. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010.
3. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010.
4. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/2010.

SKETCH (NOT A SURVEY)

SCENIC CORRIDOR EASEMENT
A PARCEL OF LAND LYING IN
SECTION 24, TOWNSHIP 46 S, RANGE 23 E,
LEE COUNTY, FLORIDA



SCALE IN FEET
0 50 100

EXHIBIT
B

DATE 10/1/2010
SCALE 1"=100'
DRAWN BY
CHECKED BY
APPROVED BY

CONSULTING CIVIL ENGINEERS,
SURVEYORS & MAPERS
Partners for Results,
A Division of L&P Inc. Victor by Design
1400 Channel Blvd., Suite 31, Fort Myers, Florida 33907
(941) 931-0455 Fax: (941) 931-0456
www.lh.com

03-7021ASK7CDR
JOB NO.:
03-7021A

EXHIBIT "C"

This Instrument Prepared By:

ROETZEL & ANDRESS, LPA
2320 First Street, Suite 1000
Fort Myers, Florida 33901

SECOND AMENDED AND RESTATED EASEMENT RELOCATION VIEW CORRIDOR AGREEMENT

This Second Amended and Restated Easement Relocation View Corridor Agreement is made by and between Captiva Villas Development, LLC, a Delaware limited liability company ("CVD"), JABO, LLC, a Delaware limited liability company ("JABO"), and the Town of Fort Myers Beach, Florida a municipality (the "Easement Holder").

WITNESSETH:

WHEREAS, CVD, JABO, and the Easement Holder, are parties to that certain Amended and Restated Easement Relocation View Corridor Agreement, recorded as Instrument Number 2016000132542 in the Public Records of Lee County, Florida ("Existing Agreement");

WHEREAS, the Existing Easement created, on property owned by CVD, (1) a certain walkway easement within the 2014 New Easement Area described on Exhibit A to the Existing Agreement (hereafter referred to as the "Existing Walkway Easement") and (2) a certain thirty six foot (36') wide view corridor over an area described on Exhibit B to the Existing Agreement (hereafter referred to as the "Existing View Corridor") and contained certain terms related thereto; and

WHEREAS, CVD and JABO have requested that the Easement Holder agree to terminate and relocate the Existing Walkway Easement to the easement area described in Exhibit A attached hereto ("2024 New Easement Area"), which is intended to increase the size of the portion of the existing Fort Myers Beach Access North 43 owned by JABO, and Easement Holder has agreed to such relocation of the Existing Walkway Easement, all in accordance with the terms and conditions hereof; and

WHEREAS, CVD, JABO, and the Easement Holder desire to amend and restate the Existing Agreement to (1) provide for the relocation of the Existing Walkway Easement to the 2024 New Easement Area, (2) preserve the Existing View Corridor, originally established and preserved in that certain Easement Relocation View Corridor Agreement, recorded in Official Records Book Page 4394, Page 3212 *et seq.* of the Public Records of Lee County, Florida, and carried forward in the Existing Agreement, and (3) conform such agreement to the current intent and desires of the parties.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, CVD, JABO, and Easement Holder agree as follows:

1. JABO hereby grants and conveys to Easement Holder a perpetual, non-exclusive walkway easement ("2024 New Easement") on, over and across the 2024 New Easement Area described in Exhibit "A" attached hereto for the purposes of providing the public with greater pedestrian (only) ingress and egress to and from Estero Boulevard and the Gulf of Mexico than already provided in that location, together with the right and easement to maintain same to the extent JABO fails to do so. JABO shall construct and improve the walkway within the 2024 New Easement Area; provided, however, that JABO will not construct any structures or facilities within the 2024 New Easement Area. JABO further will, in perpetuity, maintain the walkway in good order and repair, at JABO's sole cost and expense. If JABO fails to do so, the Easement Holder may perform such maintenance and recover the reasonable cost thereof from JABO. The 2024 New Easement only allows use by pedestrians of the 2024 New Easement Area; such users shall not be permitted to use motorcycles, bicycles, skates, skateboards, scooters or other motorized or non-motorized aids to or forms of transportation within the 2024 New Easement Area. The obligations under this Section 1 apply only to JABO, as it is the sole owner of the 2024 New Easement Area.

2. To the extent applicable based on ownership, CVD and JABO (hereinafter collectively referred to in this paragraph as the "Owner") hereby establish a non-exclusive, perpetual view corridor area ("View Corridor") on, over and across the thirty-six (36) feet wide area of land described in Exhibit B attached hereto to preserve a view of the Gulf of Mexico from Estero Boulevard, all as more particularly described in the Town of Fort Myers Beach Resolution 01-26 and ADD2003-00086 (the "View Corridor Plan"). As set forth in the View Corridor Plan, Owner has constructed and improved the View Corridor and Owner will not construct any structures or facilities within the View Corridor. Owner further will, in perpetuity, maintain the View Corridor in good order and repair, at Owner's sole cost and expense. If Owner fails to do so, the Easement Holder may perform such maintenance and recover the reasonable cost thereof from Owner. Within the View Corridor, parking is allowed, in substantial conformance with the View Corridor Plan.

3. This Second Amended and Restated Easement Relocation View Corridor Agreement amends and restates in its entirety the Existing Agreement. Notwithstanding, and without limitation, the Existing Walkway Easement on, over and across the 2014 New Easement Area, as defined in the Existing Agreement, is hereby terminated, and CVD shall own the 2014 New Easement Area free and clear of any walkway easement rights in favor of Easement Holder.

[Signatures on following pages.]

IN WITNESS WHEREOF, the parties have signed this Second Amended and Restated Easement Relocation View Corridor Agreement this _____ day of _____, 2024.

“Easement Holder”

Approved as to form:

Town of Fort Myers Beach

By: _____
Vose Law Firm, LLP, Town Attorneys

By: _____
Dan Allers, Mayor

Attest:

By: _____
Amy Baker, Town Clerk

Witnesses (as to Captiva Villas):

“CVD”

CAPTIVA VILLAS DEVELOPMENT, LLC,
a Delaware limited liability company

Print Name: _____

By: New Pink Shell, LLC, a Delaware
limited liability company, Sole Member

Print Name: _____

By: _____
Robert W. Boykin, Manager

STATE OF _____)
) §:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by Robert W. Boykin, as Managing Member of JABO, LLC, a Delaware limited liability company, on behalf of such company, who ☐ is personally known to me OR ☐ provided _____ [type of identification] as identification.

(Notary Seal / Stamp)

Notary Public – State of _____
Print Name: _____
Serial No: _____
My Commission Expires: _____

Witnesses (as to JABO, LLC):

Print Name: _____

Print Name: _____

STATE OF _____)
_____) §:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by Robert W. Boykin, as Manager of New Pink Shell, LLC, a Delaware limited liability company, sole member of CAPTIVA VILLAS DEVELOPMENT, LLC, a Delaware limited liability company, on behalf of said companies, who ☐ is personally known to me OR ☐ provided _____ [type of identification] as identification.

(Notary Seal / Stamp)

“JABO”

JABO, LLC, a Delaware limited liability Company

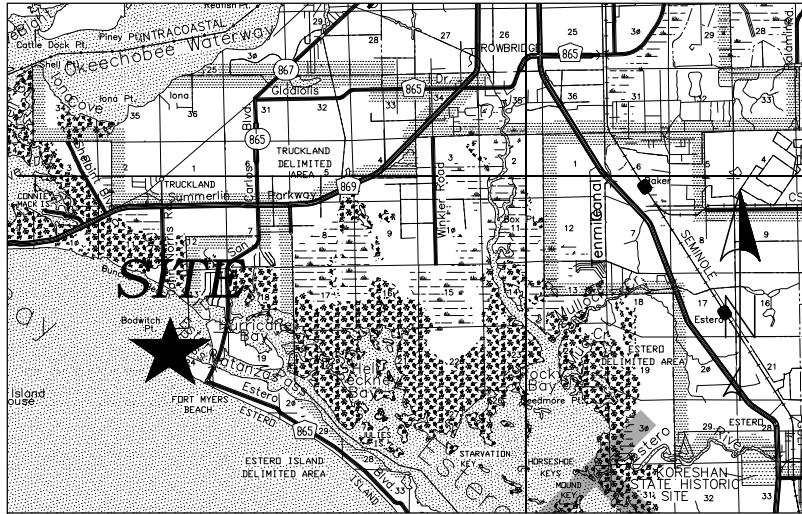
By: _____
Robert W. Boykin, Managing Member

Notary Public – State of _____
Print Name: _____
Serial No: _____
My Commission Expires: _____

20350456 _1

SKETCH & DESCRIPTION

6' WALKWAY EASEMENT
LYING WITHIN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
(NOT TO SCALE)

LEGAL DESCRIPTION: 6' WALKWAY EASEMENT

BEING A PORTION OF LOT 35, PLAT BOOK 9, PAGE 37, UNIT NUMBER 4, ISLAND SHORES, ALSO BEING A PORTION OF PARCEL 2 AS RECORDED IN INSTRUMENT NUMBER 2006000369825 PUBLIC RECORDS OF LEE COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHWEST CORNER OF SAID LOT 36, UNIT NUMBER 4, ISLAND SHORES, PLAT BOOK 9, PAGE 37, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S 42°06'01" E ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD FOR 123.41 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S 42°06'01" E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 6.00 FEET; THENCE S 48°01'41" W FOR 87.23 FEET; THENCE S 09°33'40" W FOR 18.55 FEET; THENCE S 28°40'23" W FOR 105.98 FEET; THENCE S 49°34'30" W FOR 61.63 FEET TO THE SOUTHWESTERLY BOUNDARY LINE OF SAID PARCEL 2, ALSO BEING THE EROSION CONTROL LINE RECORDED IN PLAT BOOK 31, PAGES 1 THRU 21 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE N 40°25'30" W ALONG SAID LINE FOR 6.00 FEET; THENCE N 49°34'30" E FOR 60.52; THENCE N 28°40'23" E FOR 103.86 FEET; THENCE N 09°33'40" E FOR 19.63 FEET; THENCE N 48°01'41" E FOR 89.31 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,640 SQUARE FEET MORE OR LESS.

NOTES:

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2UES, INC. IS LB-8336.
2. BEARINGS SHOWN ARE BASED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, BEING S 42°06'01" E.
3. LEGAL DESCRIPTION AND SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS AND DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. NOT VALID WITHOUT ALL SHEETS.

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS ____ DAY OF _____, 2024

ABBREVIATIONS

COR. = CORNER
D.B. = DEED BOOK
DWG = DRAWING
ESMT. = EASEMENT
FT. = FOOT
INC. = INCORPORATED
INST. = INSTRUMENT
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORD BOOK
NO. = NUMBER
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
REV. = REVISION
R/W = RIGHT OF WAY
S.F. = SQUARE FEET

SEE SHEET 2 OF 2 FOR SKETCH

SKETCH & DESCRIPTION
6' WALKWAY EASEMENT
LYING WITHIN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST



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

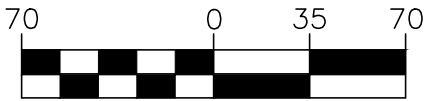
FOR: CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

COUNTY:	LEE	DWG DATE:	3-26-2024	FOR:	CW3 ENGINEERING, INC.
PROJECT NO.:	220702.04	DRAWN BY:	R.J.O.		5783 BAYSHORE ROAD, SUITE 113
DRAWING NO.:	WALKWAY ESMT.	CHECKED BY:	S.U.		N. FORT MYERS, FLORIDA 33917
REVISION:		REV. DATE:			

1 OF 2

Exhibit "C"

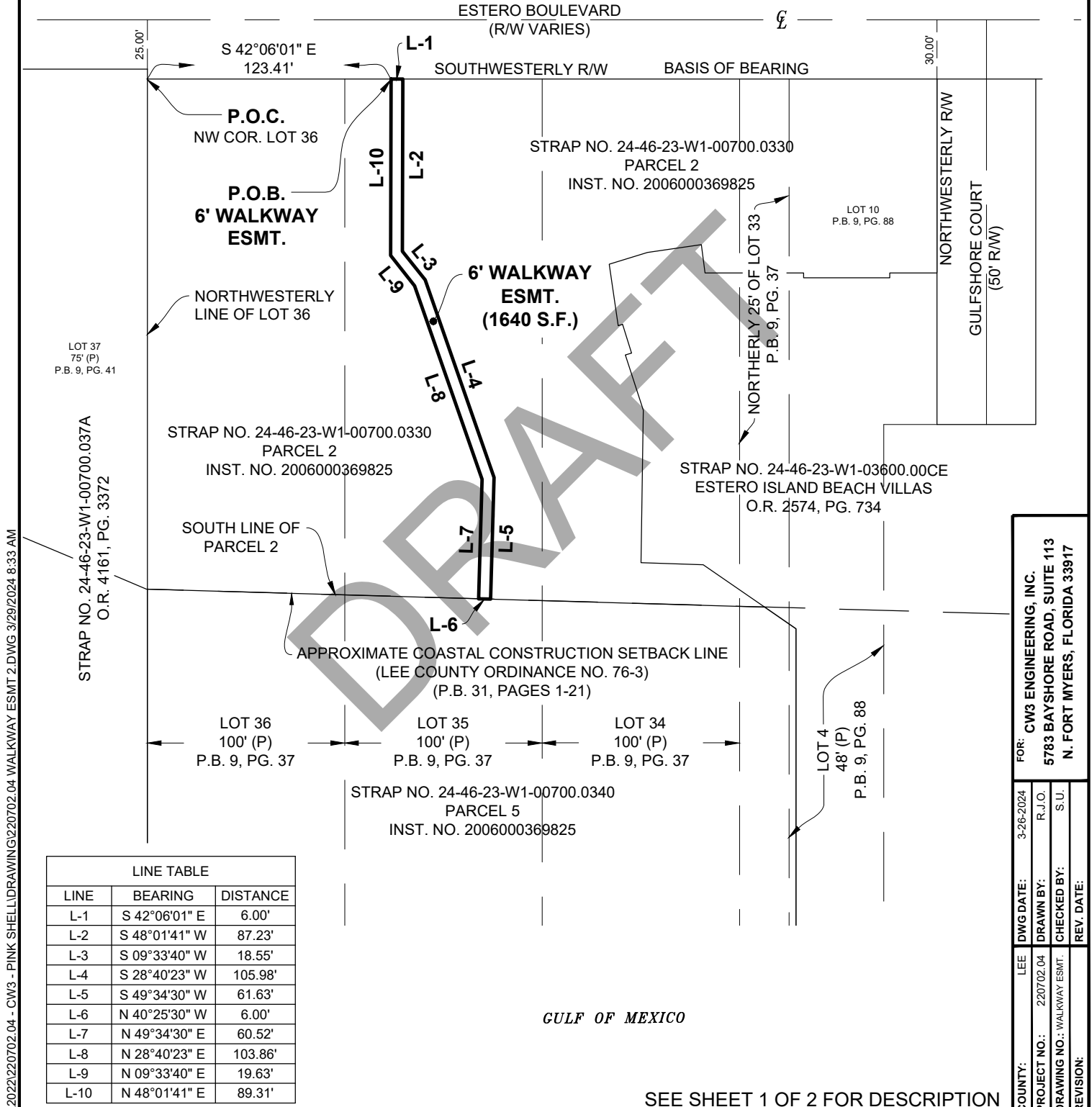
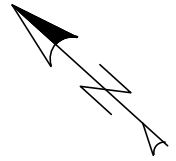
Page 41 of 464
Page 5 of 8



1 inch = 70 ft.
INTENDED DISPLAY SCALE

SKETCH & DESCRIPTION

6' WALKWAY EASEMENT
LYING WITHIN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 42°06'01" E	6.00'
L-2	S 48°01'41" W	87.23'
L-3	S 09°33'40" W	18.55'
L-4	S 28°40'23" W	105.98'
L-5	S 49°34'30" W	61.63'
L-6	N 40°25'30" W	6.00'
L-7	N 49°34'30" E	60.52'
L-8	N 28°40'23" E	103.86'
L-9	N 09°33'40" E	19.63'
L-10	N 48°01'41" E	89.31'

SEE SHEET 1 OF 2 FOR DESCRIPTION

SKETCH & DESCRIPTION
6' WALKWAY EASEMENT
LYING WITHIN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST



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

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

COUNTY:	LEE	DWG DATE:	3-26-2024
PROJECT NO.:	220702.04	DRAWN BY:	R.J.O.
DRAWING NO.:	WALKWAY ESMT.	CHECKED BY:	S.U.
REVISION:		REV. DATE:	

2 OF 2

Exhibit "C"

Page 42 of 464
Page 6 of 8

EXHIBIT "B"

Ink
Engineering

A Division of
LBFH, Inc.

Civil
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

"Partners for Results
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1400 Colonial Blvd., Suite 31
Fort Myers, FL 33907
(239) 931-6455
Fax: (239) 931-0456
www.lbfh.com

OCTOBER 1, 2003
JOB # 03-7021A
FILE # 03-7021ASK7CORLGL

SHEET 1 OF 2

A SCENIC CORRIDOR EASEMENT LYING ON LOT 36 OF UNIT NO. 4,
ISLAND SHORES, PLAT BOOK 9, PAGE 37 AND LOT 37 OF ISLAND SHORES
CLUB SECTION, PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORD OF LEE
COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID
LOT 37 AND THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO
BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.47°52'35"W.
ALONG THE SAID RIGHT OF WAY FOR 5.00 FEET SAID POINT BEING 30
FEET FROM THE CENTERLINE AND BEING THE NORTHERLY MOST
CORNER OF SAID LOT 36; THENCE S.42°07'25"E. ALONG SAID RIGHT OF
WAY AND THE NORTHEASTERLY LINE OF SAID LOT 36 FOR 21.84 FEET;
THENCE S.47°52'35"W. LEAVING SAID RIGHT OF WAY FOR 86.72 FEET;
THENCE N.42°07'25"W. FOR 0.74 FEET; THENCE S.47°52'35"W. FOR
109.57 FEET; THENCE S.42°07'25"E. FOR 0.74 FEET; THENCE
S.47°52'35"W. FOR 62.70 FEET TO A POINT ON THE OLD COASTAL
CONSTRUCTION SETBACK LINE ESTABLISHED BY LEE COUNTY; THENCE
ALONG THE SAID SETBACK LINE FOR THE FOLLOWING TWO CALLS: (1)
N.40°27'57"W. FOR 22.27 PASSING THROUGH THE LINE COMMON TO
SAID LOT 36 AND LOT 37; (2) THENCE N.19°21'03"W. FOR 14.90 FEET;
THENCE N.47°52'35"E FOR 257.58 FEET TO A POINT ON SAID
SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET
FROM THE CENTERLINE; THENCE S.42°07'25"E. ALONG SAID RIGHT OF
WAY AND THE NORTHEASTERLY LINE OF SAID LOT 37 FOR 14.16 FEET
TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS OF
WAY OF RECORD.


GORDON D. MEIERS, FOR THE FIRM
PROFESSIONAL LAND SURVEYOR
FL CERT. # 2858

DATE
BY
FOR
PROJECT
SHEET NO.

LINE TABLE

Line	Beginning	Distance
L1	5.47-32.35 W.	2.00'
L2	5.47-07.25 E.	11.84'
L3	5.47-07.25 E.	16.72'
L4	5.47-32.35 W.	0.77'
L5	5.47-32.35 W.	108.57'
L6	5.47-07.25 E.	0.77'
L7	5.47-32.35 W.	22.70'
L8	5.47-32.35 W.	14.80'
L9	5.47-32.35 W.	25.58'
L10	5.47-07.25 E.	14.15'

- REFER TO ATTACHED DESCRIPTION
- NOTES:
1. PLANNING AND DESIGN ARE BASED ON THE CONTINUITY OF THE EXISTING ROADWAY.
 2. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY.
 3. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY.
 4. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY.

SKETCH (NOT A SURVEY)

SCENIC CORRIDOR EASEMENT
A PARCEL OF LAND LYING IN
SECTION 24, TOWNSHIP 46 S, RANGE 23 E,
LEE COUNTY, FLORIDA

SHEET 2 OF 2

DATE	10/1/03
SCALE	AS SHOWN
CHECK	OK
BY	BY

CONSULTING CIVIL ENGINEERS,
SURVEYORS & MAPERS
Engineers
A Division of L&P Inc.
1400 Channel Blvd., Suite 31, Fort Myers, Florida 33907
(941) 931-0455 Fax: (941) 931-0456
www.l&p.com

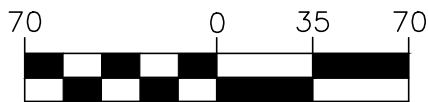
03-7021ASK7CDR

JOB NO.:

03-7021A

DO NOT SCALE FOR THE FINAL
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 2855

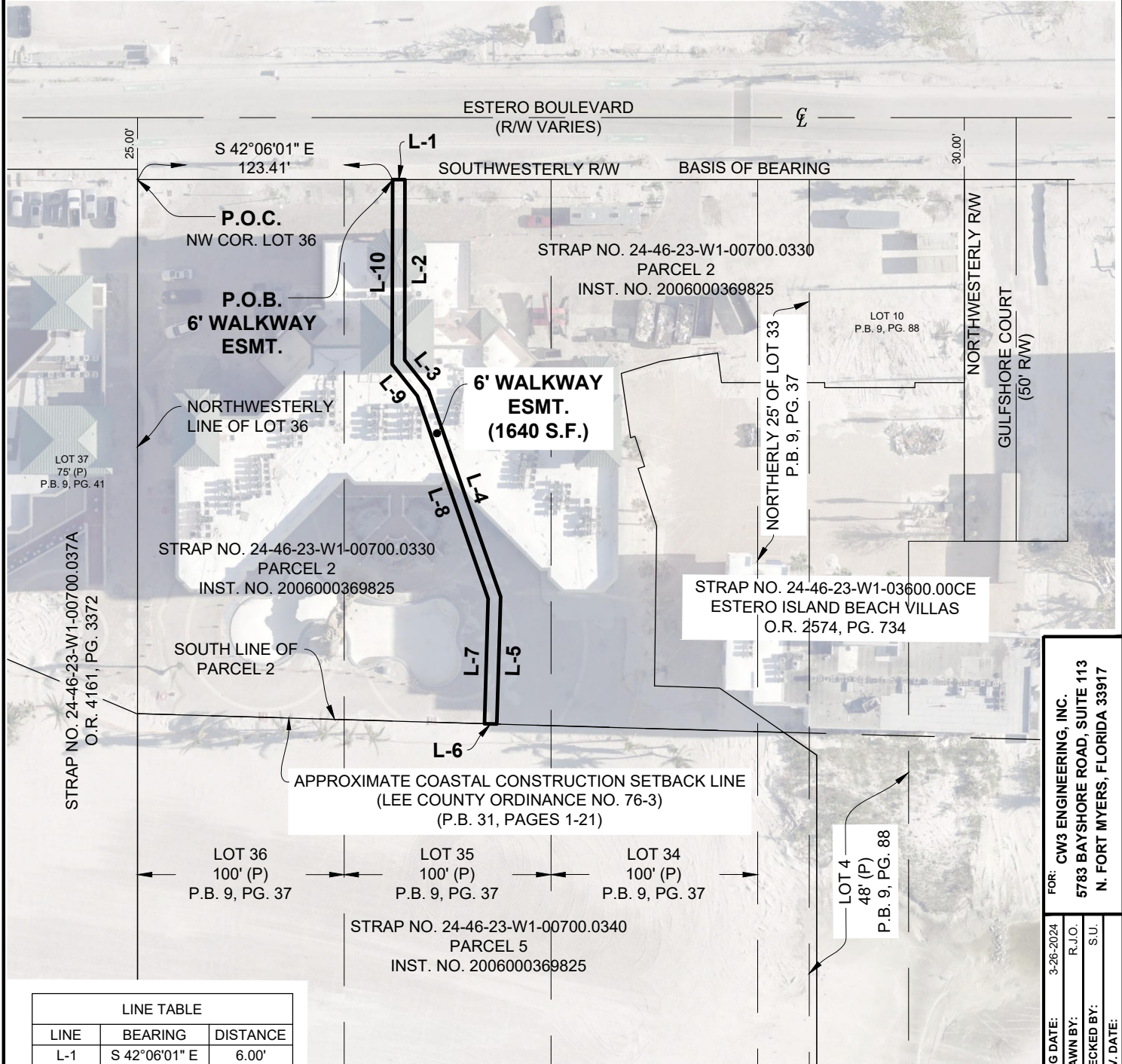
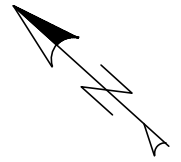
SCALE IN FEET
0 50 100



1 inch = 70 ft.
INTENDED DISPLAY SCALE

SKETCH & DESCRIPTION

6' WALKWAY EASEMENT
LYING WITHIN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 42°06'01" E	6.00'
L-2	S 48°01'41" W	87.23'
L-3	S 09°33'40" W	18.55'
L-4	S 28°40'23" W	105.98'
L-5	S 49°34'30" W	61.63'
L-6	N 40°25'30" W	6.00'
L-7	N 49°34'30" E	60.52'
L-8	N 28°40'23" E	103.86'
L-9	N 09°33'40" E	19.63'
L-10	N 48°01'41" E	89.31'

GULF OF MEXICO

SEE SHEET 1 OF 2 FOR DESCRIPTION

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

COUNTY:	LEE
PROJECT NO.:	220702.04
DRAWING NO.:	WALKWAY ESMT.
REVISION:	
DWG DATE:	3-26-2024
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
REV. DATE:	

SKETCH & DESCRIPTION
6' WALKWAY EASEMENT
LYING WITHIN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST



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

2 OF 2

Exhibit "D"

EXHIBIT "E"

Spector, Sarah

From: Mora, Marc <MMora@leegov.com>
Sent: Tuesday, March 19, 2024 4:12 PM
To: Spector, Sarah
Cc: Bill Waichulis - PSR; Harner, David; Brady, Christine; Young, Mack; Halverson, David; Loomis, Kathleen; Clemens, Robert; Harner, David
Subject: RE: Ft. Myers Beach/Pink Shell Beach Access #42

EXTERNAL:

Good afternoon Ms. Spector,

Please consider this reply as County Administration's confirmation of agreement with the proposed relocation of Beach Access #42 under the main Pink Shell building and accessibility between the hours of dawn to dusk as similar to those established for County Parks.

Respectfully,

Marc



Marc B. Mora | Assistant County Manager

Office of the County Manager

Email: mmora@leegov.com

Phone: 239.533.2439

From: Spector, Sarah <SSpector@ralaw.com>
Sent: Tuesday, March 19, 2024 10:34 AM
To: Clemens, Robert <CLEMENRG@leegov.com>
Cc: Bill Waichulis - PSR <BWaichulis@boykin.com>; Harner, David <DHarner@leegov.com>; Mora, Marc <MMora@leegov.com>; Brady, Christine <CBrady@leegov.com>; Young, Mack <MYoung@leegov.com>; Halverson, David <DHalverson@leegov.com>; Loomis, Kathleen <LOOMISKA@leegov.com>
Subject: RE: Ft. Myers Beach/Pink Shell Beach Access #42

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Good morning, Robert-

We resubmitted our revised vacation application to the Town yesterday.

In speaking with the Town Attorney and Planner this morning, I mentioned to them that we had met with the County and the County was receptive to our proposal to move Beach Access 42 under the main Pink Shell building. I also noted that the hours of dawn to dusk were acceptable based on the fact that County parks operate with the same hours.

I was asked if the County could provide written confirmation of its agreement to the relocation and limited hours so that it can travel along with the Town's vacation application.

Is this something you would be able to provide? It is my understanding that an email response would be sufficient.

Sarah E. Spector, Esq.
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
Direct: 239.338.4213
Main: 239.337.3850
Fax: 239.337.0970
E-
mail: sspector@ralaw.com
www.ralaw.com



*Both Sarah
Spector and
Roetzel &
Andress
intend that
this
message be
used*

exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Sarah Spector immediately at 239.338.4213. Thank you.

From: Clemens, Robert <CLEMENRG@leegov.com>
Sent: Wednesday, March 13, 2024 4:13 PM
To: Spector, Sarah <sspector@ralaw.com>
Cc: Bill Waichulis - PSR <BWaichulis@boykin.com>; Harner, David <DHarner@leegov.com>; Mora, Marc <MMora@leegov.com>; Brady, Christine <CBrady@leegov.com>; Young, Mack <MYoung@leegov.com>; Halverson, David <DHalverson@leegov.com>; Loomis, Kathleen <LOOMISKA@leegov.com>
Subject: RE: Ft. Myers Beach/Pink Shell Beach Access #42

EXTERNAL:

Good afternoon Ms. Spector,

Please prepare and provide the documents for our review.

Thank you.

Robert Clemens | Director
Department of County Lands
PO Box 398, Fort Myers, FL 33902

OR

1500 Monroe Street, 4th Floor, Fort Myers, FL 33901

office: (239) 533-8747

cell: (239) 834-4024

email: clemenrg@leegov.com

web: www.leegov.com



From: Spector, Sarah <sspector@ralaw.com>

Sent: Wednesday, March 13, 2024 3:59 PM

To: Clemens, Robert <CLEMENRG@leegov.com>

Cc: Bill Waichulis - PSR <BWaichulis@boykin.com>; Harner, David <DHarner@leegov.com>; Mora, Marc <MMora@leegov.com>; Brady, Christine <CBrady@leegov.com>; Young, Mack <MYoung@leegov.com>; Halverson, David <DHalverson@leegov.com>; Loomis, Kathleen <LOOMISKA@leegov.com>

Subject: RE: Ft. Myers Beach/Pink Shell Beach Access #42

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon, Mr. Clemens-

We are in the process of updating our vacation application for the Town and I have started work on the documents needed for the County.

I thought it would be prudent, before getting too far down the road, to check with you to see if the internal County discussions have been positive. Should I go ahead and complete the documents for review by you, the County Manager's office, and the County Attorney's office?

Any update you can provide is greatly appreciated.

Thank you.

Sarah E. Spector, Esq.
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
Direct: 239.338.4213
Main: 239.337.3850
Fax: 239.337.0970
E-mail: sspector@ralaw.com
www.ralaw.com



Akron - Chicago - Cincinnati - Cleveland
Columbus - Ft. Myers - Naples - Toledo

*Both Sarah
Spector and
Roetzel &
Andress
intend that
this message
be used*

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From: Spector, Sarah <SSpector@ralaw.com>
Sent: Wednesday, February 21, 2024 4:41 PM
To: CLEMENRG@leegov.com
Cc: Bill Waichulis - PSR <BWaichulis@boykin.com>; DHarner@leegov.com; MMora@leegov.com; CBrady@leegov.com; MYoung@leegov.com; DHalverson@leegov.com; LOOMISKA@leegov.com
Subject: RE: Ft. Myers Beach/Pink Shell Beach Access #42

Good afternoon, Mr. Clemens-

I have been asked to respond to your email, as Roetzel represents the Pink Shell ownership relative to the matter you have addressed below.

While my initial discussions with David Halverson were focused on eliminating Access #42, we have since changed course after meeting with Town staff.

We are currently proposing an option that would relocate Access #42 to the main entrance of the Resort, but limiting access hours to 7 AM to sunset. We are waiting to hear back from the Town Attorneys as to whether this is something that will work.

This proposal is in its very early stages, but if the County staff knows now that they cannot support such a request, it would be very helpful to know that.

It has been helpful for Town staff to see, on paper, what we are talking about. If you would like, I am more than happy to jump on a Zoom or Teams call with you or I will gladly schedule a time to meet with you in person.

Sarah E. Spector, Esq.
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
Direct: 239.338.4213
Main: 239.337.3850
Fax: 239.337.0970
E-mail: sspector@ralaw.com
www.ralaw.com



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*Both Sarah
Spector and
Roetzel &
Andress
intend that
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From: Clemens, Robert <CLEMENRG@leegov.com>
Sent: Wednesday, February 21, 2024 11:24 AM
To: Bill Waichulis - PSR <BWaichulis@boykin.com>
Cc: Harner, David <DHarner@leegov.com>; Mora, Marc <MMora@leegov.com>; Brady, Christine <CBrady@leegov.com>; Young, Mack <MYoung@leegov.com>; Halverson, David

<DHalverson@leegov.com>; Loomis, Kathleen <LOOMISKA@leegov.com>

Subject: Ft. Myers Beach/Pink Shell Beach Access #42

Good morning Mr. Waichulis,

County staff has been advised that you may be wanting to have the beach access over Pink Shell property (Captiva Villas Development, LLC.), the easement that creates the access right (commonly referred to as Access #42) moved. The actual easement document is attached above. To better understand your proposal, please provide specifics of what you're seeking. Also, please note, County staff aren't desirous of recommending reductions to or net loss of Ft. Myers Beach public access points. Please contact me if you have any questions regarding this matter.

Best regards,

Robert Clemens | Director

Department of County Lands

PO Box 398, Fort Myers, FL 33902

OR

1500 Monroe Street, 4th Floor, Fort Myers, FL 33901

office: (239) 533-8747

cell: (239) 834-4024

email: clemenrg@leegov.com

web: www.leegov.com



Receive updates from Lee County Government by [subscribing to our newsletter](#)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

To unsubscribe, please reply to this email with the word 'unsubscribe' in the body. To report spam and other abuse, please send an email to abuse@lodgingit.com

PUBLIC HEARING APPLICATION



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 190 Estero Boulevard, Fort Myers Beach, FL 33931

STRAP Number: 24-46-23-W1-00700.037A

Applicant: Captiva Villas Development LLC Phone: 239.463.8601

Contact Name: Sarah Spector, Roetzel & Address Phone: 239.338.4213

Email: sspector@ralaw.com Fax: 239.337.0970

Current Zoning District: MPD and EC

Future Land Use Map (FLUM) Category: Mixed Residential and Recreation

FLUM Density Range: 6 du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☒ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Captiva Villas Development LLC Phone: 239.463.8601

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: 275 Estero Boulevard, Fort Myers Beach, FL 33931

Email: bwaichulis@boykin.com Fax: 239.463.8640

Contact Name: Bill Waichulis Phone: 239.463.8601



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Sarah Spector, Roetzel & Andress Phone: 239.338.4213
Address: 2320 First Street, Suite 1000, Fort Myers, FL 33901
Email: sspector@ralaw.com Fax: 239.337.0970

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☒ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: N/A Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: N/A Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office	Percentage of Stock
Captiva Villas Development LLC	
Robert Boykin, John Boykin	100%
275 Estero Boulevard, Fort Myers Beach, FL 33931	

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

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Ownership

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

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

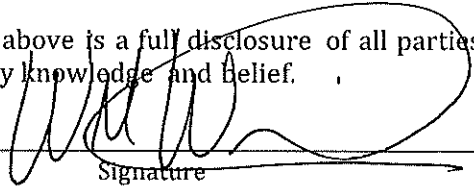
Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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



Signature

William Waichulis, Vice President

Printed Name

AFFIDAVIT

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

I, William Waichulis, Vice President (name), as Vice President (title)
of New Pink Shell LLC* (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC

4/30/2021

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

Page 6 of 11



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

New Pink Shell LLC*

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

Signature

William Waichulis, Vice President

Typed or Printed Name

Vice President

Title

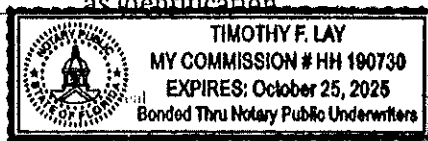
1/26/24

Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 26th day of January, 2024, by William Waichulis, ☒ who is personally known to me OR ☐ who has produced

as identification



Notary Public Signature

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W1-00700.037A

Property Address: 190 Estero Boulevard, Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: See attached List of Property Owners (Exhibit 5-1)

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

C. Property Dimensions:

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

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

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

Total land area: _____ ☐ acres ☐ square feet

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

From Sky Bridge, go north on Estero Boulevard +/- 1 mile. Pink Shell Resort is located on both sides of Estero Boulevard, with the property in question being on the west (Gulf) side.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☒ Mixed Residential

☐ Boulevard

☐ Pedestrian Commercial

☐ Marina

☒ Recreation

☐ Wetlands

☐ Platted Overlay

EXHIBIT 5-1

LIST OF

PROPERTY OWNERS

LIST OF PROPERTY OWNERS

	Property Owner	Property Address	STRAP Number	Plat Reference	Purchase Date
1	Captiva Villas Development LLC	N/A	24-46-23-W1-00700.037A	Portion of Lots 37 and 38, Island Shores Club Section, according to the Island Shores Club Plat	12.23.2003

EXHIBIT 6-2

BOUNDARY SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY

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

NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2 UES, INC. IS LB-8336.
2. NO ABSTRACT OF TITLE OR TITLE INSURANCE COMMITMENT WAS REVIEWED AS PART OF THIS SURVEY.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
6. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
7. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY.
8. ALL HORIZONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE SOUTH RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS BEING S 42°06'01" E.
9. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
10. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
11. SURVEYED PARCELS COMBINED CONTAINS 478,809.50 SQUARE FEET OR 10.99 ACRES, MORE OR LESS.
12. DATE OF LAST FIELD WORK: 4-14-2023; FIELD BOOK 593, PAGES 29.
13. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
14. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
15. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
16. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY"; NO SURVEY WAS MADE OF ADJOINING LANDS.
17. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988, AND TIES TO NATIONAL GEODETIC SURVEY BENCHMARK "872 5366 F" (PID "AD7852") HAVING A ELEVATION OF 22.60 FEET".
18. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 50' OR SMALLER.
19. EROSION CONTROL LINE AS PER COORDINATES SHOWN ON PLAT BOOK 70, PAGE 25. NO MONUMENTATION WAS FOUND DURING FIELD SURVEY.
20. STATUS OF COASTAL CONSTRUCTION SETBACK LINE IS UNKNOWN. SHOWN FOR INFORMATIONAL PURPOSES ONLY.
21. MANY AREAS OF THIS PROJECT WERE OBTAINED BY HURRICANE DEBRIS AND CONSTRUCTION ACTIVITIES. ALL IMPROVEMENTS AND DETAILS MAY NOT HAVE BEEN OBTAINED DURING THIS SURVEY.

LEGAL DESCRIPTION: (PER INST. NO. 2006000369825)

PARCEL 1:
Lots 5 and 6, GULFSHORE SUBDIVISION as recorded in Plat Book 9, page 88, of the Public Records of Lee County, Florida.

PARCEL 2: White Sands Underlying Parcel:

Part of Lots 8 and 9, and Lot 10 of Gulfshore Subdivision as recorded in Plat Book 9, page 88, of the Public Records of Lee County, Florida, and part of Lots 33 through 36 of Unit No. 4, Island Shores, as recorded in Plat Book 9, page 37, of said Public Records more particularly described as follows:

Begin at the Northwest corner of Lot 36 of said Unit No. 4, Island Shores also being a point on the Southwesterly right of way of Estero Boulevard 30 feet from the centerline; thence South 42°07'25" East along said right of way for 400.00 feet to the Northwesterly right of way of Gulfshore Court; thence South 47°52'35" West along said right of way of Gulfshore Court for 98.24 feet; thence North 42°07'25" West for 24 feet; thence South 47°52'35" West for 2.50 feet; thence North 42°07'25" West for 43.54 feet; thence North 47°52'35" East for 2.50 feet; thence North 42°07'25" West for 50.00 feet; thence North 40°31'28" East for 14.49 feet; thence North 50°19'25" west for 27.57 feet; thence North 59°22'01" West for 20.23 feet; thence South 39°40'35" West for 31.50 feet; thence South 59°17'28" East for 2.30 feet; thence South 30°21'33" West for 15.24 feet; thence North 58°42'37" West for 3.31 feet; thence South 29°58'13" West for 29.45 feet; thence South 48°42'33" West for 77.19 feet; thence South 40°09'10" East for 31.53 feet; thence South 07°36'21" East for 37.85 feet; thence North 40°26'54" West for 312.86 feet to the Northwesterly line of Lot 36 of said Unit No. 4, Island Shores Club Section; thence North 47°52'35" East along said Lot 36 for 258.36 feet to the Point of Beginning.

TOGETHER WITH PARCEL 3:

Part of Block "D", Unit 4, Island Shores, as recorded in Plat Book 9, page 37, of said Public Records more particularly described as follows:

The Northwest half of Lot 28, ALL of Lot 29, ALL of Lot 30, and the Southeast 20 feet of Lot 31 of said Block "D", Unit 4, Island Shores.

TOGETHER WITH PARCEL 4:

Part of Block "D", Island Shores Club Section, as recorded in Plat Book 9, page 41, And part of Unit 4, Island Shores, as recorded in Plat Book 9, page 37 of said Public Records more particularly described as follows:

The Northwest 17 feet of Lot 32, of said Block "D" Unit 4, Island Shores.

ALL of Lot 33, Lot 34, and Lot 35, and the Southeast 50 feet of Lot 36, ISLAND SHORES CLUB SECTION, as recorded in Plat book 9, page 41, of the Public records of Lee County, Florida.

PARCEL 5:

Lots 34, 35, 36 and the Northwesterly 25 feet of Lot 33, Unit No. 4, ISLAND SHORES, according to the plat thereof filed in Plat Book 9, page 37, of the Public records of Lee County, Florida,
Lot 4, GULFSHORE, according to the plat thereof as filed in Plat Book 9, page 88, of the Public records of Lee County, Florida.

LESS any of those portions as described in the White Sands Underlying Parcel as described above;

AND LESS any portions described as the common areas of the ESTBRO BEACH VILLAS, a condominium pursuant to the Declaration of Condominium recorded in Official Record Book 2574, page 734, of the Public Records of Lee County, Florida.

PARCEL 6:

Lots 39, 40, 41 and 42, Unit No. 4, ISLAND SHORES, according to the plat thereof filed in Plat Book 9, page 41, of the Public records of Lee County Florida,

LESS any portion which lies within the property pursuant to the Declaration of Condominium for Sanib e1 View Villas, a Condominium, according to the Declaration of Condominium thereof recorded in Official Record Book 3559, page 222, of the Public Records of Lee County, Florida.

PARCEL 7:

Lot 31, LESS the South 20 feet, Block "D", Unit 4, Island Shores, as recorded in Plat Book 9, page 37 of the Public records of Lee County, Florida. Lots 32, LESS the Northwest 17 feet, Block "D", Unit 4, Island Shores, according to the plat thereof as filed in Plat Book 9, page 37, and Lots 36, LESS the Southeast 50 feet, and Lots 38 and 39, Block D, ISLAND SHORES CLUB SECTION, according to the plat thereof as filed in Plat Book 9, page 41, of the Public Records of Lee County, Florida.

LEGAL DESCRIPTION: (PER O.R. 4161, PG. 3372)

A TRACT OR PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 37 AND PART OF LOT 38 OF ISLAND SHORES CLUB SECTION, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT COMMON TO LOTS 37 AND 38 OF SAID ISLAND SHORES CLUB SECTION LYING ON THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S.42°07'25"E. ALONG THE SAID RIGHT OF WAY FOR 75.00 FEET; THENCE S.47°52'35"W ALONG THE SOUTHEASTERLY LINE OF LOT 37 FOR 525 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE GULF OF MEXICO; THENCE NORTHWESTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE NORTHWEST ERLY LINE OF SAID LOT 38 OF SAID ISLAND SHORES CLUB SECTION; THENCE N.47°52'35"E. ALONG THE NORTHWESTERLY LINE OF SAID LOT 38 AND PERPENDICULAR TO SAID RIGHT OF WAY FOR 412 FEET MORE OR LESS; THENCE S.42°07'25"E. FOR 19.50 FEET; THENCE N.47°52'35" E. FOR 83.68 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT OF WAY; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY FOR 55.50 FEET TO THE POINT OF BEGINNING.

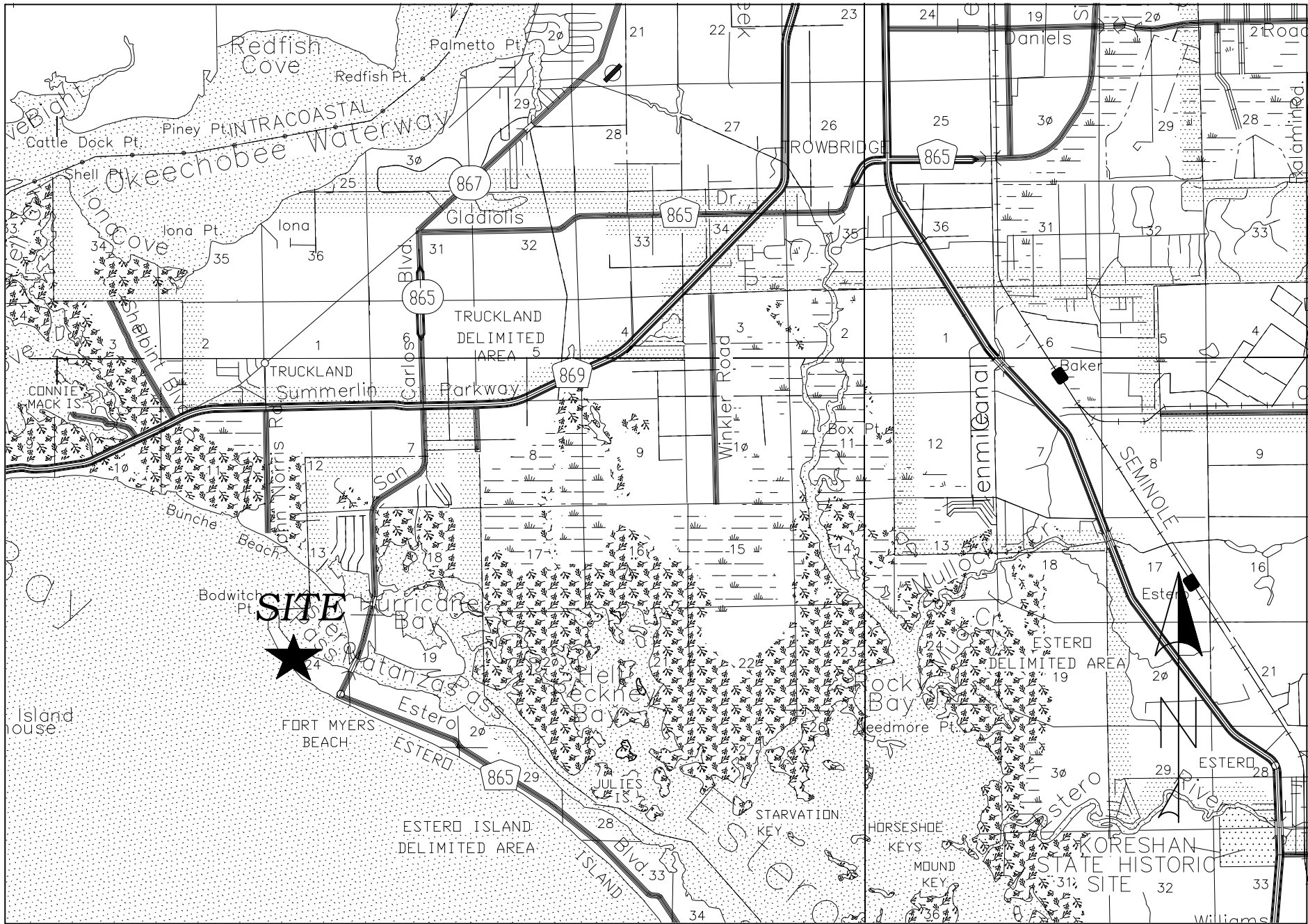
LEGAL DESCRIPTION: (PER O.R. 3559, PG. 222)

PART OF LOTS 38 THROUGH 42 OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9 . PAGE 4 1 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA. SECTION 2 4 . TOWNSHIP 48 SOUTH. RANGE 23 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 42 OF SAID ISLAND SHORES CLUB SECTION. THENCE S. 5 9° 52' 36" W. ALONG THE NORTHERLY LINE OF SAID LOT 42 , FOR 85.88 FEET; THENCE S. 18° 44' 59" E. FOR 80. 90 FEET; THENCE S. 21° 11' 18" E. FOR 49.64 FEET; THENCE S. 42° 07' 25" E. FOR 188.15 FEET; THENCE N. 47° 52' 35" E. FOR 36.03 FEET; THENCE S. 42° 07' 25" E. FOR 19.50 FEET; THENCE N. 47° 52' 35" E. FOR 83.68 FEET TO THE WESTERLY RIGHT OF WAY OF ESTERO BOULEVARD; THENCE N. 42° 07' 25" W. FOR 176.00 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 646.48 FEET, CENTRAL ANGLE OF 12° 00' 01". CHORD 135.15 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 135.40 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER INST. NO. 2022000052757)

The Southeast 1/2 of Lot 28, Block D, Unit No. 4, Island Shores, according to the plat thereof as recorded in Plat Book 9, Page(s) 37, of Public Records of Lee County, Florida.



LOCATION MAP
N.T.S.

LEGEND:

	BACKFLOW PREVENTER		FOUND CONCRETE MONUMENT
	BENCH MARK		FOUND DRILL HOLE
	BOLLARD		FOUND IRON PIPE
	CATCH BASIN		FOUND IRON ROD
	CENTERLINE		FOUND IRON ROD & CAP
	CONCRETE POWER POLE		NOT FND OR SET
	ELECTRICAL BOX		FOUND NAIL & DISK
	ELECTRIC METER		LIGHTER WOOD POST
	ELECTRIC TRANSFORMER W/ PAD		FOUND PARKER KALON NAIL
	EXISTING ELEVATION		FOUND PARKER KALON NAIL & DISK
	FIBER OPTIC BOX		SET CONCRETE MONUMENT
	FIRE HYDRANT		SET DRILL HOLE
	FIRE VALVE		
	GATE ARM ACTUATOR BOX		SET MAG NAIL & DISK \"T2 LB 8336\" U.O.N.
	GUY WIRE		SET IRON PIPE
	LIGHT POLE		CONCRETE
	WELL		
	OVERHEAD POWER LINE		
	POWER POLE		
	SIGN SINGLE POST		
	TELEPHONE RISER		
	UNKNOWN UTILITY VAULT		
	UNKNOWN UTILITY MANHOLE		
	WOOD POST		
	BUSH		

ABBREVIATIONS:

A.C. = ACRE	MH = MANHOLE
A.C. = AIR CONDITIONER	MHWL = MEAN HIGH WATER LINE
A.K.A. = ALSO KNOWN AS	MISC. = MISCELLANEOUS
ALTA = AMERICAN LAND TITLE ASSOCIATION	MON = MONUMENT
ALUM. = ALUMINUM	N/A = NOT AVAILABLE
APPR. = APPROXIMATE	NAD = NORTH AMERICAN DATUM
ASPH. = ASPHALT	N.A.V.D. = NORTH AMERICAN VERTICAL DATUM (1988)
AVE. = AVENUE	NGS = NATIONAL GEODETIC SURVEY
BLDG. = BUILDING	N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM (1929)
BLVD. = BOULEVARD	NO. = NUMBER
BM = BENCHMARK	NSPS = NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
BOC = BACK OF CURB	N.T.S. = NOT TO SCALE
BOW = BACK OF WALK	N-D = NAIL & DISK
BRG. = BEARING	O/H = OVERHANG
BSM = BUREAU OF SURVEYING AND MAPPING	O.H.W.L. = ORDINARY HIGH WATER LINE
(C) = CALCULATED	O.H.W.M. = ORDINARY HIGH WATER MARK
CATV = CABLE TELEVISION	O.R. = OFFICIAL RECORD BOOK / PAGE
CB = CATCH BASIN	(P) = PLAT
CBS = CONCRETE BLOCK STRUCTURE	PB = PLAT BOOK
C.C.R. = CERTIFIED CORNER RECORD	P.C. = POINT OF CURVATURE
CDB = CHORD BEARING	PCP = PERMANENT CONTROL POINT
CH = CHORD	PG (S). = PAGE(S)
CLF = CHAIN LINK FENCE	P.I. = POINT OF INTERSECTION
CM = CONCRETE MONUMENT	PID = POINT IDENTIFIER
CMP = CORRUGATED METAL PIPE	PKN&D = PARKER-KALON NAIL & DISK
C.O. = CLEANOUT	PKWY. = PARKWAY
CONC. = CONCRETE	PL = PROPERTY LINE
CONT. = CONTROL	PLS = PROFESSIONAL LAND SURVEYOR
COV. = COVERED	P.O.B. = POINT OF BEGINNING
CPP = CORRUGATED PLASTIC PIPE	P.O.C. = POINT OF COMMENCEMENT
COR. = CORNER	P.O.T. = POINT OF TERMINUS
CORP. = CORPORATION	PP = POWER POLE
C.P. = CABBAGE PALM	P.R.M. = PERMANENT REFERENCE MONUMENT
C.R. = COUNTY ROAD	PROP. = PROPERTY
CT. = COURT	PSM = PROFESSIONAL SURVEYOR AND MAPPER
C.U.E. = COUNTY UTILITY EASEMENT	PT. = POINT
(D) = DEED	P.T. = POINT OF TANGENCY
D.B. = DEED BOOK	P.U.E. = PUBLIC UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT	PVC = POLY VINYL CHLORIDE
DEPT. = DEPARTMENT	R = RADIUS OR RIGHT
(DESC.) = DESCRIPTION	(R) = RECORD
DH = DRILL HOLE	RCP = REINFORCED CONCRETE PIPE
DIA. = DIAMETER	RGE = RANGE
DIST. = DISTANCE	RLS = REGISTERED LAND SURVEYOR
DR. = DRIVE	R.P. = ROYAL PALM TREE
DWG. = DRAWING	R.R. = RAILROAD
EL. = ELEVATION	RT = RIGHT
ELEC. = ELECTRIC	RTA = RIGHT ANGLE
EOP = EDGE OF PAVEMENT	RTK = REAL TIME KINEMATIC
EOW = EDGE OF WATER	R/W = RIGHT-OF-WAY
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE	SEC. = SECTION
ESMT. = EASEMENT	S.F. = SQUARE FEET
EXIST. = EXISTING	SFWM = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
(F) = FIELD	SHT. = SHEET
FDEP = FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	S.R. = STATE ROAD
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION	S.S. = SANITARY SEWER
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY	STA. = STATION
F.F. = FINISHED FLOOR	ST. = STREET
FNC. = FENCE	SWFWMD = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
FND = FOUND	T = TANGENT
FPL OR FPL&L = FLORIDA POWER & LIGHT	TEL. = TELEPHONE
F.S. = FLORIDA STATUTES	TIIF = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA
FT. = FOOT / FEET	TIITF = BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
GLO. = GENERAL LAND OFFICE	TOB = TOP OF BANK
GPS = GLOBAL POSITIONING SYSTEM	TOE = TOE OF SLOPE
I.D. = IDENTIFICATION	T.P. = TRAVERSE POINT
I.D.D. = IONA DRAINAGE DISTRICT	TRANS. = TRANSITION
INC. = INCORPORATED	TWP = TOWNSHIP
INST. = INSTRUMENT	TYP = TYPICAL
INV. = INVERT	U.E. = UTILITY EASEMENT
I.P. = IRON PIPE	U.O.N. = UNLESS OTHERWISE NOTED
IR = IRON ROD (5/8" DIA. U.O.N.)	USGS = UNITED STATES GEOLOGICAL SURVEY
IRC OR IR&C = IRON ROD & CAP	U.T. = UNKNOWN TREE
IRR. = IRRIGATION	VRs = VIRTUAL REFERENCE STATION
L = LENGTH	W/ = WITH
LABINS = LAND BOUNDARY INFORMATION SYSTEM (STATE OF FLORIDA)	Y.D. = YARD DRAIN
LAT = LATITUDE	Δ = DELTA ANGLE
LB = LICENSED BUSINESS	± = MORE OR LESS
LLC = LIMITED LIABILITY COMPANY	# = NUMBER
LN. = LANE	** = STAMPING OF CAP OR DISK
LONG = LONGITUDE	
LS = LICENSED SURVEYOR	
LT = LEFT	
(M) = MEASURED	
MAG = MAGNETIC	
ME = MITERED END	

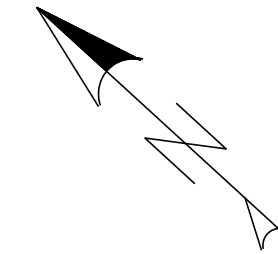
Scott R. Urquhart

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS 19 DAY OF May, 2023



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

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



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	135.40'	646.48'	12°00'00"	N 36°06'01" W	135.15'
C-1 (D)	135.40'	646.48'	12°00'01"	N/A	135.15'
C-2 (C)	165.99'	596.48'	15°56'41"	N 28°04'22" W	165.46'
C-3	83.86'	596.48'	08°03'09"	N 38°04'22" W	83.79'
C-4	135.40'	646.48'	12°00'00"	N 24°06'01" W	135.15'

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
517	SET 5/8" IR&C "T2 LB 8663"
518	FND 5/8" IR&C "LDHF INC. LB 959" 0.23° E & 0.32°
519	SET 5/8" IR&C "T2 LB 8663"
520	SET 5/8" IR&C "T2 LB 8663"
521	SET 5/8" IR&C "T2 LB 8663"
522	SET 5/8" IR&C "T2 LB 8663"
523	SET 5/8" IR&C "T2 LB 8663"
524	SET 5/8" IR&C "T2 LB 8663"
525	SET N-D "T2 LB 8663"
526	SET N-D "T2 LB 8663"
527	SET N-D "T2 LB 8663"
528	SET N-D "T2 LB 8663"
529	FND 5/8" "INK ENG. LB 856"
530	SET 5/8" IR&C "T2 LB 8663"
531	SET 5/8" IR&C "T2 LB 8663"
532	SET 5/8" IR&C "T2 LB 8663"
533	SET 5/8" IR&C "T2 LB 8663"

LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39°51'35"E	88.85'
L-54 (C)	S 40°20'58"E	15.12'
L-55 (C)	S 39°49'33"E	2.62'
L-56 (C)	S 39°49'33"E	26.97'
L-57 (C)	S 40°02'49"E	37.52'
L-58 (C)	S 39°56'38"E	68.33'
L-59 (C)	S 39°51'07"E	30.29'
L-60 (C)	S 43°49'13"E	118.82'
L-61 (C)	S 43°49'03" W	8.68'
L-62 (C)	S 40°17'54" W	4.03'
L-63 (C)	S 52°50'28"E	75.16'
L-64 (C)	S 51°09'45"E	36.30'
L-65 (C)	S 38°50'15" W	0.33'
L-66 (C)	S 54°12'31"E	41.31'
L-67 (C)	S 54°12'31"E	3.08'
L-68 (C)	N 37°22'35"E	0.42'
L-69 (C)	S 53°33'35"E	4.26'
L-70 (C)	S 55°27'10"E	16.77'
L-71 (C)	N 42°06'01" W	112.33'
L-72	N 47°53'59"E	50.00'

AREA TABLE	
	= 8.40 ACRES ±
	= 0.17 ACREA ±
	= 1.80 ACRES ±
	= 0.43 ACRES ±
TOTAL 10.80 ACRES ±	

AREA TABLE



 = 8.40 ACRES ±
 = 0.17 ACRES ±
 = 1.80 ACRES ±
 = 0.43 ACRES ±

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

FOR:

	DATE
1	5-19-23
2	
3	

REVISION

SHEET 2 ACREAGE TABLE

2-9-2023
3-13-2023
R.J.O.
\$11

DWG. DATE:
SURVEY DATE:
DRAWN BY:
CHECKED BY:

LI
24-46-
220702
220703 04

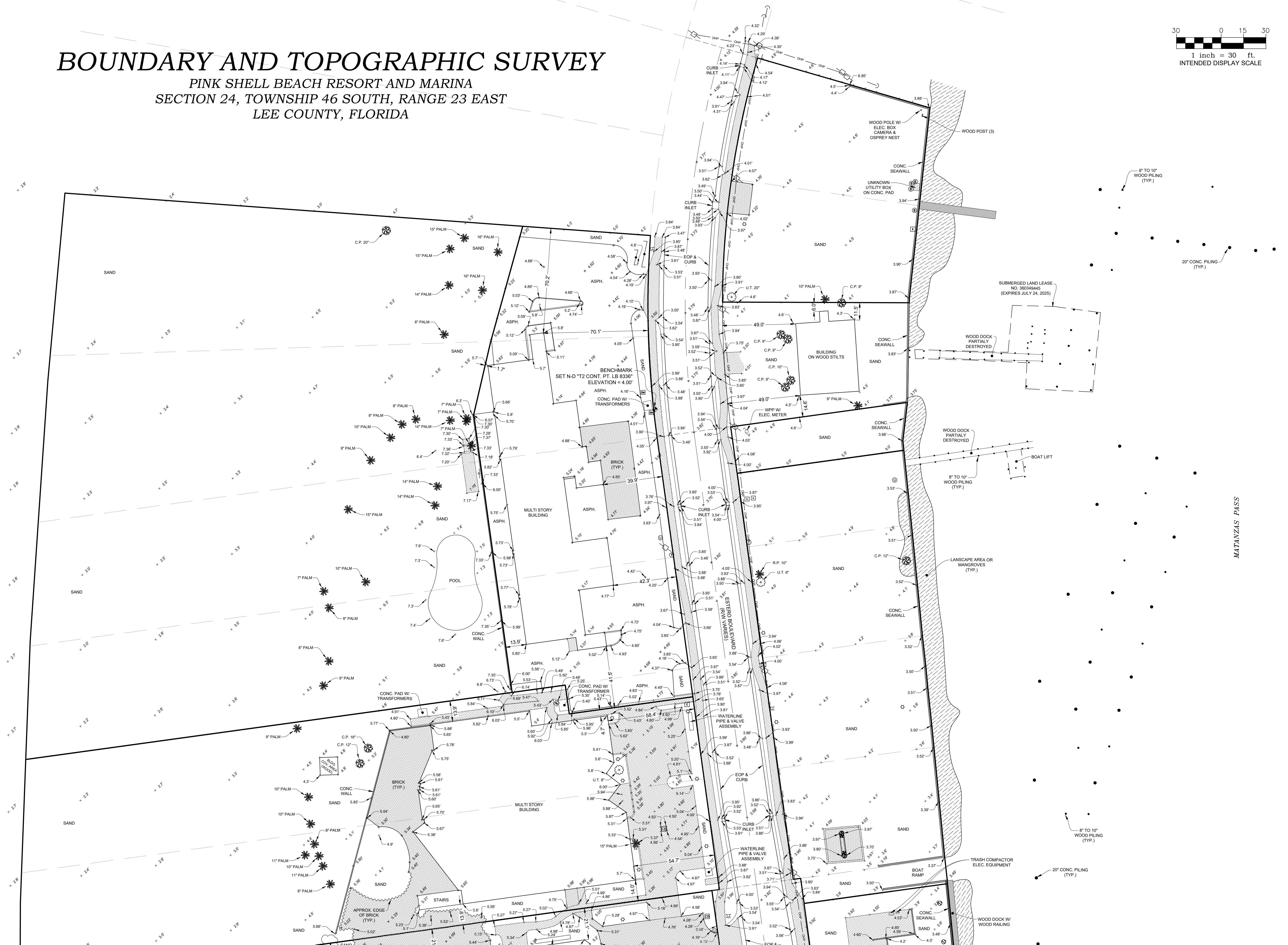
NUMBER:

COUNTY	SEC.	PROJEC	DW/C NI
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PHIC SURVEY
T AND MARINA
TH, RANGE 23 EAST
RIDA

2 of 4

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



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

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

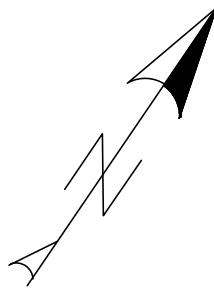
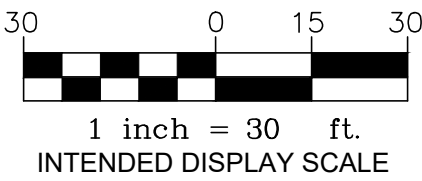
COUNTRY:			LEE	DWG. DATE:	2-9-2023	REVISION	DATE
SEC.	24-46-23			SURVEY DATE:	3-13-2023	SHEET 2 ACREAGE TABLE	△
				DRAWN BY:	R.J.O.		△
				CHECKED BY:	S.U.		△
				DWG. NUMBER:	220702 04 - RNDT		

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

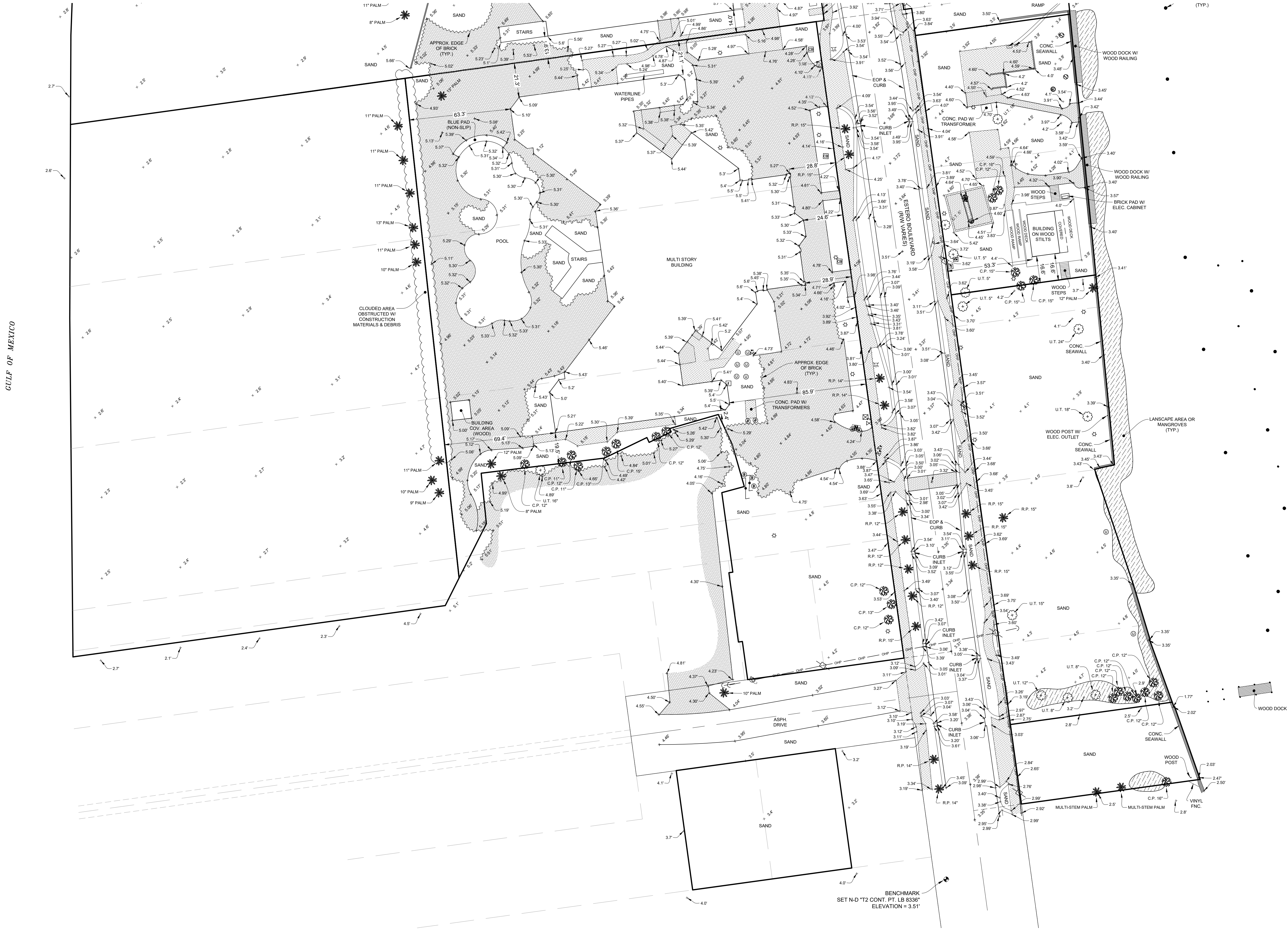
3 of 4

BOUNDARY AND TOPOGRAPHIC SURVEY

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



SEE SHEET 3 OF 4



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

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

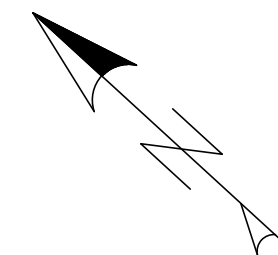
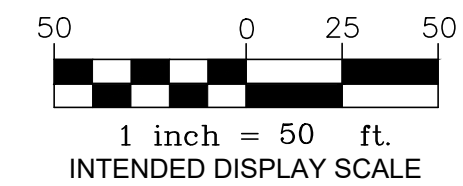
BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



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

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	135.40'	646.48'	12°00'00"	N 36°00'01" W	135.15'
C-1 (D)	135.40'	646.48'	12°00'01"	N/A	135.15'
C-2 (C)	165.99'	596.48'	15°56'41"	N 26°04'22" W	165.46'
C-3	83.86'	596.48'	08°03'19"	N 38°04'22" W	83.79'
C-4	135.40'	646.48'	12°00'00"	N 24°06'01" W	135.15'

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



BOUNDARY POINT TABLE	
POINT	DESCRIPTION
500	FND 1/2" IR, NO I.D., 0.09' E & 0.38' N
501	FND 6" ROUND CM W/ I.D., "INK ENG. PCP REF LB 856"
502	SET 5/8" IR&C "T2 LB 8663"
503	FND 1/2" IR, NO I.D.
504	FND 5/8" IR&C, ILLEGIBLE
505	FND 5/8" IR&C "LDFH INC. LB 959"
506	SET 5/8" IR&C "T2 LB 8663"
507	SET 5/8" IR&C "T2 LB 8663"
508	SET 5/8" IR&C "T2 LB 8663"
509	FND 5/8" IR&C "LDFH INC. LB 959"
510	SET 5/8" IR&C "T2 LB 8663"
511	FND N-D NO I.D.
512	SET 5/8" IR&C "T2 LB 8663"
513	SET 5/8" IR&C "T2 LB 8663"
514	SET 5/8" IR&C "T2 LB 8663"
515	SET 5/8" IR&C "T2 LB 8663"
516	SET 5/8" IR&C "T2 LB 8663"

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
517	SET 5/8" IR&C "T2 LB 8663"
518	FND 5/8" IR&C "LDFH INC. LB 959" @ 0.23' E & 0.32' N
519	SET 5/8" IR&C "T2 LB 8663"
520	SET 5/8" IR&C "T2 LB 8663"
521	SET 5/8" IR&C "T2 LB 8663"
522	SET 5/8" IR&C "T2 LB 8663"
523	SET 5/8" IR&C "T2 LB 8663"
524	SET 5/8" IR&C "T2 LB 8663"
525	SET N-D "T2 LB 8663"
526	SET N-D "T2 LB 8663"
527	SET N-D "T2 LB 8663"
528	SET N-D "T2 LB 8663"
529	FND 5/8" "INK ENG. LB 856"
530	SET 5/8" IR&C "T2 LB 8663"
531	SET 5/8" IR&C "T2 LB 8663"
532	SET 5/8" IR&C "T2 LB 8663"
533	SET 5/8" IR&C "T2 LB 8663"

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
534	SET N-D "T2 LB 8663"
535	FND 4' X 4' CM "LB 642" 0.37 E & 0.48 N
536	SET 5/8" IR&C "T2 LB 8663"
537	FND 3/4" I.P., NO. 1.
538	SET 5/8" IR&C "T2 LB 8663"
539	SET 5/8" IR&C "T2 LB 8663"
540	SET 5/8" IR&C "T2 LB 8663"
541	SET 5/8" IR&C "T2 LB 8663"
542	SET 5/8" IR&C "T2 LB 8663"
543	FND N-D ILLEGIBLE
544	FND N-D, "INK ENG, P.CP REF LB 856"
545	FND N-D, "INK ENG, P.CP REF LB 856"
546	FND N-D, "INK ENG, P.CP REF LB 856"
547	FND N-D "LDIFI LB 959"
548	FND 5/8" IR&C "RXB LB 6133"

LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39°51'35" E	88.85'
L-54 (C)	S 40°20'58" E	15.12'
L-55 (C)	S 39°49'33" E	2.62'
L-56 (C)	S 39°49'33" E	26.97'
L-57 (C)	S 40°02'49" E	37.52'
L-58 (C)	S 39°56'38" E	68.33'
L-59 (C)	S 39°51'07" E	30.29'
L-60 (C)	S 39°51'07" E	118.82'
L-61 (C)	S 43°49'43" W	8.88'
L-62 (C)	S 40°17'54" W	4.03'
L-63 (C)	S 52°50'26" E	75.16'
L-64 (C)	S 51°09'45" E	36.30'
L-65 (C)	S 38°50'15" W	0.33'
L-66 (C)	S 44°12'31" E	41.31'
L-67 (C)	S 44°12'31" E	3.08'
L-68 (C)	N 37°22'35" E	0.42'
L-69 (C)	S 53°33'35" E	46.76'
L-70 (C)	S 55°27'10" E	1.27'
L-71 (C)	N 47°53'59" E	112.33'
L-72	N 42°06'01" W	50.00'

AREA TABLE	
	= 8.40 ACRES ±
	= 0.17 ACRES ±
	= 1.80 ACRES ±
	= 0.43 ACRES ±
TOTAL 10.80 ACRES ±	

[illegible]

EXHIBIT 6-3

AREA LOCATION MAP

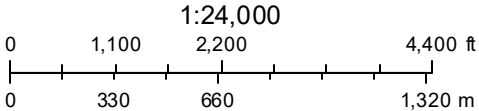
EXHIBIT 6-3
AREA LOCATION MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

- | | | | |
|--|--|--|--|
|  Hospital Locations |  School Locations |  County Boundary |  US 41 |
|  Library Locations |  CCC_Parks |  Major Roads Medium |  Other Highways |
| | |  I - 75 |  Other Roads |



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or reliability of the map. Page 69 of 464

EXHIBIT 6-6

LIST OF SURROUNDING PROPERTY OWNERS



Date of Report: January 26, 2024

Buffer Distance: 500 feet

Parcels Affected: 377

Subject Parcel: **24-46-23-W1-00700.037A**

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0290 251-281 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 1/2 OF LT 28 LT 29 + 30 + SE 20 FT OF LOT 31 BLK D UT 4 ISLAND SHORES PB 9 PG 37	1
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0320 171-191 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 17 FT OF LT 32 + LTS 33 + 34 + 35 + SE 50 FT LT 36 BLK D UT 4 ISLAND SHORES PB 9 PG 37	2
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0330 200 ESTERO BLVD FORT MYERS BEACH FL 33931	PT OF LOTS 8+9 + LOT 10 OF GULFSHORE PB 9 PG 88 + PT OF LOTS 33 + 34 OF UT 4 ISLAND SHORES	3
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0340 275/322 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC PB 9 PG 41 PT LOTS 38 THRU 42 + PT LOTS 36 + 38 + 39 BLK D + PB 9 PG 37	4

		PT OF LOTS 34 THRU 36 + 30 THRU 32 BLK D PB 9 PG 37	
EDWARDS PAUL G L/E 6781 SAINT IVES CT FORT MYERS FL 33966	24-46-23-W1-0070D.027B 315 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 W 1/2 LOT 27	5
JABO LLC 275 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0070D.028A 309 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 THE SELY 1/2 LOT 28	6
KAMINSKIY AT 131 ESTERO LLC 12463 RANCHO BERNARDO RD #237 SAN DIEGO CA 92128	24-46-23-W1-0080D.0370 131/133 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LOT 37	7
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W1-0080D.0400 50/58 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LTS 40-43 BLK E + BLK F LTS 45-48	8
ZENG GORDAN G & ZHU DONGHE + 145 LAWRENCE DR SHORT HILLS NJ 07078	24-46-23-W1-00900.0010 324 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE PB 9 PG 88 LOT 1	9
JAMES F BRYANT TRUST + 27 FOREST BAY LN CICERO IN 46034	24-46-23-W1-00900.0070 320 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE SUBD PB 9 PG 88 LOT 7	10
PINK SHELL VACATION VILLAS SUITOR MIDDLETON COX & ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	24-46-23-W1-02100.00CE 102 ESTERO BLVD FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS COMMON AREA OR 1173 PG 1496	11
ESTERO ISLAND BEACH VILLAS CONDO PHASES 1 + 2 250 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-03600.00CE 252 ESTERO BLVD FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS CONDO PHS 1+2 DESC OR2574 PG0734 CE:LAND ONLY	12
SANIBEL VIEW VILLAS CONDO ASOC	24-46-23-W1-03700.00CE 142 ESTERO BLVD FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO AS DESC IN OR 3559 PG 222 COMMON ELEMENTS	13
WHITE SAND VILLAS CONDO ASSN 200 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-04000.00CE 202 ESTERO BLVD FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 COMMON ELEMENTS	14
CAPTIVA VILLAS 275 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-04100.00CE 192 ESTERO BLVD FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COMMON ELEMENT	15
FUN & SUN LLC PO BOX 07264 FORT MYERS FL 33919	24-46-23-W1-02100.1310 100 ESTERO BLVD #131 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 131	16
100 ESTERO BLVD LLC 844 TENACITY DR LONGMONT CO 80504	24-46-23-W1-02100.1320 100 ESTERO BLVD #132 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 132	16
BAGGOT HOLLY S & ANDREW P 6644 N CHICKAHAUK TRL MIDDLETON WI 53562	24-46-23-W1-02100.1330 100 ESTERO BLVD #133 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 133	16
WALTERS CHRISTINE 224 CARRANZA RD TABERNACLE NJ 08088	24-46-23-W1-02100.1340 100 ESTERO BLVD #134 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 134	16
BURNS ROBERT & 5965 BAKER CT FORT MYERS FL 33919	24-46-23-W1-02100.1350 100 ESTERO BLVD #135 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 135	16
STEDER PATRICIA B + 9820 STERLING DR CUTLER BAY FL 33157	24-46-23-W1-02100.2310 100 ESTERO BLVD #231 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 231	16

UNKNOWN HEIRS OF 582 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-02100.2320 100 ESTERO BLVD #232 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 232	16
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	24-46-23-W1-02100.2330 100 ESTERO BLVD #233 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 233	16
HARRIS ELSIE KAY + 1043 HEATHER HILLS LN LEXINGTON KY 40511	24-46-23-W1-02100.2340 100 ESTERO BLVD #234 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 234	16
A&H 100 ESTERO FMB LLC 6644 N CHICKAHAUK TRAIL MIDDLETON WI 53562	24-46-23-W1-02100.2350 100 ESTERO BLVD #235 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 235	16
STIGEN REED A & VICKI L 711 NORTHRIDGE WAY WEST FARGO ND 58078	24-46-23-W1-02100.3310 100 ESTERO BLVD #331 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 331	16
ALMAGUER SUZANNE DAVIS 5541 NW 49TH TER COCONUT CREEK FL 33073	24-46-23-W1-02100.3320 100 ESTERO BLVD #332 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 332	16
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	24-46-23-W1-02100.3330 100 ESTERO BLVD #333 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 333	16
SCHOLZ W W & ANGELA L 105 BENTLEY DR LATHAM NY 12110	24-46-23-W1-02100.3340 100 ESTERO BLVD #334 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 334	16
CASSIDY RICHARD + 65-25 160TH ST #20B FRESH MEADOWS NY 11365	24-46-23-W1-02100.3350 100 ESTERO BLVD #335 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 335	16
OULDERSLUYS CAROL S TR 7117 PELICAN BAY BLVD #1901 NAPLES FL 34108	24-46-23-W1-02100.4310 100 ESTERO BLVD #431 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 431	16
CICCONE NATALE + 1239 CEDAR RD SOUTHPORT CT 06890	24-46-23-W1-02100.4320 100 ESTERO BLVD #432 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 432	16
MCGINNITY MARTHA TR 440 CARROLLWOOD DR TARRYTOWN NY 10591	24-46-23-W1-02100.4330 100 ESTERO BLVD #433 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 433	16
RYFFEL-KRAGH AMY 23939 WINBERLY OAK SAN ANTONIO TX 78261	24-46-23-W1-02100.4340 100 ESTERO BLVD #434 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 434	16
SHEPKA ELYSE + 1642 S FOUNTAINHEAD RD FORT MYERS FL 33919	24-46-23-W1-02100.4350 100 ESTERO BLVD #435 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 435	16
RYREAL FLORIDA LLC MARY K HERMAN 27 STANTON LN STAMFORD CT 06902	24-46-23-W1-02100.5310 100 ESTERO BLVD #531 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 531	16
FLANAGAN MICHAEL P & ANNA L TR 18104 BLUE HERON POINTE DR NORTHVILLE MI 48168	24-46-23-W1-02100.5320 100 ESTERO BLVD #532 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 532	16
SCHULTE WAYNE D & PO BOX 268 ELLSWORTH WI 54011	24-46-23-W1-02100.5330 100 ESTERO BLVD #533 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 533	16
SCROGGIE PHYLLIS T TR PO BOX 61596 FORT MYERS FL 33906	24-46-23-W1-02100.5340 100 ESTERO BLVD #534 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 534	16

REGGIE 535 LLC 2353 GREENWOOD RD NORTHBROOK IL 60062	24-46-23-W1-02100.5350 100 ESTERO BLVD #535 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 535	16
PINK SHELL PROPERTIES LLC MOIRA FAHEY-ULLRICH 94 LOWER LOCH VISTA DR WILLIAMS BAY WI 53191	24-46-23-W1-02100.6310 100 ESTERO BLVD #631 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 631	16
BENGTSON PROPERTIES LLC 13523 BRYNWOOD LN FORT MYERS FL 33912	24-46-23-W1-02100.6320 100 ESTERO BLVD #632 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 632	16
CMME PROPERTIES LLC 9523 CLAYCHIN CT BURKE VA 22015	24-46-23-W1-02100.6330 100 ESTERO BLVD #633 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 633	16
AGUIRRE PENNY J TR 8424 40TH AVE N NEW HOPE MN 55427	24-46-23-W1-02100.6340 100 ESTERO BLVD #634 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 634	16
TL 5109 LLC 180 WASHINGTON ST GOLDEN CO 80403	24-46-23-W1-02100.6350 100 ESTERO BLVD #635 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 635	16
BOERMAN DANIEL J + 2420 DAVEY RD WOODRIDGE IL 60517	24-46-23-W1-03600.1010 250 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 101	17
MASSEY STEVEN MICHAEL & 1864 SUMMIT LANE MENDOTA HEIGHTS MN 55118	24-46-23-W1-03600.1020 250 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 102	17
JOHNSON GORDON R & HOPE Y TR 6409 DORON LN EDINA MN 55439	24-46-23-W1-03600.1030 250 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 103	17
FM BEACH LLC 4441 CORNWELL LN WHITMORE LAKE MI 48189	24-46-23-W1-03600.1040 250 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 104	17
HULL PETER H + 1982 AUTUMN BROOK TRL HINCKLEY OH 44233	24-46-23-W1-03600.1050 250 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 105	17
ANDREW W PLACE TRUST + 1628 ROCK WOOD LN MISHAWAKA IN 46545	24-46-23-W1-03600.1060 250 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 106	17
BASSEL ROBERT N & 9008 HACK RD CLINTON MI 49236	24-46-23-W1-03600.2010 250 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 201	17
SHAFFER RICHARD TR PO BOX 3075 FORT MYERS BEACH FL 33932	24-46-23-W1-03600.2020 250 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 202	17
ZASTROW TODD W & LYNN P 1051 N JAMEY LN ADDISON IL 60101	24-46-23-W1-03600.2030 250 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 203	17
SCHUBERT CHARLES B & AMY L 344 HAMBLETONIAN DR OAK BROOK IL 60523	24-46-23-W1-03600.2040 250 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS	17

		DESC OR2574 PG 0734 PH 1 UNIT 204	
MURRAY WILLIS OLTMAN TRUST + 36490 OLD MILL BRIDGE RD FRANKFORD DE 19945	24-46-23-W1-03600.2050 250 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 205	17
SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	24-46-23-W1-03600.2060 250 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 206	17
KOUMJIAN RICHARD H & 14220 ROYAL HARBOUR CT #511 FORT MYERS FL 33908	24-46-23-W1-03600.3010 250 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 301	17
TOWNSEND TREASURE LLC 3516 YORK RD OAK BROOK IL 60523	24-46-23-W1-03600.3020 250 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 302	17
MALOCO LLC 36 SUFFOLK DR SAINT CHARLES MO 63301	24-46-23-W1-03600.3030 250 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 303	17
BP BEACH VIEW PROPERTIES LLC 415 COLFAX AVE CLARENDON HILLS IL 60514	24-46-23-W1-03600.3040 250 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 304	17
FAHY BRYAN 421 OCEAN BLVD #5N HAMPTON NH 03842	24-46-23-W1-03600.3050 250 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 305	17
WALZ PATRICIA M TR 20363 CARA AVE CASSOPOLIS MI 49031	24-46-23-W1-03600.3060 250 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 306	17
WALZ JAMES E & MARGERY L 9250 BAYBERRY BEND APT 201 FORT MYERS FL 33908	24-46-23-W1-03600.4010 250 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 401	17
JAKOVY PROPERTIES LLC 1264 CANDLEWOOD CT DOWNERS GROVE IL 60515	24-46-23-W1-03600.4020 250 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 402	17
J + L BOWEN LLC 1613 CAROLINA ORCHARDS BLVD FORT MILL SC 29715	24-46-23-W1-03600.4030 250 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 403	17
PETH NICHOLAS A 1629 E STATE ROUTE 73 WAYNESVILLE OH 45068	24-46-23-W1-03600.4040 250 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 404	17
M LANE FARMS LLC 1456 E 1000 NORTH RD TAYLORVILLE IL 62568	24-46-23-W1-03600.4050 250 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 405	17
CLENNON LAWRENCE 20641 W COUNTY RD WILMINGTON IL 60481	24-46-23-W1-03600.4060 250 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 406	17

WENTWORTH JEFFREY R 3630 LOWER SPRINGBORO RD WAYNESVILLE OH 45068	24-46-23-W1-03600.5010 250 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 501	17
ANDREWS BERNARD C TR 8355 CHESAPEAKE DR NORTH RIDGEVILLE OH 44039	24-46-23-W1-03600.5020 250 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 502	17
ISLAND TIME DEVELOPERS LLC 1421 EAST LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W1-03600.5030 250 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 503	17
TOWNSEND DOUGLAS Y 2060 COMMERCE DR SIDNEY OH 45365	24-46-23-W1-03600.5040 250 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 504	17
SANDCASTLE BEACH PROPERTIES LL 11887 WILLIAMS COUNTY RD 15 MONTPELIER OH 43543	24-46-23-W1-03600.5050 250 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 505	17
DOAN BEVERLY CLARKE & 9737 WADSWORTH BLVD WESTMINSTER CO 80021	24-46-23-W1-03600.5060 250 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 506	17
SCHUBERT CHARLES & AMY 344 HAMLETONIAN DR OAK BROOK IL 60523	24-46-23-W1-03600.6010 250 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 601	17
LEVEE STUART E & CAROL A 9217 WILLOWCREST CT FORT MYERS FL 33908	24-46-23-W1-03600.6020 250 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 602	17
LAIRMORE BRANDON & BRANDI 7651 COLDSTREAM WOODS DR CINCINNATI OH 45255	24-46-23-W1-03600.6030 250 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 603	17
SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	24-46-23-W1-03600.6040 250 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 604	17
RUCKER JOHN T & LOUSIE 5792 ROYAL LYTHAM CT DUBLIN OH 43017	24-46-23-W1-03600.6050 250 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 605	17
T JOY RENTALS LLC 211 W HIGH ST BRYAN OH 43506	24-46-23-W1-03600.6060 250 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 606	17
KM INVESTMENTS LLC 1721 W BIKE ST BREMEN IN 46506	24-46-23-W1-03600.7010 250 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 701	17
MANAGER LINK LLC 3404 ADAMS RD OAK BROOK IL 60523	24-46-23-W1-03600.7020 250 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 702	17
SWEET SAMUEL & KATHLEEN A 1595 JOHN PAUL CT	24-46-23-W1-03600.7030 250 ESTERO BLVD #703	ESTERO ISLAND BEACH VILLAS	17

OXFORD MI 48371	FORT MYERS BEACH FL 33931	DESC OR2574 PG0824 PH 2 UNIT 703	
FINISH STRONG LLC 673 CADDE TRAIL SCROGGINS TX 75480	24-46-23-W1-03600.7040 250 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 704	17
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-03600.7050 250 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 705	17
BROWN DAVID L TR 13 WARD LN CINCINNATI OH 45246	24-46-23-W1-03600.7060 250 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 706	17
DEUTSCH RANDALL P & KAREN M 1524 WATERFORD RD NORTH AURORA IL 60542	24-46-23-W1-03700.2101 140 ESTERO BLVD #2101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2101	18
LAYMAN JOSEPH E & MONICA B TR 140 ALLEN ST WALWORTH WI 53184	24-46-23-W1-03700.2102 140 ESTERO BLVD #2102 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2102	18
PREMIUM PROPERTIES LP 440 W CAIRNS ST ELLSWORTH WI 54011	24-46-23-W1-03700.2103 140 ESTERO BLVD #2103 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2103	18
PSVC LLC 19354 WATERMARK DR #201 CORNELIUS NC 28031	24-46-23-W1-03700.2104 140 ESTERO BLVD #2104 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2104	18
KLB HOLDINGS LLC 6041 NORTH LINDBERG HAZELWOOD MO 63042	24-46-23-W1-03700.2105 140 ESTERO BLVD #2105 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2105	18
JOSEPH N NAMOUR TRUST + 18340 CREEK DR FORT MYERS FL 33908	24-46-23-W1-03700.2106 140 ESTERO BLVD #2106 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2106	18
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2107 140 ESTERO BLVD #2107 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2107	18
MASON GEORGE E & ALICIA D L/E 3436 COUNTRYSIDE PATH THE VILLAGES FL 32163	24-46-23-W1-03700.2108 140 ESTERO BLVD #2108 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2108	18
SHEMROSKE JIM & LISA J + 13412 ROUND BARD RD PLAINFIELD IL 60585	24-46-23-W1-03700.2109 140 ESTERO BLVD #2109 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2109	18
FICK RICHARD C & CAROLINE T 4311 WIMBLEDON DR HARRISBURG PA 17112	24-46-23-W1-03700.2110 140 ESTERO BLVD #2110 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2110	18
CLIFFORD DANIEL EUGENE & 1442 194TH AVE BALSAM LAKE WI 54810	24-46-23-W1-03700.2111 140 ESTERO BLVD #2111 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2111	18
TRIEGLAFF MARK A 915 EDDY CT WHEATON IL 60187	24-46-23-W1-03700.2112 140 ESTERO BLVD #2112 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2112	18
ATKINSON SUSAN MARY 8 FIELDWAY RD STE 614 TORONTO ON M8Z 0C3 CANADA	24-46-23-W1-03700.2201 140 ESTERO BLVD #2201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2201	18
ABDULLAH AFZAL 6136 EAGLE RIDGE CT BETTENDORF IA 52722	24-46-23-W1-03700.2202 140 ESTERO BLVD #2202 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2202	18

CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2203 140 ESTERO BLVD #2203 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2203	18
FREEDOM LIBERTY PROPERTIES LLC 26072 N HILL AVE WAUCONDA IL 60084	24-46-23-W1-03700.2204 140 ESTERO BLVD #2204 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2204	18
ZACHARIAS KENNETH R & 16 EDMUND ST GREEN BAY WI 54302	24-46-23-W1-03700.2205 140 ESTERO BLVD #2205 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2205	18
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	24-46-23-W1-03700.2206 140 ESTERO BLVD #2206 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2206	18
RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD BARRINGTON IL 60010	24-46-23-W1-03700.2207 140 ESTERO BLVD #2207 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2207	18
WIEDER FLORENCE + ROBERT TR 3614 KINGS CROWN BLVD FORT MYERS FL 33908	24-46-23-W1-03700.2208 140 ESTERO BLVD #2208 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2208	18
HART RANDALL D + NEW YORK LIFE 153 S MAIN ST COLUMBIANA OH 44408	24-46-23-W1-03700.2209 140 ESTERO BLVD #2209 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2209	18
DAVIS ALAN & JANET 2560 MATTHEW JOHN DR DUBUQUE IA 52002	24-46-23-W1-03700.2210 140 ESTERO BLVD #2210 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2210	18
BAER DENNIS L TR 1418 SAND CASTLE RD SANIBEL FL 33957	24-46-23-W1-03700.2211 140 ESTERO BLVD #2211 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2211	18
ZURI CAY LLC 1650 LILAC LANE SW BYRON MN 55920	24-46-23-W1-03700.2212 140 ESTERO BLVD #2212 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2212	18
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2301 140 ESTERO BLVD #2301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2301	18
GOWDY WILLIAM G & JEAN B 12737 IVORY STONE LOOP FORT MYERS FL 33913	24-46-23-W1-03700.2302 140 ESTERO BLVD #2302 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2302	18
HEMBROUGH JOSHUA HOWARD & 505 EMILIE DR LAFAYETTE IN 47906	24-46-23-W1-03700.2303 140 ESTERO BLVD #2303 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2303	18
OLESCYSKI JAIME ALLEN 109 MANIZAKS AVE PUNTA GORDA FL 33983	24-46-23-W1-03700.2304 140 ESTERO BLVD #2304 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2304	18
FRANCIS1704 LLC 709 CAPE CORAL PKWY W CAPE CORAL FL 33914	24-46-23-W1-03700.2305 140 ESTERO BLVD #2305 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2305	18
CC SQUARED HOLDINGS INC 13923 LILY PAD CIRCLE FORT MYERS FL 33907	24-46-23-W1-03700.2306 140 ESTERO BLVD #2306 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2306	18
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2307 140 ESTERO BLVD #2307 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2307	18

CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2308 140 ESTERO BLVD #2308 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2308	18
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2309 140 ESTERO BLVD #2309 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2309	18
GOLOSOW LORRAINE & 33 FALCONWOOD COURT FORT MYERS FL 33919	24-46-23-W1-03700.2310 140 ESTERO BLVD #2310 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2310	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2311 140 ESTERO BLVD #2311 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2311	18
WHITE MARI TAKAYAMA 908 VILLAS DR #3 VENICE FL 34285	24-46-23-W1-03700.2312 140 ESTERO BLVD #2312 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2312	18
S & G PROPERTY MANAGEMENT LLC 3051 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-03700.2401 140 ESTERO BLVD #2401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2401	18
JASPER COM LLC JAMES VOLPE 3319 MANSION WAY COLUMBUS OH 43221	24-46-23-W1-03700.2402 140 ESTERO BLVD #2402 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2402	18
CLASSE PROPERTIES LLC 4707 61ST ST HOLLAND MI 49423	24-46-23-W1-03700.2403 140 ESTERO BLVD #2403 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2403	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2404 140 ESTERO BLVD #2404 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2404	18
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-03700.2405 140 ESTERO BLVD #2405 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2405	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2406 140 ESTERO BLVD #2406 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2406	18
PINKERTON RICHARD A & 406 WAYNE ST JOHNSTOWN PA 15905	24-46-23-W1-03700.2407 140 ESTERO BLVD #2407 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2407	18
FERGUSON ROBERT P & ROSE M TR 16935 TIMBERLAKES DR FORT MYERS FL 33908	24-46-23-W1-03700.2408 140 ESTERO BLVD #2408 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2408	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2409 140 ESTERO BLVD #2409 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2409	18
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	24-46-23-W1-03700.2410 140 ESTERO BLVD #2410 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2410	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2411 140 ESTERO BLVD #2411 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2411	18
MEES JUERGEN + HUMMEL STRASSE 6 BERLIN 12623 GERMANY	24-46-23-W1-03700.2412 140 ESTERO BLVD #2412 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2412	18
832 LLC 832 HEATHWOOD DR	24-46-23-W1-03700.2501 140 ESTERO BLVD #2501	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222	18

MARCO ISLAND FL 34145	FORT MYERS BEACH FL 33931	UNIT 2501	
CAMPBELL FAMILY LTD PTNRSHIP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-03700.2502 140 ESTERO BLVD #2502 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2502	18
CAMPBELL FAMILY LTD PTNRSHIP 1 1375 N 800 W TIPTON IN 46072	24-46-23-W1-03700.2503 140 ESTERO BLVD #2503 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2503	18
H C J ASSOCIATES LLC 161 EGRET ST FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2504 140 ESTERO BLVD #2504 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2504	18
DI-AN 2 LLC 4560 ESTERO BLVD APT 501 FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2505 140 ESTERO BLVD #2505 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2505	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2506 140 ESTERO BLVD #2506 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2506	18
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2507 140 ESTERO BLVD #2507 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2507	18
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2508 140 ESTERO BLVD #2508 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2508	18
HOFF LARRY F & ANGELA M 5665 SUGARWOOD DR NEW ALBANY OH 43054	24-46-23-W1-03700.2509 140 ESTERO BLVD #2509 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2509	18
GIRNYS DENNIS J TR 18243 DEEP PASSAGE LANE FORT MYERS BEACH FL 33931	24-46-23-W1-03700.2510 140 ESTERO BLVD #2510 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2510	18
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-03700.2511 140 ESTERO BLVD #2511 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2511	18
LA PALMA WEST LLC 6741 ORANGE DR FORT LAUDERDALE FL 33314	24-46-23-W1-03700.2512 140 ESTERO BLVD #2512 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2512	18
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.00E1 140 ESTERO BLVD #CUE1 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-E1	19
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0101 140 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-101	19
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0201 140 ESTERO BLVD #C201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-201	19
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0301 140 ESTERO BLVD #C301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-301	19
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0401 140 ESTERO BLVD #C401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-401	19
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-037CU.0501 140 ESTERO BLVD #C501 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-501	19
NELSON DOUGLAS G & MARY M 1424 11TH ST ARGYLE TX 76226	24-46-23-W1-0400R.0101 200 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-101	20

PANETTA RONALD J & NANCY I 26445 DOXTATOR ST DEARBORN HEIGHTS MI 48127	24-46-23-W1-0400R.0102 200 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-102	20
PIZZANO JOSEPH V & MARIE J 22541 BAYCREST RIDGE DR ESTERO FL 34135	24-46-23-W1-0400R.0103 200 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-103	20
MARSO ANN E 14575 WILDS VIEW NW PRIOR LAKE MN 55372	24-46-23-W1-0400R.0104 200 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-104	20
JACKSON LAND CO LLC 126 S 7TH ST MIAMISBURG OH 45342	24-46-23-W1-0400R.0105 200 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-105	20
SCHULTZ DOREEN C 4 MYERS PL DELANCO NJ 08075	24-46-23-W1-0400R.0106 200 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-106	20
GIBBONS GREGORY MICHAEL & 55 WOOD MANOR PL THE WOODLANDS TX 77381	24-46-23-W1-0400R.0107 200 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-107	20
KIRKPATRICK CARLISLE III TR + PO BOX 1944 CADIZ KY 42211	24-46-23-W1-0400R.0108 200 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-108	20
SIMONS LARRY A & DARLENE D 5364 MALALUKA CT CAPE CORAL FL 33904	24-46-23-W1-0400R.0201 200 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-201	20
CLIFFORD DANIEL & SANDRA 1442 194TH AVE BALSAM LAKE WI 54810	24-46-23-W1-0400R.0202 200 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-202	20
BEACH COAST PROPERTIES LLC 45 TRINITY CHAPEL RD ASHEVILLE NC 28805	24-46-23-W1-0400R.0203 200 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-203	20
TALSMA TIMOTHY D TR 4851 QUINCY ST HUDSONVILLE MI 49426	24-46-23-W1-0400R.0204 200 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-204	20
BEACH FAMILY TRADITIONS LLC 2875 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-0400R.0205 200 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-205	20
GRAY JOHN R JR & JANE E 15537 FIDDLESTICKS BLVD FORT MYERS FL 33912	24-46-23-W1-0400R.0206 200 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-206	20
KARETA KENNETH C & 4138 RICH DR WATERFORD MI 48329	24-46-23-W1-0400R.0207 200 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-207	20
DISILVESTRO LYNN M TR 733 N FORREST AVE ARLINGTON HEIGHTS IL 60004	24-46-23-W1-0400R.0208 200 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-208	20
SIMPKINS MATTHEW J 10275 RANGER HWY MORENCI MI 49256	24-46-23-W1-0400R.0301 200 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-301	20
LALLY ROBERT J & 719 CRAWFORD AVE SYRACUSE NY 13224	24-46-23-W1-0400R.0302 200 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-302	20
GOODIN PROPERTIES LLC 15228 FIDDLESTICKS BLVD FORT MYERS FL 33912	24-46-23-W1-0400R.0303 200 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-303	20
LEWIS RANDY & TERRY 3221 LINDEN CIR PRIOR LAKE MN 55372	24-46-23-W1-0400R.0304 200 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-304	20

RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD NORTH BARRINGTON IL 60010	24-46-23-W1-0400R.0305 200 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-305	20
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0400R.0306 200 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-306	20
BETZRUHEN LLC 2330 E PARIS AVE SE GRAND RAPIDS MI 49546	24-46-23-W1-0400R.0307 200 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-307	20
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0308 200 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-308	20
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0309 200 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-309	20
BOUNDS ROSEANNE H 3842 NW 22ND ST CAPE CORAL FL 33993	24-46-23-W1-0400R.0310 200 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-310	20
VICKERY STEVEN B & 1509 E 77TH ST INDIANAPOLIS IN 46240	24-46-23-W1-0400R.0401 200 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-401	20
BARAN JOSEPH W JR & 1102 PHILIPS ST BADEN PA 15005	24-46-23-W1-0400R.0402 200 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-402	20
SHEREN MICHAEL E TR 75 E OLD MILL TRL ANTIOCH IL 60002	24-46-23-W1-0400R.0403 200 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-403	20
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	24-46-23-W1-0400R.0404 200 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-404	20
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	24-46-23-W1-0400R.0405 200 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-405	20
REVIS LINDA C + 43031 BOARDWALK LOOP PUNTA GORDA FL 33982	24-46-23-W1-0400R.0406 200 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-406	20
PELLA KATHLEEN G TR 1079 CALOOSAHATCHEE DR SW MOORE HAVEN FL 33471	24-46-23-W1-0400R.0407 200 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-407	20
CUSACK MICHAEL J & 15134 BROLIO LN NAPLES FL 34110	24-46-23-W1-0400R.0408 200 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-408	20
KAECHLE CLARENCE W 31775 EASTLADY BEVERLY HILLS MI 48025	24-46-23-W1-0400R.0409 200 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-409	20
200 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0410 200 ESTERO BLVD #410 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-410	20
NAGARATHINAM S V & CHRITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0501 200 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-501	20
BRUNER MICHAEL J & SUSAN L PO BOX 447 HERSCHER IL 60941	24-46-23-W1-0400R.0502 200 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-502	20

GROSSKOPF MARK R 1000 N WATER ST #950 MILWAUKEE WI 53202	24-46-23-W1-0400R.0503 200 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-503	20
RECK SCOTT A & MARYLEE A 7550 32ND AVE S GRAND FORKS ND 58201	24-46-23-W1-0400R.0504 200 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-504	20
IFG HOLDINGS LLC 4540 BARTHOLOMEW DR PLEASANT HILL IA 50327	24-46-23-W1-0400R.0505 200 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-505	20
KLAVANS ALAN L & KAREN R TR 8113 KEY WEST DOVE ST WINTER GARDEN FL 34787	24-46-23-W1-0400R.0506 200 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-506	20
NAGARATHINIM S V & CHITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0507 200 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-507	20
BORKOWSKI DUANE E TR 694 SEABISCUIT DR TROY MI 48084	24-46-23-W1-0400R.0508 200 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-508	20
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0509 200 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-509	20
GLOMERLOT PROPERTIES LLC 3075 DANA POINTE DR PINCKNEY MI 48169	24-46-23-W1-0400R.0510 200 ESTERO BLVD #510 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-510	20
200-601 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0601 200 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-601	20
SCHANE JAMES R TR PO BOX 5434 WOODRIDGE IL 60517	24-46-23-W1-0400R.0602 200 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-602	20
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0603 200 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-603	20
174 PASSAIC AVENUE LLC 25 SOUTH RD MENDHAM NJ 07945	24-46-23-W1-0400R.0604 200 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-604	20
HAMMERNIK KEITH M TR 13640 W LINFELD CT NEW BERLIN WI 53151	24-46-23-W1-0400R.0605 200 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-605	20
RIEDEL THOMAS R TR 5949 ASHFORD LN NAPLES FL 34110	24-46-23-W1-0400R.0606 200 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-606	20
LIOTTA VINCENZO S & 1000 MERRY LN OAK BROOK IL 60523	24-46-23-W1-0400R.0607 200 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-607	20
DANIEL W BENECKE TRUST + PO BOX 24 RIDGEVILLE CORNERS OH 43555	24-46-23-W1-0400R.0608 200 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-608	20
PUORRO ANTHONY TR 50133 JOY LANE EAST LIVERPOOL OH 43920	24-46-23-W1-0400R.0609 200 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-609	20
PINK SHELL PROPERTY HOLDINGS L	24-46-23-W1-0400R.0610 200 ESTERO BLVD #610 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-610	20

14791 LAGUNA DR FORT MYERS FL 33908			
CAMPBELL FAMILY LTD PARTNERSHI 21557 SHORE VISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0701 200 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-701	20
CECIL LUDVIK FRANK & EVA 2900 NE 14TH ST CSWY UNIT 1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0702 200 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-702	20
CAMPBELL FAMILY LIMITED PARTNE 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0703 200 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-703	20
CAMPBELL FAMILY LTD PTNRSH 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0400R.0704 200 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-704	20
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0400R.0705 200 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-705	20
GORDEE BRADLEY TR 2685 MAPLE DR MCFARLAND WI 53558	24-46-23-W1-0400R.0706 200 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-706	20
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0400R.0707 200 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-707	20
CECIL LUDVIK & EVA 2900 NE 14TH ST CSWY #1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0708 200 ESTERO BLVD #708 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-708	20
MAIN REAL-ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E STE 208 CAPE CORAL FL 33904	24-46-23-W1-0400R.0709 200 ESTERO BLVD #709 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-709	20
CUATRO AMIGOS PROPERTIES LLC 2623 HARRISON WOODS RD TERRE HAUTE IN 47805	24-46-23-W1-0400R.0710 200 ESTERO BLVD #710 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-710	20
LOFFRENO REAL ESTATE INC 2100 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W1-0400R.0801 200 ESTERO BLVD #801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-801	20
TYSON FARRELL C II & PO BOX 100181 CAPE CORAL FL 33910	24-46-23-W1-0400R.0802 200 ESTERO BLVD #802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-802	20
DEUTSCH RANDALL P 1524 WATERFORD RD NORTH AURORA IL 60542	24-46-23-W1-0400R.0803 200 ESTERO BLVD #803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-803	20
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	24-46-23-W1-0400R.0804 200 ESTERO BLVD #804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-804	20
DURR KENNETH C & DONNA M L/E 4830 WESTGATE RD MINNETONKA MN 55345	24-46-23-W1-0400R.0805 200 ESTERO BLVD #805 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-805	20
MERSCHMAN GEORGE & LINDA TR 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W1-0400R.0806 200 ESTERO BLVD #806 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-806	20
BRISTOL DAVID C 15020 RIVER BIRCH PUNTA GORDA FL 33955	24-46-23-W1-0400R.0807 200 ESTERO BLVD #807 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-807	20
FERRY REALTY LLC 3 AJOOTIAN WAY UNIT D-10	24-46-23-W1-0400R.0808 200 ESTERO BLVD #808	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	20

MIDDLETON MA 01949	FORT MYERS BEACH FL 33931	UNIT R-808	
NAGARATHINAM SUNDARAM V & 3630 CASITAS DR JACKSONVILLE FL 32224	24-46-23-W1-0400R.0809 200 ESTERO BLVD #809 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-809	20
CASH DOUGLAS A PO BOX 1317 BELOIT WI 53512	24-46-23-W1-0400R.0810 200 ESTERO BLVD #810 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-810	20
VIEAU MARK R & SHERYL 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0400R.0811 200 ESTERO BLVD #811 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-811	20
VIEAU MARK R + SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0400R.0812 200 ESTERO BLVD #812 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-812	20
JO MAR FAMILY LLC PO BOX 696 NEW BALTIMORE MI 48047	24-46-23-W1-0400R.0P01 200 ESTERO BLVD #P01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P01	20
TRI BOELTER PROPERTIES LLC 105 MAPLE LANE WINONA MN 55987	24-46-23-W1-0400R.0P02 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P02	20
ASHTON VICTORIA M + PO BOX 538 SANIBEL FL 33957	24-46-23-W1-0400R.0P03 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P03	20
ZAKO VACATIONS INC 2358 LEEDS CROSSING LONDON ON N6M 0E4 CANADA	24-46-23-W1-0400R.0P04 200 ESTERO BLVD #P04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P04	20
CECIL LUDVIK F & EVA 2900 NE 14TH STREET CSWY #1005 POMPANO BEACH FL 33062	24-46-23-W1-0400R.0P05 200 ESTERO BLVD #P05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P05	20
200-906 ESTERO BLVD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0P06 200 ESTERO BLVD #P06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P06	20
200-907 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	24-46-23-W1-0400R.0P07 200 ESTERO BLVD #P07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P07	20
COLE HARLEY J & BRENDA V PO BOX 101674 CAPE CORAL FL 33910	24-46-23-W1-0400R.0P08 200 ESTERO BLVD #P08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P08	20
PARADOWSKI KATHLEEN 4521 E LAKE RD WILSON NY 14172	24-46-23-W1-0400R.0P09 200 ESTERO BLVD #P09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P09	20
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	24-46-23-W1-0400R.0P10 200 ESTERO BLVD #P10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P10	20
MAIN REAL ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E #208 CAPE CORAL FL 33904	24-46-23-W1-0400R.0P11 200 ESTERO BLVD #P11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P11	20
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	24-46-23-W1-0400R.0P12 200 ESTERO BLVD #P12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P12	20
PALMA VICTOR J & KAREN L 101 N MARION CT APT 234 PUNTA GORDA FL 33950	24-46-23-W1-0400R.0P13 200 ESTERO BLVD #P13 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P13	20
BRUNETTI ROBERT G TR 2532 ESTERO BLVD #303	24-46-23-W1-0400R.0P14 200 ESTERO BLVD #P14	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	20

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNIT R-P14	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.00E1 200 ESTERO BLVD #E1 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E1	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.00E2 200 ESTERO BLVD #E2 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E2	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.00E3 200 ESTERO BLVD #E3 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E3	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0101 200 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-101	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0102 200 ESTERO BLVD #CU102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-102	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0103 200 ESTERO BLVD #CU103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-103	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0104 200 ESTERO BLVD #CU104 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-104	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0105 200 ESTERO BLVD #CU105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-105	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0106 200 ESTERO BLVD #CU106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-106	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0107 200 ESTERO BLVD #CU107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-107	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0108 200 ESTERO BLVD #CU108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-108	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0109 200 ESTERO BLVD #CU109 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-109	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0110 200 ESTERO BLVD #CU110 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-110	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0111 200 ESTERO BLVD #CU111 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-111	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0201 200 ESTERO BLVD #CU201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-201	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0202 200 ESTERO BLVD #CU202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-202	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0203 200 ESTERO BLVD #CU203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-203	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0204 200 ESTERO BLVD #CU204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-204	21
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0205 200 ESTERO BLVD #CU205	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	21

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-205	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0301 200 ESTERO BLVD #CU301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-301	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0302 200 ESTERO BLVD #CU302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-302	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0303 200 ESTERO BLVD #CU303 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-303	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0304 200 ESTERO BLVD #CU304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-304	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0305 200 ESTERO BLVD #CU305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-305	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0306 200 ESTERO BLVD #CU306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-306	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0307 200 ESTERO BLVD #CU307 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-307	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0308 200 ESTERO BLVD #CU308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-308	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0309 200 ESTERO BLVD #CU309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-309	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0401 200 ESTERO BLVD #CU401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-401	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0402 200 ESTERO BLVD #CU402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-402	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0403 200 ESTERO BLVD #CU403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-403	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0404 200 ESTERO BLVD #CU404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-404	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0405 200 ESTERO BLVD #CU405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-405	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0406 200 ESTERO BLVD #CU406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-406	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0407 200 ESTERO BLVD #CU407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-407	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0408 200 ESTERO BLVD #CU408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-408	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0409 200 ESTERO BLVD #CU409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-409	21
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0501 200 ESTERO BLVD #CU501	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	21

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-501	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0502 200 ESTERO BLVD #CU502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-502	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0503 200 ESTERO BLVD #CU503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-503	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0504 200 ESTERO BLVD #CU504 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-504	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0601 200 ESTERO BLVD #CU601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-601	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0602 200 ESTERO BLVD #CU602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-602	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0603 200 ESTERO BLVD #CU603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-603	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0604 200 ESTERO BLVD #CU604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-604	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0701 200 ESTERO BLVD #CU701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-701	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0702 200 ESTERO BLVD #CU702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-702	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0703 200 ESTERO BLVD #CU703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-703	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0704 200 ESTERO BLVD #CU704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-704	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0801 200 ESTERO BLVD #CU801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-801	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0802 200 ESTERO BLVD #CU802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-802	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0803 200 ESTERO BLVD #CU803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-803	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0804 200 ESTERO BLVD #CU804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-804	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G01 200 ESTERO BLVD #CUG01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G01	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G02 200 ESTERO BLVD #G02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G02	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G03 200 ESTERO BLVD #G03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G03	21
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0G04 200 ESTERO BLVD #G04	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	21

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-G04	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G05 200 ESTERO BLVD #G05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G05	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G06 200 ESTERO BLVD #G06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G06	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G07 200 ESTERO BLVD #G07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G07	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G08 200 ESTERO BLVD #G08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G08	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G09 200 ESTERO BLVD #G09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G09	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G10 200 ESTERO BLVD #G10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G10	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G11 200 ESTERO BLVD #G11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G11	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0G12 200 ESTERO BLVD #G12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G12	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M01 200 ESTERO BLVD #M01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M01	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M02 200 ESTERO BLVD #M02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M02	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M03 200 ESTERO BLVD #M03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M03	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M04 200 ESTERO BLVD #M04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M04	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M05 200 ESTERO BLVD #M05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M05	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M06 200 ESTERO BLVD #M06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M06	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M07 200 ESTERO BLVD #M07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M07	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M08 200 ESTERO BLVD #M08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M08	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M09 200 ESTERO BLVD #M09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M09	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0M10 200 ESTERO BLVD #M10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M10	21
JABO LLC 19354 WATERMARK DR STE 201	24-46-23-W1-040CU.0P01 200 ESTERO BLVD #P01	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	21

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-P01	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P02 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P02	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P03 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P03	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.0P04 200 ESTERO BLVD #P04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P04	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.1001 200 ESTERO BLVD #1001 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1001	21
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-040CU.1002 200 ESTERO BLVD #1002 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1002	21
ROOT LARRY W & JANE E 1559 WESLEY CHAPEL RD MITCHELL IN 47446	24-46-23-W1-0410R.0101 190 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 101	22
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	24-46-23-W1-0410R.0201 190 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 201	22
KRUGER KATHLEEN & RYAN D 2519 SUTHERLAND CT CAPE CORAL FL 33991	24-46-23-W1-0410R.0202 190 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 202	22
JOHNSON CHRISTOPHER G & 469 CAMBRIDGE WAY BOLINGBROOK IL 60440	24-46-23-W1-0410R.0203 190 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 203	22
MCKEE FAMILY PROPERTIES LLC 7 E DOW ST TIPP CITY OH 45371	24-46-23-W1-0410R.0204 190 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 204	22
PETH NICK A PO BOX 580 WAYNESVILLE OH 45068	24-46-23-W1-0410R.0205 190 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 205	22
HEALING SPACES 2 LLC 1635 CONCORDIA ST WAYZATA MN 55391	24-46-23-W1-0410R.0206 190 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 206	22
DENMAR PROPERTIES LLC 1502 ST CHARLES ST WAUWATOSA WI 53213	24-46-23-W1-0410R.0207 190 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 207	22
VOLPE JAMES M 3319 MANSION WAY COLUMBUS OH 43221	24-46-23-W1-0410R.0301 190 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 301	22
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	24-46-23-W1-0410R.0302 190 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 302	22
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0303 190 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 303	22
MERTZ SUSAN SMOOT 1252 CALOOSA DR FORT MYERS FL 33901	24-46-23-W1-0410R.0304 190 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 304	22
5CS LLC PAUL CHAMBRE 780 CAL COVE DR FORT MYERS FL 33919	24-46-23-W1-0410R.0305 190 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 305	22

KIRSCH VINCENT J 3932 LEFORT RD STRYKERSVILLE NY 14145	24-46-23-W1-0410R.0306 190 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 306	22
BALA PROPERTIES LLC 8355 CHESAPEAKE DR NORTH RIDGEVILLE OH 44039	24-46-23-W1-0410R.0307 190 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 307	22
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0401 190 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 401	22
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0402 190 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 402	22
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0403 190 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 403	22
ALLEN NICK JOHN & 113-198 SPRINGBANK DR LONDON ON N6J 1G1 CANADA	24-46-23-W1-0410R.0404 190 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 404	22
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	24-46-23-W1-0410R.0405 190 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 405	22
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-0410R.0406 190 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 406	22
KANDA RIDGE LLC 500 LINDEN OAKS #130 ROCHESTER NY 14625	24-46-23-W1-0410R.0407 190 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 407	22
501 CAPTIVA VILLAS LLC 120 N GLENHURST BLOOMFIELD HILLS MI 48301	24-46-23-W1-0410R.0501 190 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 501	22
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	24-46-23-W1-0410R.0502 190 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 502	22
SCHAULS WILLIAM R + VALETTA TR 412A LEE ST DURAND WI 54736	24-46-23-W1-0410R.0503 190 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 503	22
TRIEGLAFF MARK 915 EDDY CT WHEATON IL 60187	24-46-23-W1-0410R.0504 190 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 504	22
AMM VILLA SERVICES INC MICHAEL MOHR IM VOGELSANG 25B VALLENDAR 56179 GERMANY	24-46-23-W1-0410R.0505 190 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 505	22
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	24-46-23-W1-0410R.0506 190 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 506	22
LOFFRENO CHRISTIAN 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0507 190 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 507	22
CAMPBELL FAMILY LTD PTNRSH 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0601 190 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 601	22

CAMPBELL FAMILY LTD PTNRSHIP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0602 190 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 602	22
CAMPBELL FAMILY LTD PTNRSHIP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0603 190 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 603	22
BYRNE WILLIAM M & DEBORAH L 10651 HOLLOW TREE RD ORLAND PARK IL 60462	24-46-23-W1-0410R.0604 190 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 604	22
WITT JASON A + KATHLEEN M 45897 DENISE DR PLYMOUTH MI 48170	24-46-23-W1-0410R.0605 190 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 605	22
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	24-46-23-W1-0410R.0606 190 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 606	22
WENTWORTH JEFFREY R 3630 E LOWER SPRINGBORO RD WAYNESVILLE OH 45068	24-46-23-W1-0410R.0607 190 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 607	22
SOLLAZZO LUIGINA A & PAUL J 21 WESTBROOK CT BRIDGEWATER NJ 08807	24-46-23-W1-0410R.0701 190 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 701	22
CAMPBELL FAMILY LTD PTNRSHIP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	24-46-23-W1-0410R.0702 190 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 702	22
SCHMITT DANIEL R & SUSAN L 15410 CATALPA COVE LN FORT MYERS FL 33908	24-46-23-W1-0410R.0703 190 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 703	22
GIPEAN INC PO BOX 4366 LAKE CHARLES LA 70606	24-46-23-W1-0410R.0704 190 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 704	22
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	24-46-23-W1-0410R.0705 190 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 705	22
S & L CAMPBELL FAMILY LIMITED 20927 EDGEWATER DR NOBLESVILLE IN 46062	24-46-23-W1-0410R.0706 190 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 706	22
COLVIN TIMOTHY JAY + 15429 TAYLOR TRACE DR CARMEL IN 46033	24-46-23-W1-0410R.0707 190 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 707	22
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0101 190 ESTERO BLVD #CO101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 101	23
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0201 190 ESTERO BLVD #CO201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 201	23
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0301 190 ESTERO BLVD #CO301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 301	23
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR #201 CORNELIUS NC 28031	24-46-23-W1-041CU.0401 190 ESTERO BLVD #CO401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 401	23
CAPTIVA VILLAS DEVELOPMENT LLC	24-46-23-W1-041CU.0501 190 ESTERO BLVD #CO501	CAPTIVA VILLAS AS DESC IN INST #2006-478367	23

19354 WATERMARK DR STE 201 CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	COM UNIT 501	
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0601 190 ESTERO BLVD #CO601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 601	23
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0701 190 ESTERO BLVD #CO701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 701	23
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-041CU.0G01 190 ESTERO BLVD #G01 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT G01	23

EXHIBIT 6-7

SURROUNDING

PROPERTY OWNERS MAP



EXHIBIT 6-8

**SURROUNDING
PROPERTY OWNER
MAILING LABELS**

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

EDWARDS PAUL G L/E
6781 SAINT IVES CT
FORT MYERS FL 33966

JABO LLC
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAMINSKIY AT 131 ESTERO LLC
12463 RANCHO BERNARDO RD #237
SAN DIEGO CA 92128

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

ZENG GORDAN G & ZHU DONGHE +
145 LAWRENCE DR
SHORT HILLS NJ 07078

JAMES F BRYANT TRUST +
27 FOREST BAY LN
CICERO IN 46034

PINK SHELL VACATION VILLAS
SUITOR MIDDLETON COX & ASSOC
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

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

SANIBEL VIEW VILLAS CONDO ASOC

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

CAPTIVA VILLAS
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

100 ESTERO BLVD LLC
844 TENACITY DR
LONGMONT CO 80504

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

WALTERS CHRISTINE
224 CARRANZA RD
TABERNACLE NJ 08088

BURNS ROBERT &
5965 BAKER CT
FORT MYERS FL 33919

STEDER PATRICIA B +
9820 STERLING DR
CUTLER BAY FL 33157

UNKNOWN HEIRS OF
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

HARRIS ELSIE KAY +
1043 HEATHER HILLS LN
LEXINGTON KY 40511

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

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

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

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

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

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

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

CICCONE NATALE +
1239 CEDAR RD
SOUTHPORT CT 06890

MCGINNITY MARTHA TR
440 CARROLLWOOD DR
TARRYTOWN NY 10591

RYFFEL-KRAGH AMY
23939 WINBERLY OAK
SAN ANTONIO TX 78261

SHEPKA ELYSE +
1642 S FOUNTAINHEAD RD
FORT MYERS FL 33919

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

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

SCHULTE WAYNE D &
PO BOX 268
ELLSWORTH WI 54011

SCROGGIE PHYLLIS T TR
PO BOX 61596
FORT MYERS FL 33906

REGGIE 535 LLC
2353 GREENWOOD RD
NORTHBROOK IL 60062

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

BENGTSON PROPERTIES LLC
13523 BRYNWOOD LN
FORT MYERS FL 33912

CMME PROPERTIES LLC
9523 CLAYCHIN CT
BURKE VA 22015

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

TL 5109 LLC
180 WASHINGTON ST
GOLDEN CO 80403

BOERMAN DANIEL J +
2420 DAVEY RD
WOODRIDGE IL 60517

MASSEY STEVEN MICHAEL &
1864 SUMMIT LANE
MENDOTA HEIGHTS MN 55118

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

FM BEACH LLC
4441 CORNWELL LN
WHITMORE LAKE MI 48189

HULL PETER H +
1982 AUTUMN BROOK TRL
HINCKLEY OH 44233

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

BASSEL ROBERT N &
9008 HACK RD
CLINTON MI 49236

SHAFFER RICHARD TR
PO BOX 3075
FORT MYERS BEACH FL 33932

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

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

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

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

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

TOWNSEND TREASURE LLC
3516 YORK RD
OAK BROOK IL 60523

MALOCO LLC
36 SUFFOLK DR
SAINT CHARLES MO 63301

BP BEACH VIEW PROPERTIES LLC
415 COLFAX AVE
CLARENDON HILLS IL 60514

FAHY BRYAN
421 OCEAN BLVD #5N
HAMPTON NH 03842

WALZ PATRICIA M TR
20363 CARA AVE
CASSOPOLIS MI 49031

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

JAKOVY PROPERTIES LLC
1264 CANDLEWOOD CT
DOWNERS GROVE IL 60515

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

PETH NICHOLAS A
1629 E STATE ROUTE 73
WAYNESVILLE OH 45068

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

CLENNON LAWRENCE
20641 W COUNTY RD
WILMINGTON IL 60481

WENTWORTH JEFFREY R
3630 LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

ANDREWS BERNARD C TR
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

ISLAND TIME DEVELOPERS LLC
1421 EAST LAKE SHORE DR
SPRINGFIELD IL 62712

TOWNSEND DOUGLAS Y
2060 COMMERCE DR
SIDNEY OH 45365

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

DOAN BEVERLY CLARKE &
9737 WADSWORTH BLVD
WESTMINSTER CO 80021

SCHUBERT CHARLES & AMY
344 HAMLETONIAN DR
OAK BROOK IL 60523

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

LAIRMORE BRANDON & BRANDI
7651 COLDSTREAM WOODS DR
CINCINNATI OH 45255

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

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

T JOY RENTALS LLC
211 W HIGH ST
BRYAN OH 43506

KM INVESTMENTS LLC
1721 W BIKE ST
BREMEN IN 46506

MANAGER LINK LLC
3404 ADAMS RD
OAK BROOK IL 60523

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

FINISH STRONG LLC
673 CADDE TRAIL
SCROGGINS TX 75480

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

BROWN DAVID L TR
13 WARD LN
CINCINNATI OH 45246

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

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

PREMIUM PROPERTIES LP
440 W CAIRNS ST
ELLSWORTH WI 54011

PSVC LLC
19354 WATERMARK DR #201
CORNELIUS NC 28031

KLB HOLDINGS LLC
6041 NORTH LINDBERG
HAZELWOOD MO 63042

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

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

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

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

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

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

TRIEGLAFF MARK A
915 EDDY CT
WHEATON IL 60187

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

ABDULLAH AFZAL
6136 EAGLE RIDGE CT
BETTENDORF IA 52722

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

FREEDOM LIBERTY PROPERTIES LLC
26072 N HILL AVE
WAUCONDA IL 60084

ZACHARIAS KENNETH R &
16 EDMUND ST
GREEN BAY WI 54302

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

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

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

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

DAVIS ALAN & JANET
2560 MATTHEW JOHN DR
DUBUQUE IA 52002

BAER DENNIS L TR
1418 SAND CASTLE RD
SANIBEL FL 33957

ZURI CAY LLC
1650 LILAC LANE SW
BYRON MN 55920

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

HEMBROUGH JOSHUA HOWARD &
505 EMILIE DR
LAFAYETTE IN 47906

OLESCYSKI JAIME ALLEN
109 MANIZAKS AVE
PUNTA GORDA FL 33983

FRANCIS1704 LLC
709 CAPE CORAL PKWY W
CAPE CORAL FL 33914

CC SQUARED HOLDINGS INC
13923 LILY PAD CIRCLE
FORT MYERS FL 33907

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

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

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

GOLOSOW LORRAINE &
33 FALCONWOOD COURT
FORT MYERS FL 33919

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

WHITE MARI TAKAYAMA
908 VILLAS DR #3
VENICE FL 34285

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

JASPER COM LLC
JAMES VOLPE
3319 MANSION WAY
COLUMBUS OH 43221

CLASSE PROPERTIES LLC
4707 61ST ST
HOLLAND MI 49423

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PINKERTON RICHARD A &
406 WAYNE ST
JOHNSTOWN PA 15905

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

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MEES JUERGEN +
HUMMEL STRASSE 6
BERLIN 12623
GERMANY

832 LLC
832 HEATHWOOD DR
MARCO ISLAND FL 34145

CAMPBELL FAMILY LTD PTNRSHP I
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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

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

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

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

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

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

LA PALMA WEST LLC
6741 ORANGE DR
FORT LAUDERDALE FL 33314

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

NELSON DOUGLAS G & MARY M
1424 11TH ST
ARGYLE TX 76226

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

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

MARSO ANN E
14575 WILDS VIEW NW
PRIOR LAKE MN 55372

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

SCHULTZ DOREEN C
4 MYERS PL
DELANCO NJ 08075

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

KIRKPATRICK CARLISLE III TR +
PO BOX 1944
CADIZ KY 42211

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

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

BEACH COAST PROPERTIES LLC
45 TRINITY CHAPEL RD
ASHEVILLE NC 28805

TALSMA TIMOTHY D TR
4851 QUINCY ST
HUDSONVILLE MI 49426

BEACH FAMILY TRADITIONS LLC
2875 DANA POINTE DR
PINCKNEY MI 48169

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

KARETA KENNETH C &
4138 RICH DR
WATERFORD MI 48329

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

SIMPKINS MATTHEW J
10275 RANGER HWY
MORENCI MI 49256

LALLY ROBERT J &
719 CRAWFORD AVE
SYRACUSE NY 13224

GOODIN PROPERTIES LLC
15228 FIDDLESTICKS BLVD
FORT MYERS FL 33912

LEWIS RANDY & TERRY
3221 LINDEN CIR
PRIOR LAKE MN 55372

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

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

BETZRUHEN LLC
2330 E PARIS AVE SE
GRAND RAPIDS MI 49546

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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

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

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

BARAN JOSEPH W JR &
1102 PHILIPS ST
BADEN PA 15005

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

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

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

REVIS LINDA C +
43031 BOARDWALK LOOP
PUNTA GORDA FL 33982

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

CUSACK MICHAEL J &
15134 BROLIO LN
NAPLES FL 34110

KAECHLE CLARENCE W
31775 EASTLADY
BEVERLY HILLS MI 48025

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

NAGARATHINAM S V & CHRITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

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

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

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

IFG HOLDINGS LLC
4540 BARTHOLOMEW DR
PLEASANT HILL IA 50327

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

NAGARATHINIM S V & CHITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

BORKOWSKI DUANE E TR
694 SEABISCUIT DR
TROY MI 48084

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

GLOMERLOT PROPERTIES LLC
3075 DANA POINTE DR
PINCKNEY MI 48169

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

SCHANE JAMES R TR
PO BOX 5434
WOODRIDGE IL 60517

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

174 PASSAIC AVENUE LLC
25 SOUTH RD
MENDHAM NJ 07945

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

RIEDEL THOMAS R TR
5949 ASHFORD LN
NAPLES FL 34110

LIOTTA VINCENZO S &
1000 MERRY LN
OAK BROOK IL 60523

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

PUORRO ANTHONY TR
50133 JOY LANE
EAST LIVERPOOL OH 43920

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

CAMPBELL FAMILY LTD PARTNERSHI
21557 SHORE VISTA LN
NOBLESVILLE IN 46062

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

CAMPBELL FAMILY LIMITED PARTNE
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GORDEE BRADLEY TR
2685 MAPLE DR
MCFARLAND WI 53558

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

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

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

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

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

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

DEUTSCH RANDALL P
1524 WATERFORD RD
NORTH AURORA IL 60542

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

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

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

BRISTOL DAVID C
15020 RIVER BIRCH
PUNTA GORDA FL 33955

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

NAGARATHINAM SUNDARAM V &
3630 CASITAS DR
JACKSONVILLE FL 32224

CASH DOUGLAS A
PO BOX 1317
BELOIT WI 53512

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

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

JO MAR FAMILY LLC
PO BOX 696
NEW BALTIMORE MI 48047

TRI BOELTER PROPERTIES LLC
105 MAPLE LANE
WINONA MN 55987

ASHTON VICTORIA M +
PO BOX 538
SANIBEL FL 33957

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

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

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

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

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

PARADOWSKI KATHLEEN
4521 E LAKE RD
WILSON NY 14172

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

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

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

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

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

JABO LLC
19354 WATERMARK DR STE 201
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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

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

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

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

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

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

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

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

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

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

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

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

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

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

ALLEN NICK JOHN &
113-198 SPRINGBANK DR
LONDON ON N6J 1G1
CANADA

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

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

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

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

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

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

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

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

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSH 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSH 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSH 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BYRNE WILLIAM M & DEBORAH L
10651 HOLLOW TREE RD
ORLAND PARK IL 60462

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

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

WENTWORTH JEFFREY R
3630 E LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

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

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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

GIPEAN INC
PO BOX 4366
LAKE CHARLES LA 70606

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

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

COLVIN TIMOTHY JAY +
15429 TAYLOR TRACE DR
CARMEL IN 46033

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
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CAPTIVA VILLAS DEVELOPMENT LLC
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19354 WATERMARK DR #201
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CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

**SUPPLEMENT PH-G
PETITION FOR VACATION
OF PLATTED RIGHTS-OF-
WAY AND EASEMENTS**



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

SUPPLEMENT -PH-G

Petition for Vacation of Platted Rights-of-Way and Easements

This is the second part of a two part application. Please be sure to include the Administrative Action Application, which requires general information, with this supplemental form requiring specific information regarding a **Vacation of a Right-of-Way or Easement**. Please submit *two paper copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

Fees: \$1000.00

Type of Vacation: ☐ Right-of-Way (Form A) ☐ Easement (Form B)
☐ Plat- no ROW

Site Address: 190 Estero Blvd., Fort Myers Beach, FL 33931

STRAP Number(s): 24-46-23-W1-00700.037A

Petitioner: Captiva Villas Development, LLC Phone: 239.338.4213

Authorized Agent: Sarah E Spector, Esq. Phone: 239.338.4213

Petitioner/Agent Address: 2320 First Street, Suite 1000 Ft. Myers, FL 33901

Email: sspector@ralaw.com Fax: 239.337.0970

Please provide a statement of the reason(s) for seeking the vacation (Use additional sheets if necessary):

This vacation request is actually a request to relocate an existing easement (Beach
Access 42), which currently runs between the Sanibel View Villas and Captiva Villas
building, to a location that runs underneath the White Sands (main) Pink Shell Resort
building and through the Resort's main pool deck with operating hours of dawn until
dusk.

All petitions seeking to vacate platted rights-of-way and easements must comply with
the requirements below. (LDC Section 10-219)



- A signed Petition, either Form A (F.S. Ch. 336) or Form B (F.S. Ch. 117) for each vacation request.
- A legal description of the area sought to be vacated and a recent survey prepared and executed by a registered surveyor showing the area sought to be vacated. (Please label as Exhibit A) The survey must show the location of all existing improvements including, but not limited to:
 - Drainage facilities.
 - All public and private utilities.
 - Surface water management facilities.
 - Pavement.
 - Buildings.
 - Any other physical features within 100 feet of the real property.
- A copy of the plat showing the area(s) to be vacated. (Please label as Exhibit B)
- Certificate(s) showing that all property taxes have been paid in full for all real property that abuts the right-of-way or easement sought to be vacated. (Please label as Exhibit C)
- Notarized signatures of fee simple owners of record of all real property that abuts the right-of-way or easement sought to be vacated. (Please see adjacent property affidavit)
- A list containing the names, addresses, and signatures of all real property owners holding legal interest in the real property subject to, or affected by, the requested vacation.
- A printed list of the names of all current real property owners, STRAP numbers, and mailing addresses of property that is within a 500-foot radius of the right-of-way or easement sought to be vacated, including two (2) sets of mailing labels for the real property owners on this list.



➤ Signed letter of No Objection from:

Town of Fort Myers Beach Public Works Department

Florida Power and Light

The local cable television company serving the Town

The local telephone company serving the Town

The local liquid propane gas company serving the Town

Lee County or other provider of sanitary sewer services

Lee County Sheriff's Office

Fort Myers Beach Fire Control District

Any other provider of private or public utilities whose facilities or infrastructure may be affected by the vacation, as determined by the director.

*** PLEASE NOTE: If any of the foregoing companies or agencies determines that the requested vacation may not be in the best interest of the public, the petitioner may offer an alternative or replacement right-of-way or easement. The affected company or agency shall not, however, be under any obligation to accept the offered alternative. Where a petitioner has offered to provide a replacement right-of-way or easement, town council shall not take action on the petition to vacate until the legal instrument(s) necessary to grant the alternative or replacement right-of-way or easement has been approved in form and content by the affected company or agency, properly executed by the granting or conveying property owner, and delivered to the town to be held in trust pending the town council's consideration of the requested vacation.

➤ A statement from the Lee County Community Development Director, or designee, whether vacation by Lee County is required.



PETITION TO VACATE (Form A - F.S. Ch. 336)

Petitioner(s), N/A
requests the Town Council of the Town of Fort Myers Beach, Florida to grant this petition to Vacate and states as follows:

- 1. Petitioner(s) Mailing Address: _____
- 2. In accordance with Florida Statute (F.S.) Chapter 336, Petitioner desires to vacate the public’s interest in the right-of-way or portion of right-of-way legally described in the attached *Exhibit A*.
- 3. A sketch/site plan showing the area(s) the Petitioner desires to vacate is attached as *Exhibit B*.
- 4. Petitioner provided notice to all affected property owners concerning the intent of this Petition.
- 5. In accordance with the attached letters of no objection provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner’s request.

Wherefore, Petitioner respectfully requests that the Town Council adopt a resolution granting the Petition to Vacate.

Submitted by:

_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date
_____ Petitioner Signature	_____ Printed Name	_____ Date



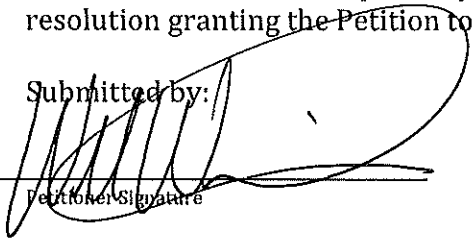
PETITION TO VACATE (Form B_ F.S. Ch.177)

Petitioner(s), Captiva Villas Development, LLC
requests the Town Council of the Town of Fort Myers Beach, Florida to grant this
petition to Vacate and states as follows:

1. Petitioner(s) Mailing Address: 275 Estero Boulevard, Fort Myers Beach, FL
33931
2. In accordance with Florida Statute (F.S.) Chapter 177, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached *Exhibit A*.
3. A sketch/site plan showing the area the Petitioner desires to vacate is attached as *Exhibit B*.
4. Proof the Petitioner paid all applicable state and county taxes is attached as *Exhibit C*.
5. Petition is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner provided notice to all affected property owners concerning the intent of this
Petition.
7. In accordance with the attached letters of no objection provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Town Council adopt a resolution granting the Petition to Vacate.

Submitted by:


Petitioner Signature

Petitioner Signature

Petitioner Signature

William Waichulis, Vice President

Printed Name

New Pink Shell LLC*

Printed Name

Printed Name

1/26/24
Date

Date

Date

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC



ADJACENT PROPERTY AFFIDAVIT

I, William Waichulis (name), of
200 Estero Blvd, Fort Myers Beach, FL 33931 (address)

swear or affirm under oath, that I am the fee simple owner of the above-mentioned property and I agree that the petition to vacate the platted right-of-way or platted easement located at:

190 Estero Blvd, Fort Myers Beach, FL 33931 (address) should be vacated
by the Town Council.

Signature

William Waichulis

Typed or Printed Name

Vice President, JABO, LLC

Title

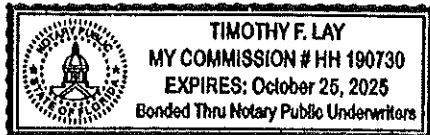
1/26/24

Date

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ✓ physical
presence OR online notarization, this 26th day of January, 2024, by
William Waichulis, ✓ who is personally known to me OR who has produced
 as identification.

(Seal)



[Signature]
Notary Public Signature

Page 6 of 7

3/30/2021

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

LETTERS OF NO OBJECTION



15834 Winkler Rd
Fort Myers, Florida 33908

15th, May, 2023

Re: No Objection Letter ~ Walkway Easement Pink Shell Properties

Mr. Liebetreu,

Florida Power and Light Company has reviewed your proposed easement vacation on the property located at 142 Estero Blvd, Lee County, and has no objection to the easement vacation at this location. This "no objection" is provided with the stipulation that any FPL facilities within easements at this property retain all rights.

If you have any questions regarding this matter, please contact me at 239-634-8057.

Sincerely,

A handwritten signature in black ink that reads "Drayton L. Diggs". The signature is written in a cursive, flowing style.

Drayton Diggs
FPL Distribution Engineer

4/17/2023



Zachary A. Liebetreu
2320 First Street, Suite 1000
Ft. Myers, FL 33901

P847131
No Reservations/No Objection

SUBJECT: Vacation request for certain easement noted in instrument number 2016000132542 as recorded in Lee County, Florida.

To Whom It May Concern:

CenturyLink of Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

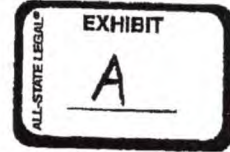
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Jerry Peacock at 850-933-8440 or jerry.a.peacock@lumen.com.

Sincerely yours,

Victoria S. Bucher, SR/WA, R/W-NAC, R/W-AMC
Network Real Estate- ROWA
33 North Main Street
Winter Garden, FL 34787
Victoria.bucher@lumen.com

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS



LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

(WALKWAY EASEMENT)

AN EASEMENT LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, PART OF LOT 38, ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

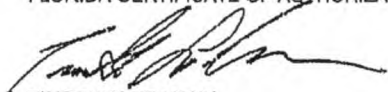
BEGINNING AT THE SOUTHEAST CORNER OF SANIBEL VIEW VILLAS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 3559, PAGE 222 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE S.42°07'25"E. ALONG THE NORTH LINE OF SAID LOT 38 FOR A DISTANCE OF 6.00 FEET; THENCE S.47°52'35"W. LEAVING SAID NORTH LINE FOR A DISTANCE OF 85.35 FEET; THENCE S.79°02'16"W. FOR A DISTANCE OF 22.47 FEET; THENCE S.48°08'09"W. FOR A DISTANCE OF 96.31 FEET; THENCE N.41°54'23"W. FOR A DISTANCE OF 6.00 FEET; THENCE N.48°08'09"E. FOR A DISTANCE OF 97.97 FEET; THENCE N.79°02'16"E. FOR A DISTANCE OF 22.46 FEET; THENCE N.47°52'35"E. FOR A DISTANCE OF 83.68 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 38 AND THE POINT OF BEGINNING.

EASEMENT CONTAINS 1,225 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON THE NORTH LINE OF LOT 38, ISLAND SHORES CLUB SECTION AS BEARING S.42°07'25"E.

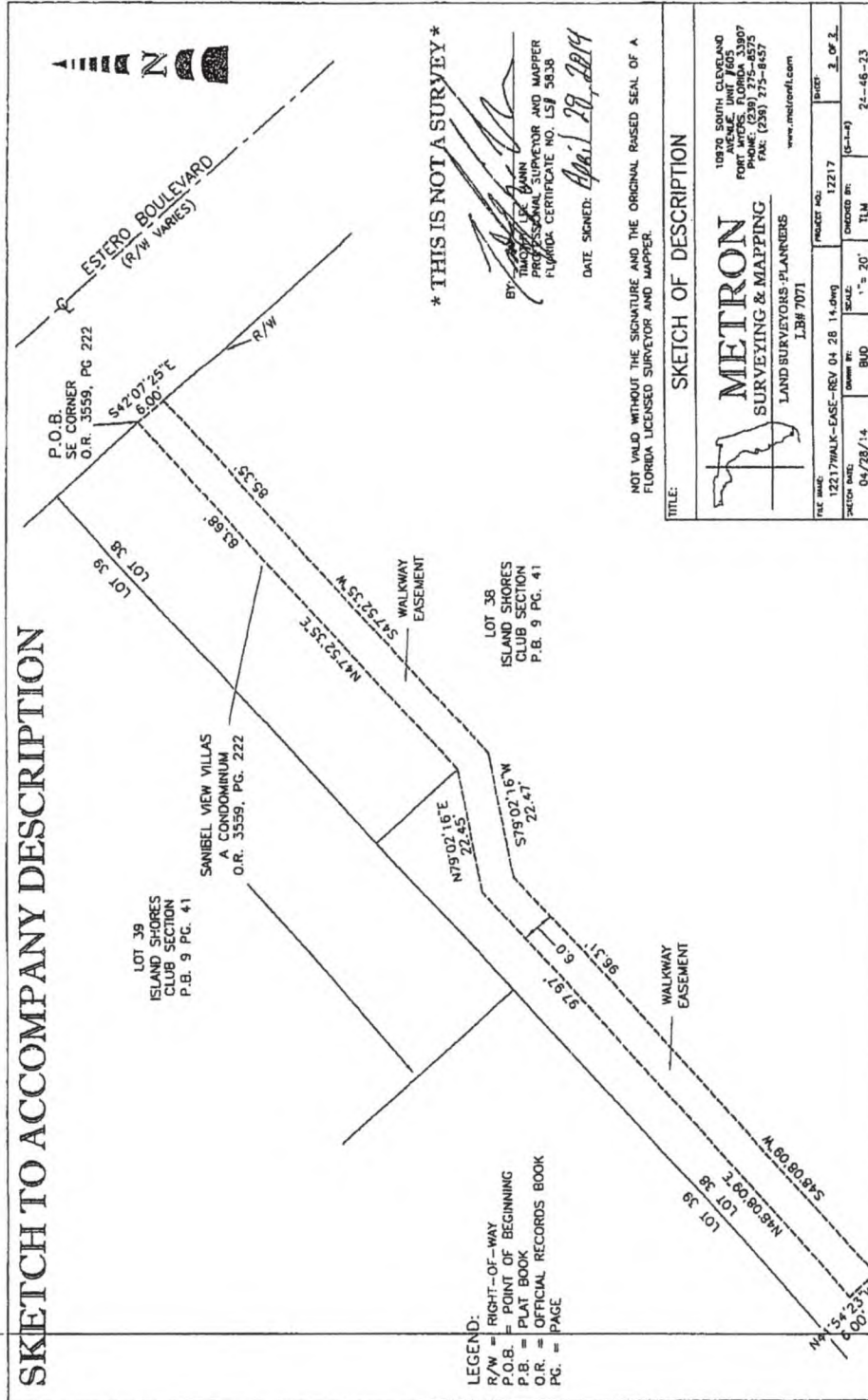
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071


TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

12217WALK-EASE-REV 04 28 14.doc





April 10, 2023

To: Zachary A. Liebetreu
Roetzel
2320 First St Suite 100
Ft. Myers, FL 33901

RE: Vacate of Easement-Pink Shell Property
Beach Access 42
190 Estero Blvd
Ft. Myers, FL 33931

To: Whom It May Concern,

Thank you for contacting TECO Peoples Gas Company regarding the vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this request. TECO-PGS does not have any active facilities in this specified area.

If you have further questions, please do not hesitate to call.

Sincerely,

Joan Domning
Administrative Specialist, Senior
Peoples Gas-Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783



March 28th, 2023

Attn: Roetzel and Andress

RE- LONO – Pink Shell Easement Vacation

Dear Mr. Liebetreu,

Thank you for contacting Comcast regarding your proposed vacation of easement and replat. This is to inform you that Comcast does not have facilities within the site's development area. We have no objection to your plans at this location.

If Comcast facilities are found and/or damaged within the area as described, the Applicant will bear the cost of repairs of said facilities. If you have any further question or concerns, please do not hesitate to contact me at If you have any further question or concerns, please do not hesitate to contact me at (941) 914-7814.

Sincerely,

David Lesczynski

Manager, Construction SWFL

12600 Westlinks Dr. Suite #4
Fort Myers, FL 33913
Cell (941) 914-7814
David_Lesczynski@Comcast.com



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street · Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@fmbfirefl.gov

March 28, 2023

Roetzel & Andress, LPA
2320 First Street, Suite 1000
Fort Myers, FL 33901

Sent via email ZLiebetreu@ralaw.com

RE: Response for a Letter of No Objection for the vacation of a walkway easement at 275/322 Estero Blvd, Fort Myers Beach, FL 33931
Strap # 24-46-23-W1-00700.0340

To Whom It May Concern:

This letter is in response to your request for a Letter of No Objection for the vacation of a walkway easement for the property at 275/322 Estero Blvd, Strap # 24-46-23-W1-00700.0340. Based on a review of the parcel details there is No Objection to this request. A copy of the proposed walkway to be vacated is being included for reference.

If you have any questions regarding this, please feel free to contact my office.

Thank You.

A handwritten signature in black ink, appearing to read "Jennifer Campbell".

Jennifer Campbell, Fire Official
Life Safety Branch
Fort Myers Beach Fire District

Shaping Our Community Through Excellence

www.fmbfirefl.gov



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street · Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@fmbfirefl.gov

Attachment – Aerial of site



Shaping Our Community Through Excellence

www.fmbfirefl.gov

Carmine Marceno
Sheriff



"Proud to Serve"

**State of Florida
County of Lee**

March 23, 2023

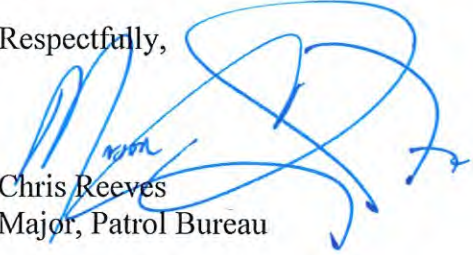
Sarah Spector
Roetzel & Andress, LPA
2320 First St., Suite 100
Fort Myers, FL 33901

Ms. Spector,

The Lee County Sheriff's Office has reviewed your request to vacate the public interest in the beach access easement that runs through the middle of the Gulf side of Pink Shell property on Fort Myers Beach. It has no objection, as there will remain a beach access easement at the northern end of the Gulf side of Pink Shell property at Fort Myers Beach Access North 43 and a beach access easement at the southern end of the Gulf side of Pink Shell property at Fort Myers Beach Access North 41.

This proposed change will not impact the ability of this Agency to provide services in the Fort Myers Beach community.

Respectfully,


Chris Reeves
Major, Patrol Bureau

94094



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



FMBgov.com

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

2731 Oak St.
Ft. Myers Beach, FL 33931

March 20, 2024

Re: No Objection Letter- Walkway Easement Pink Shell Properties

To Whom It May Concern:

The Town of Fort Myers Beach has reviewed your proposed easement vacation on the property located at 275 Estero Blvd., Lee County, and has no objection to the easement vacation at this location. This "no objection" is provided with the stipulation that any Town of Ft. Myers Beach facilities within easements at this property retain all rights.

If you have any questions regarding this matter, please contact me at 239-560-2081.

Thank you-

Sincerely,



Mark Ashton

Utilities & Public Works Director
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL. 33931
Phone (239) 560-2081

FMBgov.com

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

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

TIME: 9 AM
DATE: LPA May 14, 2024, 1st Town Council June 3, 2024
CASE: VAC20240030
ADDRESS: 190 Estero Blvd
APPLICANT: Sarah Spector, Esq.
REQUEST: Applicant is requesting to vacate Beach Access 42 and relocate it to go through the Pink Shell resort pool deck to the beach.

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

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

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



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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
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NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

TIME: 9 AM

DATE: LPA June 11, 2024 and Town Council June 17, 2024

CASE: VAC20240030- Applicant is requesting to vacate Beach Access 42 and relocate it to go through the Pink Shell resort pool deck to the beach.

ADDRESS: 190 Estero Blvd

TIME 9AM

DATE: Town Council June 17, 2024

CASE: SEZ20230226-Applicant is requesting a special exception to allow the reconstruction of beach and pool amenities in the EC zoning district for the property at 275/322, 200, and the common element of 192 Estero Boulevard.

LOCATION: 2731 Oak St, FMB, Florida 33931

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

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

Yellow Sheet Number: **2024-120**

1. Request:

Meeting Date: June 11, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION V. CB ZONING DISTRICT AND AMENDING ARTICLE III., DIVISION 2. TABLE 34-2 USE SUB-GROUPS PERMITTED IN EACH ZONING DISTRICT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:

Changes to the LDC must be reviewed by the LPA and recommended to Town Council.

What the action accomplishes:

Changing this code would allow more commercial uses in the CB zoning district.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

ordinance

5. Background:

Staff has been asked to amend this code section further to allow the full array of uses that were allowed on these properties before the Town was incorporated. It appears that originally this zoning district allowed full residential, lodging, office, and retail uses. When the Town incorporated, the CB district was changed to only allow continual downgrading of the uses to become less intense. The proposed amendment would eliminate the need for planned development rezonings to allow all of the uses that are within the residential, lodging, office, and retail use categories.

Attachments:

1. Memo
2. Exhibit A - Amended CB Zoning language update
3. Exhibit B - Amended Zoning Table
4. Ordinance 24-XX (4) ns sp ns 6-6-2024

Financial Impact:

unknown

6. Alternative Action

recommend changes and forward to the LPA with recommendation

7. Staff Recommendations:

Find that the proposed language is in compliance with the comprehensive plan and recommend approval.

8. Recommended Approval:

Date: May 28, 2024

Frankie Kropacek, Operations & Compliance Director

Date: June 06, 2024

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: June 07, 2024



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

To: Local Planning Agency
From: Sarah Propst, Community Development
Date: June 11, 2024
Re: CB Zoning District Language

Background

When the Commercial Boulevard (CB) zoning district was developed, it was designed to disallow expansion of uses and many changes of use without a planned development rezoning. In 2021 the LDC was updated to allow the return of uses that had previously been approved on parcels. Staff has been asked to amend this code section further to allow the full array of uses that were allowed on these properties before the Town was incorporated.

Proposed Solution

It appears that originally this zoning district allowed full residential, lodging, office, and retail uses. When the Town incorporated, the CB district was changed to only allow continual downgrading of the uses to become less intense. The proposed amendment would eliminate the need for planned development rezonings to allow all of the uses that are within the residential, lodging, office, and retail use categories. The primary limitation will be intensity of these uses. The CB zoning district allows a maximum Floor Area Ratio (FAR) of 1.0 and the underlying Future Land Use District, Boulevard limits the Floor Area Ratio (FAR) to a maximum of 1.5. This makes it less intense than the zoning districts of Downtown and Santini, which have an underlying Future Land Use District of Pedestrian Commercial, which has a maximum FAR of 2.5.

The Comprehensive Plan was previously a limiting factor regarding changes to the CB zoning district because of Boulevard Future Land Use District policies. Previous policy 4-B-5 stated that to obtain approval for new or expanded commercial activities the proposal had to be evaluated through the planned development rezoning process.



The new **Policy FLU-1-B-6** says: *“BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, traditionally comprised of 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. 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. The non-residential Floor Area Ratios (FAR) in the Boulevard shall not exceed 1.5.*

Density: *The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the “platted overlay” may continue. Permitted new density may be increased up to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years. Those developments previously vested with 10 units under the “platted overlay” may continue.*

Previous Policy 4-C-3-iv. Further explained that commercial uses could seek rezoning through the planned development process and prove they are sensitive to adjacent uses.

New Policy FLU-1-C-3.iv. says: *In the “Boulevard” and “Mixed-Use” category, mixed-use development including commercial and residential uses are permissible. Proposals must be sensitive to nearby residential 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.*

Upon approval by the State of the Comprehensive Plan changes, the CB zoning district can be updated. Staff proposes the attached strike-through underline and change to the zoning table.

Exhibits

Exhibit A – Amended Subdivision V.- CB Zoning District

Exhibit B – Amended Table 34-2

Subdivision V. - CB Zoning District

Sec. 34-701. - Purpose.

The purpose of the CB (Commercial Boulevard) district is to provide standards for existing commercial uses and certain other uses along those portions of Estero Boulevard where the "boulevard" classification of the Fort Myers Beach Comprehensive Plan promotes a mixed-use development pattern.

Sec. 34-702. - Applicability.

(a) *Continued use.* The regulations in this code section allow the continued use of existing buildings and structures for allowable uses as defined in § 34-703 below, on all properties zoned CB.

(b) *Enlarging or replacing buildings for existing commercial uses.* The regulations in this code section also allow the following activities: enlargement or replacement of buildings in compliance with allowed uses and all other regulations of this Land Development Code.

~~(1) Physical enlargement of buildings or structures containing existing commercial uses, provided that the improvements do not constitute a "substantial improvement" as that term is defined in § 6-424 of this code, and~~

~~(2) Replacement buildings for existing commercial uses that will not increase the existing floor area ratio, as that term is defined in § 34-633 of this chapter.~~

~~(c) *Enlarging or replacing buildings for all other allowable uses.* The regulations in this code section also allow the physical enlargement of and replacement of buildings for all allowable uses, other than existing commercial uses (which are governed by subsection (b) of this section) or new or expanded commercial uses (which are governed by subsection (d) of this section).~~

~~(d) *New or expanded commercial uses.* In accordance with Policies 4-B-5 and 4-C-3-iv of the Fort Myers Beach Comprehensive Plan:~~

~~(1) New or expanded commercial uses in the "boulevard" category of the Fort Myers Beach Comprehensive Plan require rezoning as a commercial planned development (see § 34-951 of this chapter).~~

~~(2) Physical enlargements of existing commercial buildings that constitute a "substantial improvement" as that term is defined in § 6-424 of this LDC also require rezoning as a commercial planned development.~~

~~(3) For purposes of this section only, the following types of re-use of existing floor area shall be deemed a continuation of an existing commercial use rather than a new or expanded commercial use.~~

~~a. Conversion of an existing space to office, retail, or restaurant use, when that use previously existed on that parcel;~~

~~b. An existing bar or cocktail lounge converted to another bar or cocktail lounge or to a restaurant, retail, or office use;~~

- ~~c. Existing areas of outdoor dining may be converted to another outdoor dining area;~~
- ~~d. Existing areas of outdoor display of merchandise may be converted to another outdoor display of merchandise area;~~
- ~~e. Conversion of existing space previously used as a financial institution with drive-through to small retail, with outdoor display. Outdoor display shall be located in the area previously utilized as a drive-through and shall not exceed 1,500 square feet under roof. Parking spaces may not be used for outdoor display.~~

(Ord. No. 21-07, § 2, 11-15-2021)

Sec. 34-703. - Allowable uses.

- (a) In the CB district, allowable uses are defined as any of the following:
 - (1) Those uses defined in Table 34-2 for the CB district;
 - ~~(2) Continuation of commercial uses that were lawfully existing on March 3, 2003; and~~
 - ~~(3) Those additional commercial uses of existing floor space as provided by § 34-702(d)(3) of this chapter.~~
- (b) Any landowner wishing to place other new or expanded commercial uses on property that is zoned CB must follow all of the building placement, size, and design criteria of the CB zoning district~~rezone the property to commercial planned development.~~
- (c) Any landowner wishing to subdivide land that is zoned CB into residential homesites must comply with all of the setback, lot size, intensity, and density regulations for the RC zoning district as described in Table 34-3. Compliance with these regulations shall substitute for the building placement standards that are found in § 34-704 below, and for the intensity standard found in § 34-705(c) of this chapter.

Sec. 34-704. - Building placement.

- (a) *Build-to lines established.* Build-to lines (see § 34-662 of this chapter) for Estero Boulevard are established at five to ten feet from front property lines. Awnings, canopies, and marquees over sidewalks and pedestrian walkways are encouraged by the commercial design standards (§§ 34-991—34-1010 of this chapter).
- (b) *Setback lines established.* Setback lines (see § 34-662 of this chapter) are established as follows:
 - (1) For principal buildings:
 - a. Minimum street setbacks for all streets other than Estero Boulevard are ten feet.
 - b. Minimum rear setbacks are 20 feet from rear property lines.
 - c. Minimum side setbacks are five feet from side property lines.
 - d. Minimum setbacks from waterbodies are set forth in § 34-638(d)(3) of this chapter.
 - (2) For accessory structures, minimum setbacks are set forth in §§ 34-1171—34-1176.

Sec. 34-705. - Building size.

- (a) *Building frontage.* Building frontage limits (see § 34-663 of this chapter) are established as follows:
 - (1) For Estero Boulevard, building frontages shall be at least 50 percent of the lot frontage. This percentage may be reduced to 35 percent for properties between

Estero Boulevard and the Gulf of Mexico provided that the open space thus created allows open views to the Gulf of Mexico.

- (2) For multiple adjoining lots under single control, or for a single lot with multiple buildings, the percentages above apply to the combination of lot(s) and building(s).
- (b) *Building height.* Building heights (see [§ 34-631](#) of this chapter) shall be limited to:
 - (1) For properties that front on the bay side of Estero Boulevard and all streets other than Estero Boulevard, a maximum of 30 feet above base flood elevation and no taller than two stories, except that an elevated building without enclosed space on the first story may be three stories tall (but still limited to 30 feet above base flood elevation).
 - (2) For properties that front on the beach side of Estero Boulevard, a maximum of 40 feet above base flood elevation and no taller than three stories.
- (c) *Floor area ratio (FAR).* Floor area ratios (see [§ 34-633](#) of this chapter) shall not exceed 1.0.

Sec. 34-706. - Circulation and parking.

- (a) *Parking lot locations.* Off-street parking lots shall be placed in side or rear yards (see Figure 34-5). Off-street parking lots are not permitted in front yards.
- (b) *Under-building parking.* Off-street parking may be provided under commercial or mixed-use buildings provided that all under-building parking spaces are screened in accordance with [§ 34-693\(l\)](#) of this chapter.
- (c) *Parking lot interconnections.* Wherever physically possible, parking lots for abutting properties fronting along Estero Boulevard shall be interconnected to eliminate or minimize driveways to Estero Boulevard.
 - (1) To ensure the effective use of these connections, the first to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcel (prior to issuance of a development order), and must design and build the parking lot to accommodate cross-access.
 - (2) When adjacent owners seek development orders, they will also be required to reciprocate with a similar cross-access agreements and then must complete the physical connection.
 - (3) Individual property owners shall control all rights to the use of their own parking spaces, but may choose to allow wider use of these spaces for a fee of their choosing or through reciprocal arrangements with other parties.
- (d) *Driveway connections for properties fronting on Estero Boulevard.* Existing driveways and parking spaces shall be relocated from Estero Boulevard to other streets and new driveways shall connect only to other streets, except where these requirements would prohibit all reasonable access to a property. When a driveway onto Estero Boulevard is unavoidable, the driveway shall be shared with an adjoining property if that property also has access only to Estero Boulevard. Otherwise, the driveway shall be spaced as far as practical from other driveways or intersections.

(Ord. No. [21-07](#), § 2, 11-15-2021)

Sec. 34-707. - Commercial design standards.

Exhibit A – Amended Subdivision V. – CB Zoning District

The commercial design standards (§§ [34-991](#)—34-1010 of this chapter) shall apply to all commercial and mixed-use buildings, or portions thereof, that are being newly built, and to "substantial improvements" to such buildings as defined in [§ 6-424](#) of this LDC.

(Ord. No. [21-07](#), § 2, 11-15-2021)

Secs. 34-708—34-930. - Reserved.

Table 34-2 — Use Sub-Groups Permitted In Each Zoning District ¹						
	<i>Residential</i>	<i>Lodging</i>	<i>Office</i>	<i>Retail</i>	<i>Marine</i>	<i>Civic</i>
	Use Groups and Sub-Groups (Restricted, Limited, Open)					
RS Residential Single-family	(R)	(R)	(R)	—	(R)	(R)
RC Residential Conservation	(L)	(L)	(R)	—	(R)	(R)
RM Residential Multifamily	(O)	(L)	(L)	(R)	(R)	(L)
CR Commercial Resort	(O)	(O)	(O)	(L)	(L)	(L)
CM Commercial Marina	—	—	(L)	(L)	(O)	(L)
CO Commercial Office	(O)	(L)	(O)	(L)	(L)	(O)
SANTOS	(L)	(L)	(O)	(L)	(L)	(L)
IN Institutional	(L)	(L)	(L)	(R)	(L)	(O)
CF Community Facilities	(R)	(R)	(L)	(R)	(L)	(O)
BB Bay Beach	— see § 34-651(b) —					
EC Environmentally Critical	— see § 34-652(d) & (e) —					
DOWNTOWN	(O)	(O)	(O)	(O)	(L)	(O)
SANTINI	(O)	(O)	(O)	(O)	(O)	(O)
VILLAGE	(L) ²	(L) ²	(L) ²	(L) ²	—	(L)
CB Commercial Boulevard	(O)	(O)	(O)	(O)	(L)	(O)
RPD Residential Planned Dev. ⁴	(R)(L)(O)	(R)(L)	(R)(L)	(R)(L)	(R)(L)	(R)(L)
CPD Commercial Planned Dev. ⁴	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)
<i>Note 1: See Table 34-1 for a specific list of Use Groups (Residential, Lodging, Office, Retail, Marine, and Civic) and Sub-Groups of each (Restricted, Limited, and Open).</i> <i>Note 2: See § 34-692(3) which provides a pre-approved redevelopment option for the VILLAGE district that can also permit residential, lodging, office, and retail uses in the Open Sub-Group under specified conditions.</i> <i>Note 3: See § 34-702–703 for exceptions and limitations on new and expanded commercial uses.</i> <i>Note 4: See § 34-933. The resolution approving a planned development zoning district (RPD or CPD) will specify which of the use groups or sub-groups enumerated in Table 34-1 will be permitted on that parcel. Note that some potential use sub-groups are not listed above for the RPD zoning district because they may not be approved in any RPD zoning resolution.</i>						

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING: 1) CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION V. CB ZONING DISTRICT, AND 2) ARTICLE III., DIVISION 2. TABLE 34-2 USE SUB-GROUPS PERMITTED IN EACH ZONING DISTRICT TO ALLOW LODGING, OFFICE AND RETAIL IN THE COMMERCIAL BUSINESS ZONING CATEGORY; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town recognizes that redevelopment and the rebuilding of the Town, following hurricane Ian requires discussion, evaluation and subsequent changes to the list of permitted uses in a particular Zoning Districts as currently contained in the Land Development Code; and

WHEREAS, for example, when the Commercial Boulevard (CB) Zoning District was initially adopted, the Town Council disallowed expansion of uses without a rezoning of the property to a planned development; and

WHEREAS, in 2021 the list of allowable uses in the Commercial Boulevard (CB) Zoning District was revised to permit uses that had previously been approved on parcels, which had PD zoning; and

WHEREAS, in order to attain redevelopment and rebuilding of the Town, the Town Council now desires to further amend the Commercial Boulevard (CB) Zoning District to permit lodging, office and retail use, which were uses that were allowed before the Town was incorporated; and

WHEREAS, in addition to assisting with redevelopment and rebuilding efforts, the proposed changes to the existing permitted uses in the Commercial Boulevard (CB) Zoning District will provide clarify regarding permitted uses, and improve overall consistency among various Code sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on June 11, 2024, at which time the LPA gave full and complete consideration to the recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted

___ to ___, to recommend approval of the requested amendment to Chapter 34., Subdivision V. CB Zoning District and Table 34-2 Use Sub-Groups Permitted in Each Zoning District as set forth in Exhibits A and B; and

WHEREAS, Section 166.0413)(c) requires that “[o]rdinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure: ...

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.....

; and

WHEREAS, the Town Council adopted Resolution 2024-___ on June 17, 2024 by majority plus 1 member voting in favor of conducting one of the two required public hearings at their meeting on the ___ day of _____, 2024 at 9:00 AM or soon thereafter rather than after 5 PM on a weekday; and

WHEREAS, the first advertised public hearing was published in a print version of the _____ News on the ___ day of _____, 2024 and a public hearing was held as advertised; and

WHEREAS, the Town Council voted to approved the Ordinance at the first advertised public hearing and also voted to schedule a second public hearing on the 19th day of August, 2024, which is at least 10 days after the first public hearing and at least 5 days prior to publication of the advertisement for the second public hearing; and

WHEREAS, a Business Impact Estimate was prepared and published on the Town’s website on the ___ day of _____, 2024; and

WHEREAS, on August 19, 2024, the Town Council held a second reading of this proposed Ordinance; and

WHEREAS, adoption of this Ordinance is in the best interest of the Town and its residents.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

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. Chapter 34, Article III., Division 5, Subdivision V. CB Zoning District and Article III., Division 2. Table 34-2 Use Sub-Groups Permitted in Each Zoning District is hereby amended to read as found in attached Exhibit A – Amended Subdivision V.- CB Zoning District and Exhibit B – Amended Table 34-2:

Section 3. 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 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. 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:

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

ADOPTED this 19th day of August, 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

Exhibits

Exhibit A – Amended Subdivision V.- CB Zoning District

Exhibit B – Amended Table 34-2

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

Yellow Sheet Number: **2024-121**

1. Request:

Meeting Date: June 11, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A TOWN OF FORT MYERS BEACH ORDINANCE, AND APPROVING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT REZONING FOR THE PROPERTIES LOCATED AT 1836 AND 1840 ESTERO BLVD. (LESS THE AREA WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT), GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-03200.00CE AND 19-46-24-W4-03200.1010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

An ordinance must be approved to allow the applicant to re-develop their timeshare building, the number of units is being vested through the use of the Post Disaster Buildback policy, the CPD would allow them to propose deviations based on building design and inconsistencies with developing their building and having to meet some of the architectural standards.

What the action accomplishes:

Approval of the CPD ordinance and the requested deviations will allow for the rebuild of the 75 timeshare units that existed pre-storm.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance 24-XX

5. Background:

The applicant is requesting a Commercial Planned Development (CPD) ordinance for the re-development of a 75-unit timeshare condominium. The applicant is requesting four deviations: 1) an additional 46-feet in height above the Design Flood Elevation (DFE); 2) relief from the requirement to screen under-building parking areas; 3) relief from requirements that the building provide an entrance on Estero Blvd.; 4) relief from requirements that building with more than 50-feet of frontage on Estero Blvd. provide operable doors for public access no more than 50-feet apart, and; 5) a request to increase FAR from 1.4 to 1.67 if the deviation to remove the ground-floor area is not approved.

Attachments:

1. LPA Staff Report
2. 24-XX_EIBC_CPD ORDINANCE
3. Exhibit A - Schedule of Uses
4. Exhibit B - Master Concept Plan & Elevations
5. CPD Cover Letter
6. Deviations and Justifications
7. Development Standards
8. Request Narrative Comprehensive Plan Compliance-CPD Zoning
9. Public Hearing Application-PD Zoning REVISED
10. PH-D APPLICATION FORM

Financial Impact:

unknown

6. **Alternative Action**

APPROVE WITH CONDITIONS or DENY

7. **Staff Recommendations:**

Approve with conditions

8. **Recommended Approval:**

Frankie Kropacek, Operations & Compliance Director

Date: June 06, 2024

nancy stuparich, Town Attorney

Date: June 07, 2024

Amy Baker, Town Clerk

Date: June 07, 2024



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Commercial Planned Development (CPD)

CASE NUMBER: CPD20240015

CASE NAME: 1836 Estero Blvd (incl. all associated addresses) CPD rezoning request to develop a timeshare building with five (5) deviations from the Land Development Code.

LPA

HEARING DATE: June 11th, 2024, at 9 AM

STAFF

RECOMMENDATION: Approve with Conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Estero Island Beach Club Association Timeshare

Request: A Commercial Planned Development (CPD) rezoning for the re-development of a 75-unit timeshare condominium. The applicant is requesting five deviations: 1) an additional 47-feet in height above the Design Flood Elevation (DFE); 2) relief from the requirement to screen under-building parking areas; 3) relief from requirements that the building provide an entrance facing Estero Blvd.; 4) relief from requirements that buildings with more than 50-feet of frontage on Estero Blvd. provide operable doors for public access no more than 50-feet apart, and; 5) a request to remove the lowest floor area from FAR calculations; or, if that deviation is not granted, 5a) a request to increase FAR from 1.4 to 1.67 if the deviation to remove the ground-floor area is not approved.

Subject property: See attached Master Concept Plan

Physical Address: 1836 Estero Blvd; 1840 Estero Blvd (building address)

STRAP #: 19-46-24-W4-03200.00CE & 19-46-24-W4-03200.1010

FLU: Pedestrian Commercial + Recreation

Zoning: Downtown + Environmentally Critical (Not part of rezone)

Adjacent zoning and land uses:

North:	DOWNTOWN Temporarily Occupied Commercial
South:	ENVIRONMENTALLY CRITICAL AREA (EC) Beach
East:	DOWNTOWN Hotel
West:	DOWNTOWN Commercial/ Residential

II. BACKGROUND AND ANALYSIS

Background:

Estero Island Beach Club was originally developed in 1981 under Lee County. The building was developed with 75 units, across two buildings that were two and three stories tall. The northernmost building on the property appears to have been very minimally seaward of the CCCL. The site contained multiple recreation facilities, like swimming pools, one of which was originally developed seaward of the CCCL. The applicant states that they will need to apply later for a Special Exception to repair the remaining pool which appears to be seaward of the control-line. The proposal for redevelopment has been designed to ensure that all new structures will be constructed landward of the 1978 CCCL.

The applicant's lot is situated in the Downtown zoning district, surrounded by a multitude of uses, including resort uses which makes the redevelopment of the 75 timeshare units in-line with the other uses in the area.

Analysis:

Deviation #1: Deviate from LDC §34-675(b)(3)c that requires a maximum height of 40 feet above base flood elevation and no taller than three stories for properties on the south side of Estero Boulevard east of the main pedestrian crossing in the Downtown zoning district; to allow a height of:

- 91 feet as measured from one foot over base flood elevation (BFE+1) or
- 87 feet above FDEP design flood elevation (DFE) and
- eight (8) stories (seven (7) stories over ground level parking).

APPLICANT JUSTIFICATION: The permitted height in the Downtown District at this location is a maximum of 40 feet above base flood elevation per LDC [§34-675(b)(3)c. The BFE+1 at this location is 16 feet and the FDEP design flood elevation (DFE) is 20 feet. The proposed structure is a single building of 106 feet in total height from sea level[*].

The purpose of the Downtown zoning district is to create a desired quality and character of the center of the pedestrian-oriented commercial activities within the town. There is a mix of resort/hotel, rental and commercial properties that surround the subject property to the south and east with three (3) single-family homes to the north.

To the immediate south of the site is Beach Access #30 at the end of Palm Avenue and the Diamond Head Beach Resort – a 13-story resort that includes 121 hotel rooms, event space, commercial space, restaurant and bars, and other associated amenities.

Also, in the general vicinity are some of Fort Myers Beach's most high intensity establishments, including the Lani Kai Resort approximately 900 feet north of the site and the new Margaritaville Resort just ¼ mile north. 700 feet to the south of the subject property is the Neptune Resort, which recently filed for redevelopment of a 6-story structure and doubling the number of hotel rooms from 71 to 140 keys. Thus, the site is well located for redevelopment of timeshare resort uses in relation to similar uses, densities, and intensities in the Town's Downtown area.

Finally, the revised layout uses height to create a vertical development rather than sprawled horizontal layout that significantly increase the viewsheds to the Gulf of Mexico and the beach.

STAFF ANALYSIS: Staff recognizes that the location of the applicant's lot is adjacent and relatively close to multiple resorts which are both more intense and are taller than the proposed structure.

During review staff had recommended that the applicant consider redeveloping multiple buildings to avoid having to stack all 75 units within a taller, more intense structure. The applicant and the timeshare owners have priorities which include making the logistics of running the timeshare (housekeeping, maintenance etc.) easier if the staff of the complex doesn't have to move between separate building, and across the property. The applicant has also prioritized beach views for the owners—which is required in their HOA by-laws—but staff cannot review based on this requirement of their private deed restrictions and have noted that the open view requirements could be developed along with redevelopment of the 75 units while providing minimum landscaping and parking counts.

[*]To provide clarity regarding the overall height proposed, the building will be 106-feet above grade, not above sea level as was mentioned in the applicant's deviation justifications.

Deviation #2: Deviate from LDC §34-992(c) requiring the principal facades of hotel buildings that will not contain commercial uses below base flood elevation to screen under-building parking areas in a manner acceptable to the town manager or designee; to allow no screening of the parking area.

APPLICANT JUSTIFICATION: The use before the storm and the proposal is for timeshare units. Even though timeshare is categorized as hotel/motel and considered a commercial use, there is no storefront or retail/office uses on the ground floor. Because of the V-Zone screening is not desired. Moreover, because of the increased design flood elevations as determined by FEMA being nearly 21 feet from ground there is an opportunity to leave the parking under the [first] habitable floor unscreened to allow a view through the understory parking. Now, with that said, the property is proposing a 5-foot landscape buffer around the perimeter of the property, landscape islands in the new parking areas that will provide landscape-based improvements.

STAFF ANALYSIS: The applicant has proposed a series of plantings around the building which will partially obscure the ground-floor area, including parked vehicles. This requirement is somewhat at-odds with the LDC requirement that ground-floors on the beach-side of Estero be developed free of obstructions to mitigate risks during a storm event. Staff believes that with the proposed landscape screening that the intent of the code has been respected, while at the same time meeting floodplain safety regulations.

Deviation #3: Deviate from LDC §34-995(b)(1) regarding entrances requires a primary entrance and views into the first floor of commercial buildings where:

- (1) The primary entrance to all buildings shall face the street

APPLICANT JUSTIFICATION: The use before the storm and the proposal is for timeshare units. Even though timeshare is categorized as hotel/motel and considered a commercial use, there is no storefront or retail/office uses on the ground floor that would dictate the needs for pedestrian interaction or entrances into storefronts.

STAFF ANALYSIS: The requirement to provide an entrance on Estero is less relevant when the proposed building is a condominium or timeshare since they do not plan to attract pedestrians or guests who are not renting/ occupying a unit. Not having an entrance on Estero will not largely affect their business or visitors to the island.

Deviation #4: Deviate from LDC §34-995(b)(4) regarding entrances requires a primary entrance and views into the first floor of commercial buildings where:

(4) Where building frontages exceed 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet;

APPLICANT JUSTIFICATION & STAFF ANALYSIS: Please see Deviation #1

Deviation #5: Deviate from LDC §34-633 which requires the gross floor area include the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking; to eliminate counting the ground level covered parking area towards FAR and meet the required 1.4 FAR for this subject property.

APPLICANT JUSTIFICATION: The LDC §34-675(c)(2) that limits the FAR of properties fronting on Estero Boulevard and fronting on the Bayfront pedestrian plazas to a maximum of 1.4

The area of the subject property landward of the 1978 Lee County CCCL is 1.92 acres or 83,635.2 square feet. The land area used in the calculation is the gross square footage within the site's private property line, minus wetlands, canals or other waterbodies, and minus any land designated "recreation" on the comprehensive plan's future land use map.

The proposed building has a footprint of 16,700 square feet with seven (7) livable stories over 1st floor parking. Therefore, the total proposed floor area is 133,600 square feet resulting in an FAR of 1.6. If the deviation were to be approved to eliminate counting the first-floor parking area in the FAR calculation, the floor area is reduced to 116,900 square feet. The result is an FAR of 1.4 meeting the maximum FAR of 1.4 permitted in the Downtown zoning district at this location.

It is our understanding that the Town staff, LPA and Council have moved towards future LDC amendments making this request permanent thus the request meets the intent of the will of the Town.

STAFF ANALYSIS: Staff agrees that the Town uses a relatively unique method for determining the Floor Area Ratio (FAR) which includes the calculation of ground-floor area in the calculation of maximum development on a property. The Town Council has previously allowed for applicants to request, through deviation, that the ground-floor area be removed from the calculation.

Staff wishes to note that should the request to remove ground-floor area from the FAR calculation be denied by Council that the applicant must request a deviation from the LDC maximum FAR for the location in the Downtown zoning district, they would need to request an increase from 1.4 FAR to 1.67 FAR. Should the request to remove the ground-floor area from the calculation be approved then the plans would meet the maximum allowable development area for this portion of Downtown, 1.4 FAR.

III. FINDINGS AND CONDITIONS

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

Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

Staff response: No errors or ambiguities exist.

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

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

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

Staff response: No impact on the intent of this chapter will occur.

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

Staff response: The proposed development is in compliance with the intensity of the district. If we were to apply density to the use, it would exceed the density without the Post Disaster-buildback that is requested. The new structure will be designed to current building and flood requirements which is supported by the comprehensive plan.

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

Staff response: The proposed development will meet performance standards set forth in 34-2031. There are no special location standards for mixed use developments.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on environmentally critical areas and natural resources. The applicant may be required to request Special Exceptions at a later time to address at least one of the pools which existed pre-storm and which may extend further seaward of the 1978 CCCL.

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

Staff response: The property has provided short-term rentals (timeshare) for a number of years, without incident. The proposed redevelopment of the 75 units and the proposed site-changes to not present a hazard, nuisance or reasonably be a detriment to the wider area.

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

Staff response: This use in this location will not place an additional burden on the transportation network or other facilities and services.

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

(c) Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

Staff response: The proposed uses and requested deviations for the CPD comply with the

Comprehensive Plan.

(2) This chapter.

Staff response: The proposed uses comply with this chapter except in regard to the deviations.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes, except in regard to the deviations.

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

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

Staff response: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use and Civic Center Mixed-Use District.

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

Staff response: Sufficient safeguards are provided for the public interest.

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

Staff response: All conditions are related to the impacts on the public interest.

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

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

Staff response: Not applicable.

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

Staff response: The proposal is in compliance with these policies.

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

Staff response: The request for additional height is proposed as part of the planned development rezoning process. The requested height appears to be appropriate for the location, providing a relatively open area, free from structures on the side of the building adjacent to a residential area.

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

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

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and

Staff response: The requested deviations allow the development of the site.

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

Staff response: The proposed deviations preserve public health.

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

Staff response: The deviations are not a detriment to the public interest, additional parking may need to be provided at a later date depending on impacts to surrounding uses.

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

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

IV. CONDITIONS OF APPROVAL

1. Development shall provide signage warning exiting vehicles of pedestrian traffic within the Town's Palm Ave. and Palm Ave. beach accesses.
2. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

V. STAFF RECOMMENDATIONS

Staff has reviewed the site plans, elevations and deviations for the redevelopment of Estero Island Beach Club

Staff recommends **APPROVAL** of Ord. 24-**XX** with the five (5) deviations contained therein.

V. EXHIBITS

Exhibit A – Schedule of Uses

Exhibit B – Master Concept Plan

ORDINANCE 24-XX
(Estero Beach Club)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE PROPERTY LOCATED AT 1836 AND 1840 ESTERO BLVD. (LESS THE AREA WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT), GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-03200.00CE AND 19-46-24-W4-03200.1010 FORT MYERS BEACH FROM DOWNTOWN DISTRICT TO COMMERCIAL PLANNED DEVELOPMENT; APPROVAL OF FIVE (5) DEVIATIONS FROM THE FORT MYERS BEACH CODE OF ORDINANCES, A SCHEDULE OF USES AND A MASTER CONCEPT PLAN; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Estero Island Beach Club Association, Inc., owner, and Fred Drovdlc, AICP with RVi Planning & Landscape Architecture, as agents for the owner (collectively "Applicant") of property generally located 1836 and 1840 Estero Blvd, Fort Myers Beach and identified as STRAP numbers 19-46-24-W4-03200.00CE and 19-46-24-W4-03200.1010 ("the Property"), filed an application to rezone the Property from Downtown zoning district to Commercial Planned Development, with an attached Master Concept Plan (MCP) in order to redevelop a timeshare condominium and associated facilities, on the Property's 1.92+/- acres more or less; and

WHEREAS, the 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 applicant has indicated the subject property is under common control and Estero Island Beach Club Association serves as the managing entity listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on June 11, 2024; and

WHEREAS, at the June 11, 2024 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Town of Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, at the June 11, 2024 public hearing the LPA recommended approval by a

_____ to _____ vote based on a finding that the approval is in compliance and consistent with the Town of Fort Myers Beach Comprehensive Plan and the LDC; and

WHEREAS, a Business Impact Estimate has been prepared and timely published on the Town's website; and

WHEREAS, on August __, 2024 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised in the _____ on the ____ day of _____, which is 10 days prior to the Town Council on August __, 2024; and

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

WHEREAS, there are no outstanding fees associated with any notice, advertisement, and consulting services required by the Town; and

WHEREAS, Exhibit A contains a schedule of uses and development regulations and conditions associated with this proposed development and incorporated by reference into the Ordinance; and

WHEREAS, Exhibit B contains a Master Concept Plan associated with this proposed development and incorporated by reference into the Ordinance; and

WHEREAS, the Town Council finds that this request to APPROVE/ APPROVE WITH CONDITIONS/ DENY, is a unique and individual application which does not set precedent for future development or rezoning applications.

WHEREAS, approval of this request and Ordinance requires approval of the following deviations from the LDC:

Deviation #1

Deviate from LDC §34-675(b)(3)c that requires a maximum height of 40 feet above base flood elevation and no taller than three stories for properties on the south side of Estero Boulevard east of the main pedestrian crossing in the Downtown zoning district to allow a height of:

- 91 feet as measured from one foot over base flood elevation (BFE+1) or
- 87 feet above FDEP design flood elevation (DFE) and
- eight (8) stories (seven (7) stories over ground level parking).

Deviation #2

Deviate from LDC §34-992(c) requiring the principal facades of hotel buildings that will

not contain commercial uses below base flood elevation to screen under-building parking areas in a manner acceptable to the town manager or designee to allow no screening of the parking area.

Deviation #3

Deviate from LDC §34-995(b)(1) regarding entrances requires a primary entrance and views into the first floor of commercial buildings to allow the primary entrance to all buildings to face the street.

Deviation #4

Deviate from LDC §34-995(b)(4) regarding entrances requires a primary entrance and views into the first floor of commercial buildings to allow where building frontages exceed 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.

Deviation #5

Deviate from LDC §34-633 which requires the gross floor area to include the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking to allow not counting the ground level covered parking area towards FAR and therefore meeting the required 1.4 FAR for this Property or approval of an increase of the FAR from 1.4 to 1.67.

WHEREAS, the Town Council considered all relevant factors and made the following formal findings of fact regarding the rezoning request before making its final decision on the Ordinance as required by Sections 34-85 and 34-216 of the LDC:

- a. Minor ambiguities were resolved through the deviation process.
- b. Long-standing blighted conditions on the subject property can be ameliorated through approval of this rezoning.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and LDC.
- d. The Town Council carefully considered the testimony of the Applicant, the recommendations of staff and of the LPA, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.
- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

- k. The rezoning, with the mitigating factors volunteered by the Applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, LDC, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the Master Concept Plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- o. The rezoning meets all specific requirements of the Comprehensive Plan that are relevant to the request, including the following:
 - Policy 4-C-4 on building heights taller than the standard height limit
 - Policy 4-C-6 on hotel/motel densities
 - Policy 4-C-8 on density transfers
 - Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts

WHEREAS, the Town Council made the following formal findings before making final decisions on the four requested deviations from "by-right" requirements of the LDC (see LDC 34-216 and 34-1803):

- 1. All aspects of the proposed development, as limited by the special conditions being imposed by the Town Council, are compatible with the surrounding area, including building height, traffic flow, and intensity of use.
- 2. The proposed development, as modified by these deviations, clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan.
- 3. The proposed development, with the modified deviations being approved, does not exceed any maximum intensities contained in the Fort Myers Beach Comprehensive Plan.
- 4. Granting these deviations will enhance the achievement of the objectives of the proposed development.
- 5. The general intent of the LDC to protect public health, safety, and welfare will be preserved and promoted with these deviations.
- 6. These deviations operate to the benefit, or at least not to the detriment, of the public interest.
- 7. These deviations are consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that this application to APPROVE/ APPROVE WITH CONDITIONS/ DENY Ordinance 24-__ as provided herein **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested rezoning in Ordinance No. 24-____ **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council hereby **DENIES/ APPROVES/ APPROVES WITH CONDITIONS** the requested rezoning.

Section 3. Town Ordinance 24-____ is adopted subject to the Schedule of Uses and conditions of approval in Exhibit A and the Master Concept Plan in Exhibit B, both of which are attached hereto and incorporated herein by this reference.

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

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

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

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

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a roll call vote, the result was as follows:

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

ADOPTED this _____ day of August 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this _____ day of August 2024.

EXHIBITS

Exhibit A – Schedule of Uses and Conditions of Approval

Exhibit B – Master Concept Plan



ESTERO ISLAND BEACH CLUB CPD

Schedule of Uses

Principal:

- Administrative offices
- Beach access
- Essential services and essential service equipment
- Home occupation, no outside help
- Hotel/motel
- Hotel/condo
- Parking, surface and garage
- Recreational facilities –private on-site
- Rental of any permitted dwelling unit for periods of one day or longer
- Resort accessory uses
- Timeshare units (fractional ownership)
- Temporary uses

Accessory:

Resort accessory uses, including:

- Rental of beach furniture and cabanas
- Meeting space
- Signs
- Business center
- Subordinate commercial uses

ESTERO ISLAND BEACH CLUB

MASTER CONCEPT PLAN

**Residential Medium Density (RM)
1836-1840 ESTERO BLV , FORT MYERS
Fort Myers Beach, FL 33931.**

JOB DESCRIPTION

ESTERO ISLAND BEACH CLUB SCOPE OF WORK AIMED AT CONSTRUCTING 78 APARTMENT UNITS INCLUDING THE LANDSCAPING AND THE STORM WATER MANAGEMENT DEVICES PER THE INITIALLY PERMITTED SPECIFICATIONS.

AUTHORITY HAVING JURISDICTION

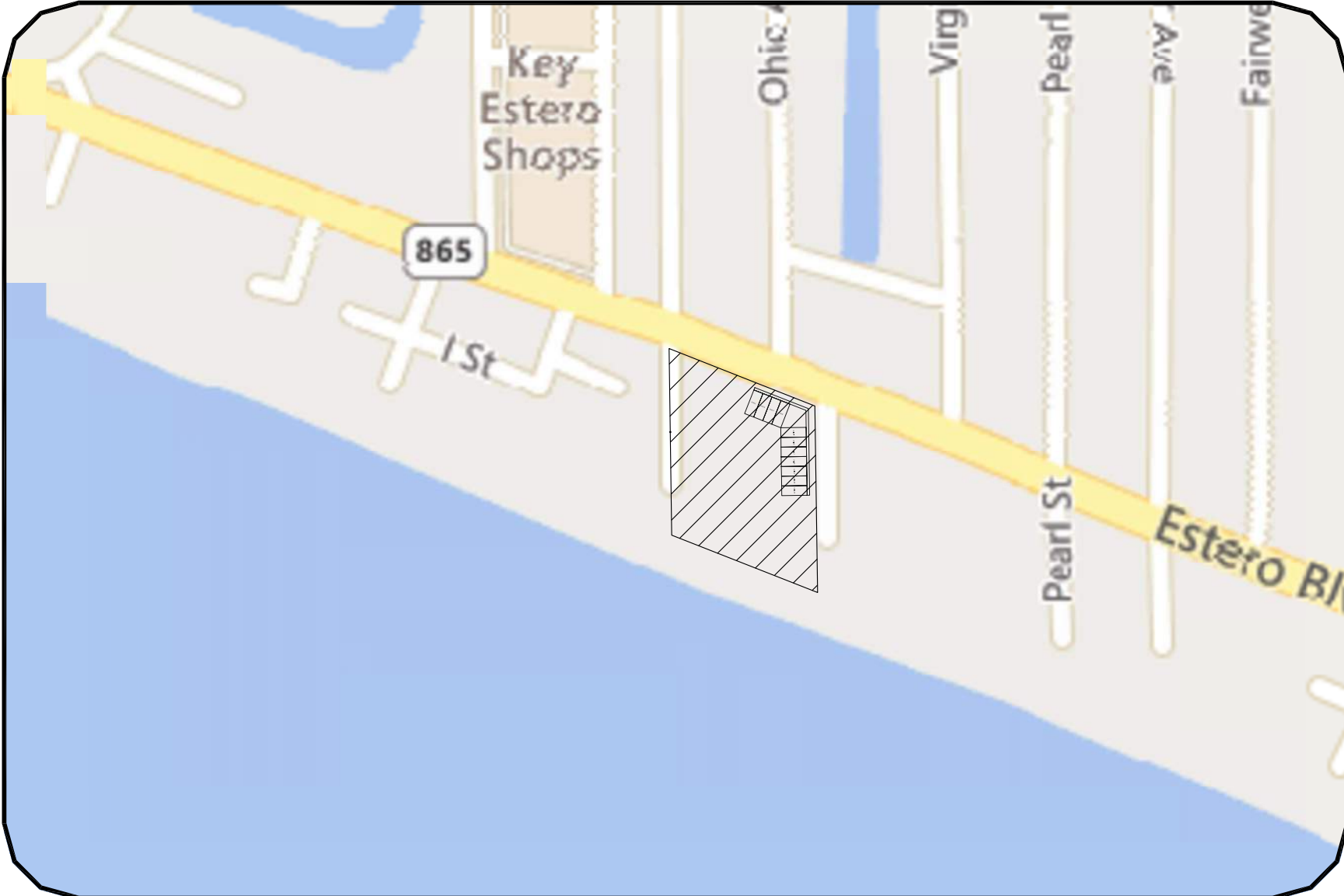
TOWN OF FORT MYERS BEACH

GOVERNING CODES

- FLORIDA BUILDING CODE - BUILDING - 7TH EDITION (2020)
- FLORIDA BUILDING CODE - EXISTING - 7TH EDITION (2020)

DRAWING INDEX

SHEET #	Description
T-0	Cover Sheet
C-0	Proposed Site Plan
C-1	Emergency Access
C-2	North Elevation
C-3	East Elevation



Location Map

SCALE: 1:300



Vicinity Map
SCALE: 1:300

**MECA Engineering
Corporation**

5237 Summerlin Commons Blvd., Suite 460
Fort Myers, FL 33907
T: (239) 275-2598 F: (219) 962-3969
www.mecaengineering.com



BEEN DIGITALLY
SIGNED AND
SEALED BY
XXXX XXXX
ON THE DATE
ADJACENT TO THE
SEAL.
PRINTED COPIES
OF THIS
DOCUMENT ARE
NOT CONSIDERED
SIGNED AND
SEALED AND THE
SIGNATURE MUST
BE VERIFIED ON
ANY ELECTRONIC
COPIES.
EXPIRES: 02/28/2025

ESTERO ISLAND BEACH CLUB
MASTER CONCEPT PLAN
1836-1840 ESTERO BLV, FORT MYERS
BEACH, FL 33931

Project No.: FL-32-901

Drawn:	Checked:
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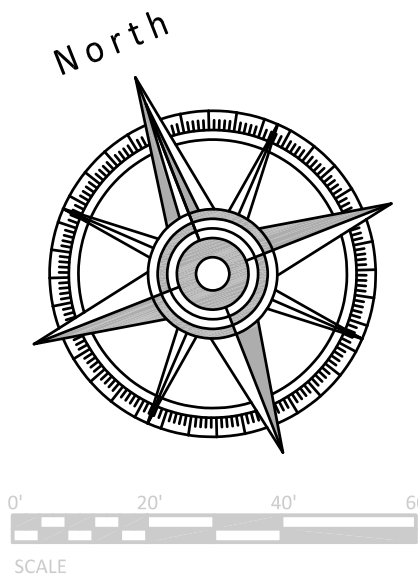
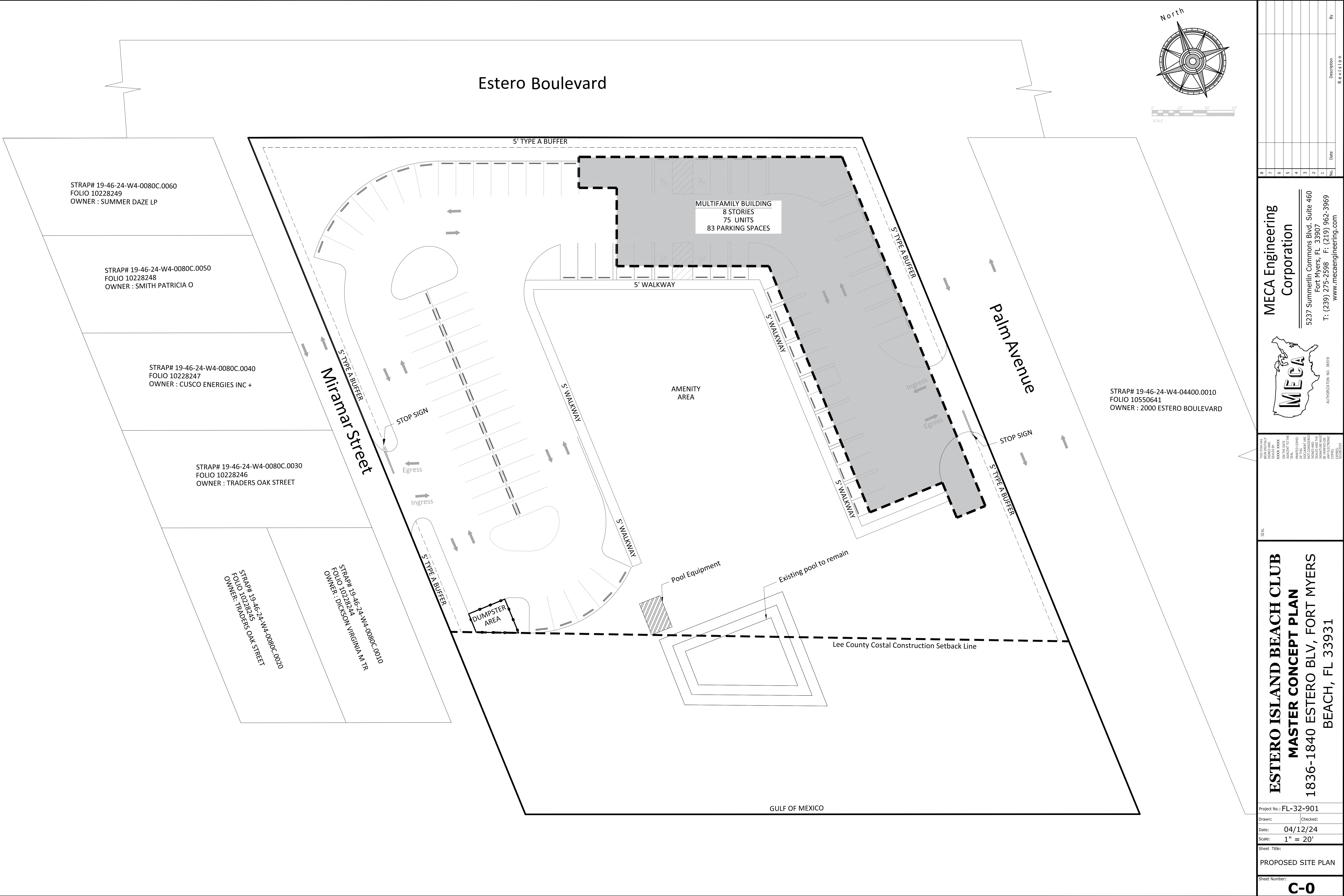
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COVER SHEET

Sheet Number: **T 0**

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Revision		Description	By
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No.	Date		

MECA Engineering Corporation
5237 Summerlin Commons Blvd, Suite 460
Fort Myers, FL 33907
T: (239) 275-2598
www.mecaengineering.com



AUTHORIZATION NO. 38519

THIS DRAWING HAS BEEN REVIEWED AND APPROVED FOR THE PROJECT BY THE ENGINEER. IT IS THE ENGINEER'S RESPONSIBILITY TO ENSURE THAT THE PROJECT COMPLETION DATE IS NOT LATER THAN THE DATE OF THE SIGNATURE. ANY ELECTRONIC SIGNATURES ARE VOID.

**ESTERO ISLAND BEACH CLUB
MASTER CONCEPT PLAN**
1836-1840 ESTERO BLV, FORT MYERS
BEACH, FL 33931

Project No.: FL-32-901

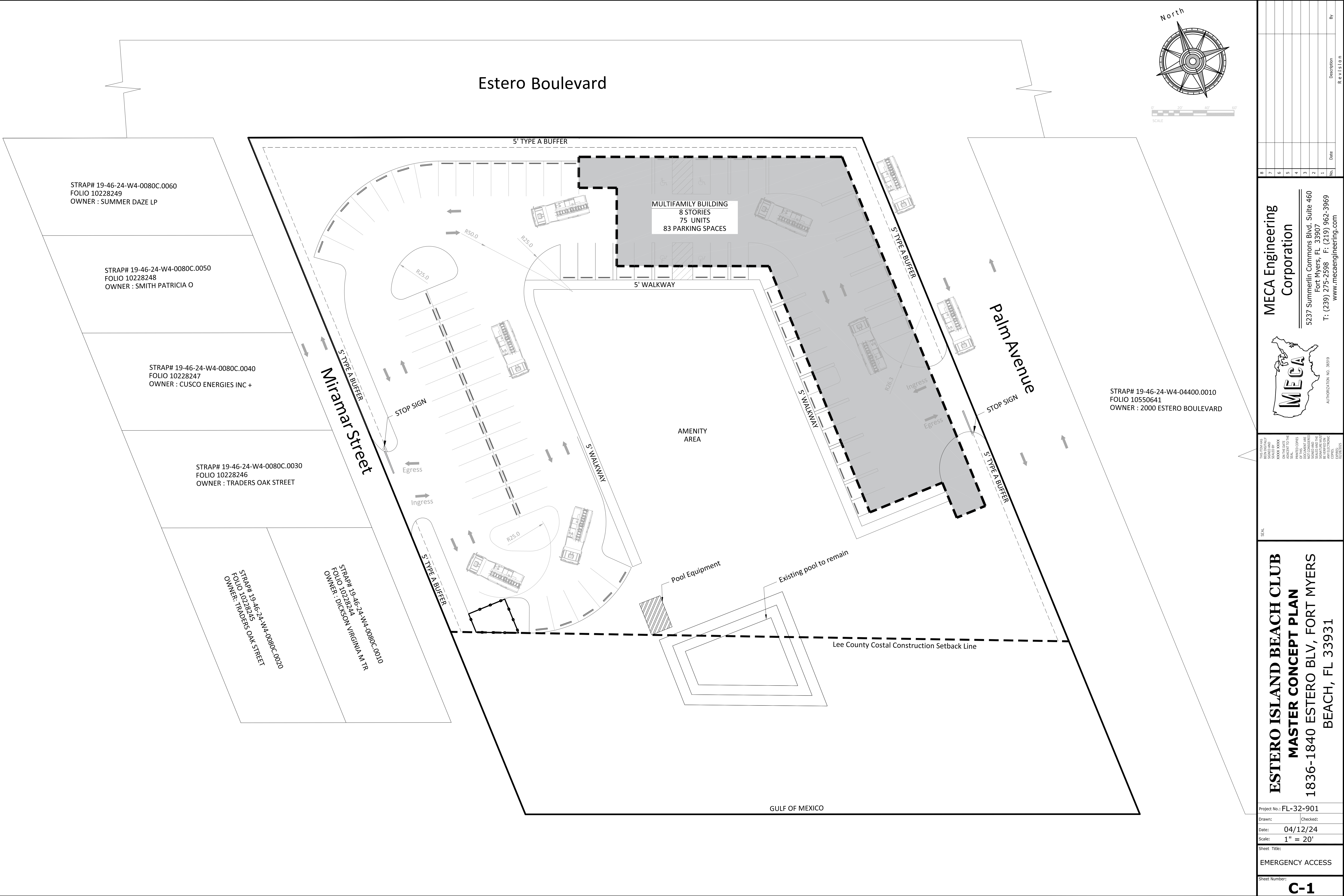
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Sheet Title: PROPOSED SITE PLAN

Sheet Number: C-0



Project No.: FL-32-901

Drawn: Checked:

Date: 04/12/24

Scale: 1" = 20'

Sheet Title: EMERGENCY ACCESS

Sheet Number: C-1

ESTERO ISLAND BEACH CLUB
MASTER CONCEPT PLAN
1836-1840 ESTERO BLV, FORT MYERS
BEACH, FL 33931

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MECA

AUTHORIZATION NO. 36519

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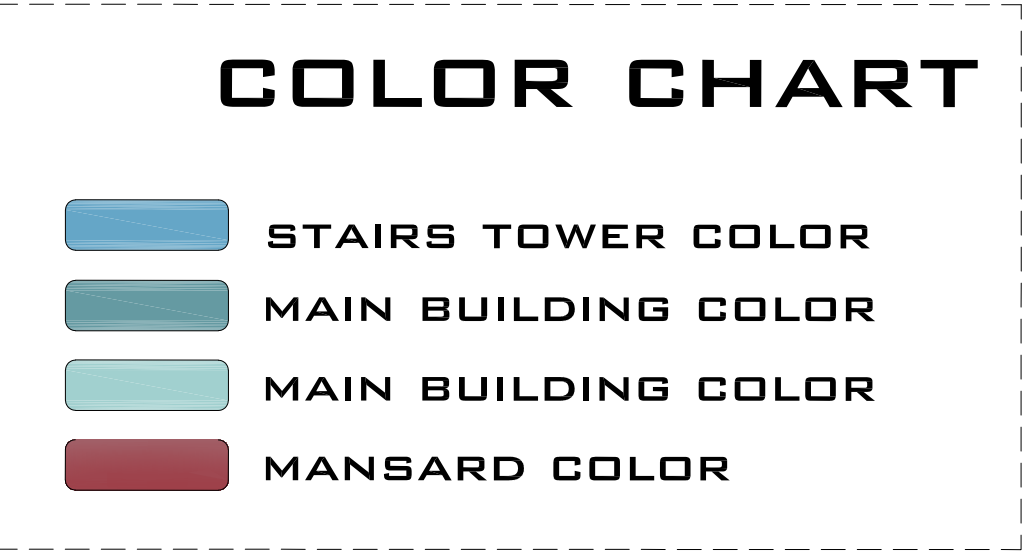
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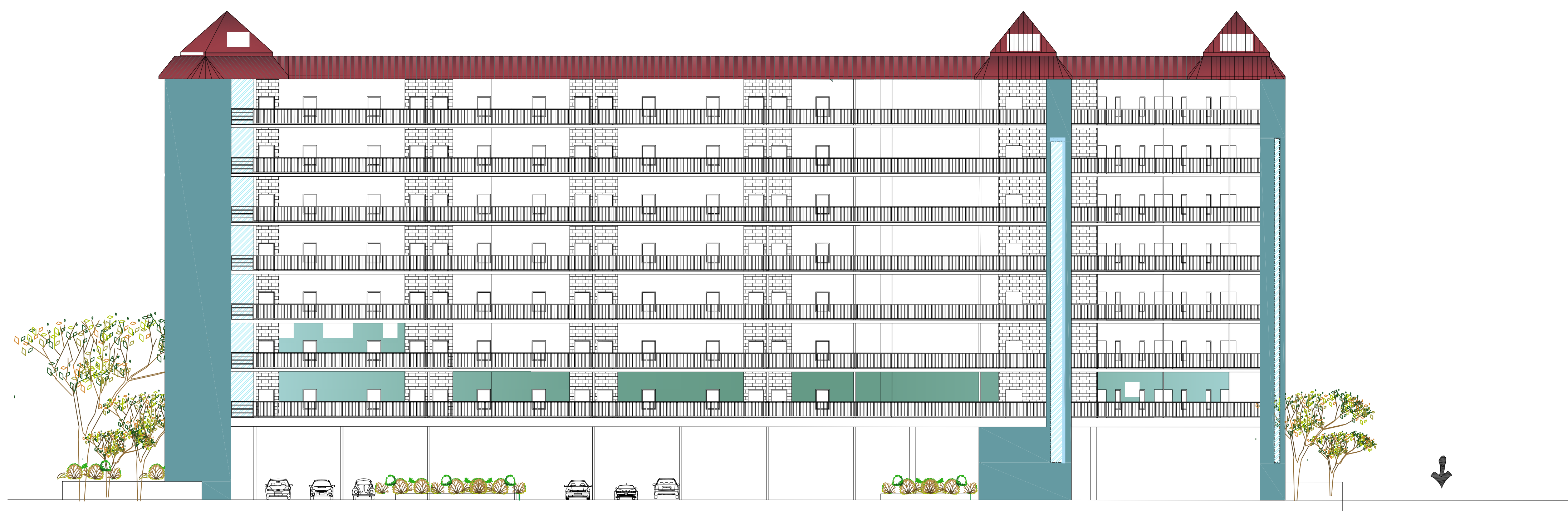
Description

Revision

By

Page 174 of 464







May 28, 2024

Ms. Sarah Propst
Town of Fort Myers Beach Community Development
2525 Estero Boulevard
Fort Myers Beach, FL 33931

**RE: ESTERO ISLAND BEACH CLUB CPD
Town of Fort Myers Beach Commercial Planned Development Application**

Dear Ms. Propst:

Estero Island Beach Club Association, Inc. ("Applicant") is requesting approval to rezone two (2) parcels totaling 1.92+/-acres, from the Downtown zoning district to Commercial Planned Development (CPD), while maintaining 0.78+/-acres of land seaward of the 1978 Lee County Coastal Construction Control Line (CCCL) within the EC zoning district. The CPD will allow for the post-disaster redevelopment of the site with the 75 multi-family/timeshare units, the same density existing prior to Hurricane Ian. Maximum building height requested is eight (8) stories (seven (7) stories of units over one level of parking), for a height of 91 feet, as measured from one foot over base flood elevation (BFE+1). The site will connect to centralized utilities, provide on site parking on surface lots and under the building and move access points to secondary streets.

Enclosed please find a completed CPD application. Please note, a warranty deed has not been provided as the subject property is an existing condominium. Essentially, once the developer submits the property to the condominium form of ownership, the common elements are owned in undivided interests by all unit owners. There is no property owned by the Association and there is no specific deed to the unit owners. Rather, the interest in the common elements is conveyed with each deed to a unit owner. We wanted to provide this explanation.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Fred Drovdllic'.

Fred Drovdllic, AICP
Planning Director



Estero Island Beach Club CPD

Schedule of Deviations and Justifications

1. Deviate from LDC §34-995(b)(1) and (4) regarding entrances requires a primary entrance and views into the first floor of commercial buildings where:

(1) The primary entrance to all buildings shall face the street and

(4) Where building frontages exceed 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet;

to allow the proposed timeshare residential building relief under the requirements.

JUSTIFICATION: The use before the storm and the proposal is for timeshare units. Even though timeshare is categorized as hotel/motel and considered a commercial use, there is no storefront or retail/office uses on the ground floor that would dictate the needs for pedestrian interaction or entrances into storefronts.

2. Deviate from LDC §34-992(c) requiring the principal facades of hotel buildings that will not contain commercial uses below base flood elevation to screen under-building parking areas in a manner acceptable to the town manager or designee; to allow no screening of the parking area.

JUSTIFICATION: The use before the storm and the proposal is for timeshare units. Even though timeshare is categorized as hotel/motel and considered a commercial use, there is no storefront or retail/office uses on the ground floor. Because of the V-Zone screening is not desired. Moreover, because of the increased design flood elevations as determined by FEMA being nearly 21 feet from ground there is an opportunity to leave the parking under the list habitable floor unscreened to allow a view through the understory parking. Now, with that said, the property is proposing a 5-foot landscape buffer around the perimeter of the property, landscape islands in the new parking areas that will provide landscape-based improvements.

3. Deviate from LDC §34-675(b)(3)c that requires a maximum height of 40 feet above base flood elevation and no taller than three stories for properties on the south side of Estero Boulevard east of the main pedestrian crossing in the Downtown zoning district; to allow a height of:

- 91 feet as measured from one foot over base flood elevation (BFE+1) or
- 87 feet above FDEP design flood elevation (DFE) and
- eight (8) stories (seven (7) stories over ground level parking).

JUSTIFICATION: The permitted height in the Downtown District at this location is a maximum of 40 feet above base flood elevation per LDC [§34-675(b)(3)c. The BFE+1 at this location is 16 feet and the FDEP design flood elevation (DFE) is 20 feet. The proposed structure is a single building of 106 feet in total height from sea level.

The purpose of the Downtown zoning district is to create a desired quality and character of the center of the pedestrian-oriented commercial activities within the town. There is a mix of resort/hotel, rental and commercial properties that surround the subject property to the south and east with three (3) single-family homes to the north.

To the immediate south of the site is Beach Access #30 at the end of Palm Avenue and the Diamond Head Beach Resort – a 13-story resort that includes 121 hotel rooms, event space, commercial space, restaurant and bars, and other associated amenities.

Also, in the general vicinity are some of Fort Myers Beach's most high intensity establishments, including the Lani Kai Resort approximately 900 feet north of the site and the new Margaritaville Resort just ¼ mile north. 700 feet to the south of the subject property is the Neptune Resort, which recently filed for redevelopment of a 6-story structure and doubling the number of hotel rooms from 71 to 140 keys. Thus, the site is well located for redevelopment of timeshare resort uses in relation to similar uses, densities, and intensities in the Town's Downtown area.

Finally, the revised layout uses height to create a vertical development rather than sprawled horizontal layout that significantly increase the viewsheds to the Gulf of Mexico and the beach.

4. Deviate from LDC §34-633 where the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking; to eliminate counting the ground level covered parking area towards FAR and meet the required 1.4 FAR for this subject property.

JUSTIFICATION: The LDC §34-675(c)(2) that limits the FAR of properties fronting on Estero Boulevard and fronting on the Bayfront pedestrian plazas to a maximum of 1.4

The area of the subject property landward of the 1978 Lee County CCCL is 1.92 acres or 83,635.2 square feet. The land area used in the calculation is the gross square footage within the site's private property line, minus wetlands, canals or other waterbodies, and minus any land designated "recreation" on the comprehensive plan's future land use map.

The proposed building has a footprint of 16,700 square feet with seven (7) livable stories over 1st floor parking. Therefore, the total proposed floor area is 133,600 square feet resulting in an FAR of 1.6. If the deviation were to be approved to eliminate counting the first-floor parking area in the FAR calculation, the floor area is reduced to 116,900 square feet. The result is an FAR of 1.4 meeting the maximum FAR of 1.4 permitted in the Downtown zoning district at this location.

It is our understanding that the Town staff, LPA and Council have moved towards future LDC amendments making this request permanent thus the request meets the intent of the will of the Town.



ESTERO ISLAND BEACH CLUB CPD

Development Standards

Minimum Setbacks

Estero Boulevard:	10 feet
Miramar Street:	50 feet
Palm Avenue:	5 feet
1978 LC CCCL:	5 feet (principal)/0 feet (accessory)

Minimum Open Space: Per LDC Section 10-415

Maximum Building Height¹: 8 stories (7 stories over 1 story of structured parking)
91 feet measured from Base Flood Elevation plus 1-foot
87 feet measured from FDEP design flood elevation (DFE)

Maximum FAR²: 1.4 FAR

Maximum Density: 75 units

Parking Spaces: In accordance with LDC Section 34-2020 with a 67% reduction permitted through LDC Section 34-676(a)(4)

1. See deviation #3
2. See deviation #4



ESTERO ISLAND BEACH CLUB CPD Request Narrative & Comprehensive Plan Compliance

I. Request

Estero Island Beach Club Association, Inc. ("Applicant") is requesting approval to rezone two (2) parcels totaling 1.92+/-acres, from the Downtown zoning district to Commercial Planned Development (CPD), while maintaining 0.78+/-acres of land seaward of the 1978 Lee County Coastal Construction Control Line (CCCL) within the EC zoning district. The CPD will allow for the post-disaster redevelopment of the site with the 75 multi-family/timeshare units, the same density existing prior to Hurricane Ian. Maximum building height requested is 106 feet over sea level and eight (8) stories (seven (7) stories of units over ground level of parking), for a height of 91 feet, as measured from one foot over base flood elevation (BFE+1), or 87 feet, as measured from FDEP design flood elevation (DFE). The site will connect to centralized utilities, provide on site parking on surface lots and under the building and move access points to secondary streets.

II. Property History & Existing Conditions

The subject property is generally located on the gulf side of Estero Boulevard approximately 1/2 mile southeast of Times Square. The location is the designated "Downtown" area with the heaviest concentration of resort-tourism and commercial businesses, as well as multi-story buildings, such as the Diamond Head Beach Resort to the immediate south.

Per the LDC requirements for height, stories and floor-to-area ratio (FAR) the project is located on the south side of Estero Boulevard east of the main pedestrian crossing fronting on Estero Boulevard.

The property was developed as the Estero Island Beach Club in 1981 with 75 timeshare units in two (2) buildings. The northern structure abutting Miramar Street was three stories tall, while the southern structure abutting Palm Avenue was two stories tall. These buildings were arranged perpendicular to the gulf with an "L" shape to the southern building that limited the view corridor to the Gulf to 40+/- feet from Estero Blvd. The property included three (3) pool areas serving as private, on-site amenities for the guests, including a pool located seaward of the 1978 Lee County CCCL, and beach access.

The site has two direct access points onto Estero Blvd., multiple access points from Miramar Street, and surface parking backing out onto Palm Avenue. The site provided 87 parking spaces with direct pull in spaces on Palm Avenue.

The existing site was permitted and built prior to the incorporation of the Town of Fort Myers Beach, which resulted in the property and its improvements being legal non-conforming, as the Town adopted a maximum building height of three stories and 40 feet in the Downtown District in this location, and a maximum density of 6 units per acre. The built site density was 39 du/ac (75 DUs on 1.92 acres landward of the CCCL).

Like much of Fort Myers Beach, the site was significantly impacted due to Hurricane Ian. The buildings are not habitable and must be demolished and rebuilt. The beachfront pool and pool deck are intact, a portion of which extends beyond the 1978 Lee County CCCL. The intention is to redevelop the entire property to the prior density to current Florida Building Code and FEMA standards, while resurfacing the pool that is mostly seaward of the 1978 Lee County CCCL and replacing the pool equipment, which is landside of the 1978 Lee County CCCL.

III. Surrounding Land Uses

The underlying future land use category ("FLU") is Pedestrian Commercial landward of the 1978 Lee County CCCL and Recreation seaward of the 1978 Lee County CCCL. The property is zoned Downtown landward of the CCCL and Environmentally Critical seaward of the 1978 Lee County CCCL. Likewise, all surrounding properties are in the Downtown zoning district, and the Pedestrian Commercial future land use category.

The purpose of the Downtown zoning district is to create a desired quality and character of the center of the pedestrian-oriented commercial activities within the town. There is a mix of resort/hotel, rental and commercial properties that surround the subject property to the south and east with three (3) single-family homes to the north.

To the immediate south of the site is Beach Access #30 at the end of Palm Avenue and the Diamond Head Beach Resort – a 13-story resort that includes 121 hotel rooms, event space, commercial space, restaurant and bars, and other associated amenities.

Also, in the general vicinity are some of Fort Myers Beach's most high intensity establishments, including the Lani Kai Resort approximately 900 feet north of the site and the new Margaritaville Resort just ¼ mile north. 700 feet to the south of the subject property is the Neptune Resort, which recently filed for redevelopment of a 6-story structure and doubling the number of hotel rooms from 71 to 140 keys. Thus, the site is well located for redevelopment of timeshare resort uses in relation to similar uses, densities and intensities in the Town's Downtown area.

Table 1 – Surrounding Land Uses

	Future Land Use	Zoning	Existing Land Uses
North	Pedestrian Commercial	Downtown	Single Family homes
South	Pedestrian Commercial	Downtown	Hotel / Resort (Diamond Head Beach Resort)
West	Recreation	Environmental Conservation	Gulf of Mexico
East	Pedestrian Commercial	Downtown	Commercial

IV. Proposed Development

The enclosed Master Concept Plan provides the proposed layout of the redesigned site. As noted above, the Applicant is requesting post-disaster buildback of the 75 units that existed prior to Hurricane Ian in a manner that is modern/marketable, attractive, and safe. The proposed redevelopment will provide a more resilient structure to protect public health, safety, and welfare, as well as property values amidst future storm-surge and wind events.

HEIGHT, STORIES and FAR

Per the LDC requirements for height, stories and floor-to-area ratio (FAR) the project is located on the south side of Estero Boulevard east of the main pedestrian crossing [§34-675(b)(3)c] fronting on Estero Boulevard [§34-675(c)(2)].

Height

The permitted height in the Downtown District at this location is a maximum of 40 feet above base flood elevation per LDC [§34-675(b)(3)c]. The BFE+1 at this location is 16 feet and the FDEP design flood elevation (DFE) is 20 feet.

The proposed structure is a single building of 106 feet in total height from sea level.

- The measured height from BFE+1 is 91 feet, a difference of 51 feet over the 40 feet permitted in the Downtown District.
- The measured height from FDEP DFE, which is the stricter standard and takes precedent over BFE, is 87 feet, a difference of 46 feet over the 40 feet permitted in the Downtown District.

Stories

Per LDC [§34-675(b)(3)c at this location in the Downtown District a building may be no taller than three (3) stories.

The proposed building is eight (8) stories with the bottom floor consisting of parking and the remaining seven (7) floors containing timeshare units and accessory uses.

FAR

The FAR permitted at this location in the Downtown zoning district per LDC §34-675(c)(2) is 1.4. Per LDC §34-633 the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking, but not including any area whose roof is screened rather than solid (such as swimming pool enclosures).

The land area used in the calculation is the gross square footage within the site's private property line, minus wetlands, canals or other waterbodies, and minus any land designated "recreation" on the comprehensive plan's future land use map. The area of the subject property landward of the 1978 Lee County CCCL is 1.92 acres or 83,635.2 square feet.

The proposed building has a footprint of 16,700 square feet with seven (7) livable stories over 1st floor parking. Therefore, the total proposed floor area is 133,600 square feet resulting in an FAR of 1.6. The applicant has requested a deviation to eliminate counting the first-floor parking area in the FAR calculation. If the deviation is approved the floor area is reduced to 116,900 square feet. The result is an FAR of 1.4 meeting the maximum FAR of 1.4 permitted in the Downtown zoning district at this location.

It is our understanding that the Town staff, LPA and Council have moved towards future LDC amendments making this request permanent thus the request meets the intent of the will of the Town.

DENSITY

The density of 75 dwelling units results in a density of 27.8 dwelling units per acre (du/ac) using the entire 2.7 acres or 39 du/ac using the 1.92 acres landward of the 1978 Lee County CCCL. This density is vested per the Post-Disaster Buildback provisions.

IMPROVED VIEW CORRIDOR

The view corridor created by the proposed building design is approximately 90+/- feet wide measured from the Miramar Street right-of-way to the proposed building edge. As noted above, the existing structures only provided a view shed of 40+/- feet in width. Thus, the CPD proposes a significant public benefit via enhanced Gulf of Mexico views from Estero Blvd. and adjoining properties by more than doubling the width of the view corridor the beach. The single building

design will cluster the development towards Palm Avenue and the shared property line with Diamond Head, while maintaining expansive view corridors and mitigating impacts to the single-family uses along Miramar Street.

INGRESS/EGRESS

Access and circulation are accommodated as shown on the MCP to provide improved ingress and egress when compared to existing conditions by eliminating an access point onto Estero Blvd in compliance with LDC §34-676(d)(1). Access will no longer be permitted directly to parking spaces from Palm Avenue. A single access point from Palm Avenue is now proposed to reach internal parking spaces with parking block facing Palm Avenue. Finally, the access point on Miramar Street that was closest to the Estero Boulevard intersection has been removed creating greater intersection separation and improving safety.

PARKING

Parking will be improved. The major change is code compliance by not having parking spaces that back out into a right-of way on Palm Avenue.

The former site provided 87 parking spaces. The proposed site plan proposed 83. The parking requirements are determined in LDC §34-2020(d) for standard residential units, while timeshare units are under hotel parking in §34-1804 that requires for 1.5 spaces per unit larger than 450 square feet. The worst-case parking requirement would be 75 dwelling units x 1.5 spaces per unit = 112.5 spaces. §34-676(a) provides off-street parking reductions in the Downtown district, which in this location is by multiplying the requirement by 67 percent; therefore, the worst-case requirement would be 112.5 spaces x .67 = 75 spaces.

EXISTING AMENITIES

The MCP proposes to maintain the existing pool that is seaward of the 1978 Lee County CCCL and only make minor cosmetic improvements such as painting, as the amenity remains structurally intact post-land, in conformance with the LDC provisions governing post disaster buildback.

V. Infrastructure

The subject property was developed with 75 timeshare units since 1981 and has been adequately served by public utilities and services due to its urban location and general proximity to the Town's and County's investment in infrastructure. No increase in units is proposed through this CPD, thus additional evidence of infrastructure availability is not required by the application.

VI. Post-Disaster Buildback Compliance

Pursuant to LDC §34-3238(2), a property that is more than 50% damaged may be rebuilt according to the post-disaster buildback regulations in the Town's Land Development Code. Outlined below are the regulations pertaining to Post-Disaster Buildback and the CPD's compliance with the Town's requirements in LDC §34-3238(2).

A. The building must meet the floodplain regulations for new buildings, as provided in Article IV of Ch. 6 of this LDC.

To comply with local, state, and federal regulations the building will be constructed to meet or exceed modern floodplain regulations. The minimum finished floor of the building will be constructed to FEMA base flood elevation + 1 foot per the LDC.

- B. The building must meet the coastal construction requirements that apply to new structures and portions thereof, as provided in Article III of Ch. 6 of this LDC and in state regulations. Due to these requirements, habitable major structures and most minor structures that are damaged by more than 50 percent must be rebuilt landward of the 1978 coastal construction control line (CCCL).**

The existing development placed all major structures landward of the 1978 Lee County CCCL, except for a beachfront pool that extends seaward of the CCCL. The proposed building will comply with this regulation and be placed entirely landward of the CCCL. The existing pool will be maintained seaward of the CCCL, as it was not damaged beyond 50 percent. Any improvements to this pool will be limited to “cosmetic” updates, pool equipment replacement and maintenance, such as repainting.

- C. The building must comply with all current building, life safety, and accessibility codes.**

As previously noted, the newly constructed building will comply with local, state, and federal regulations. This includes the Florida Building Code, safety, and accessibility requirements. All structural modifications to the site will obtain required permits and inspections from the Town and applicable agencies.

- D. Residential buildings. A rebuilt residential building may exceed the density limits for new buildings on vacant land but cannot exceed the legally documented number of dwelling units in the building immediately before the natural disaster.**

This does not directly apply as the former and proposed building is a timeshare building which is a commercial use. However, the plan proposes to develop the same density (75 units) that existing prior to Hurricane Ian as documented in the recorded Declaration of Condominium documents.

- F. All buildings. The new building must comply with all other zoning and development regulations except where compliance with such regulations would preclude reconstruction otherwise intended by Policy 4-D-1 of the comprehensive plan.**

The proposed request is to rezone the property from Downtown to a Commercial Planned Development (CPD) zoning category. The proposed development is to comply with the development regulations of the Downtown zoning district except for those identified in the deviations request for height, number of stories and design standards regarding primary entrance locations and screening of parking areas and to allow the density of the former building. Through this rezoning petition the proposed building will comply with all LDC regulations as outlined in the development standards portion of this application. Further, §VII of this request narrative provides detailed consistency between the proposed project and the town’s comprehensive plan.

VII. Decision-making Compliance

The following is an analysis of the CPD’s consistency with the criteria for Rezoning in the LDC §34-85(b) in bold.

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

The rezoning of the property does not create error or ambiguity but rather prevents future discrepancy issues. The CPD zoning district allows for with specific

development regulations to meet unique site designs such as those constructing a legal non-conforming use using post disaster buildback in a restrictive zoning district. The CPD allows for a unique design to promote things such as larger view corridors through greater height and unique setbacks.

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

The Town of Fort Myers Beach and Estero Island have been changed by Hurricane Ian. Furthermore, the building code and flood zones have changed significantly since the site was first developed over 40 years ago. The proposed CPD will allow for development of a safe and modern structure, that complies with current development standards, and is more resilient to future weather events.

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

N/A

(4) The testimony of any applicant.

As a quasi-judicial process, the CPD zoning will allow for substantive and competent evidence to be presented to and considered by the Local Planning Agency for recommendation and Town Council for a decision or conditions for approval. The testimony presented will conclude that the request is consistent with the goals, objective and policies of the Comprehensive Plan and all applicable development regulations.

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

The Town Council will consider the staff report and recommendation as well as the report and recommendation of the LPA, which will be rendered after a public hearing where the staff and applicant will present evidence, the public will speak, and the LPA is permitted to ask questions of all parties.

(6) The testimony of the public.

During the quasi-judicial process, the public is invited to present evidence for support, concerns, or issues with the proposed development in an advertised forum according to Sunshine laws of Florida.

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

The proposed development considers Fort Myers Beach Comprehensive Plan and does not seek to increase density or change use. The site will comply with modern post-disaster buildback policies in the Comprehensive Plan and LDC, by meeting flood regulations and life safety and ADA requirements. The requested height increases will be compatible with surrounding building heights in this intensive Downtown core of the Town, while providing increased view corridors to the Gulf of Mexico for the benefit of the public.

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

The existing structures have been significantly damaged. With the ability to buildback the site under the same density and use, the development program will meet or exceed performance and locational standards. The newly constructed building will remove direct access onto Estero Boulevard helping with traffic flow and be served by the side streets as required by LDC 34-676(b)(1). It will also contribute to improved performance and functionality of the Downtown area by addressing safety, Gulf viewsheds, and an enhanced built form along Estero Blvd.

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

The proposed request does not increase density or intensity of the site. The 75 units have been served by adequate services and will continue to be served post-redevelopment.

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

The proposed development will occur on impacted portions of the site where development historically occurred. No new impacts to environmentally sensitive areas are proposed. The project will comply with all local and state regulations pertaining to the area seaward of the CCCL through compliance with the stringent EC zoning district.

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

The proposed development is identical in use and density with the former use of the property. The increased height and stories will be designed in such a way to not create negative impacts to the surrounding land uses by locating the building closest to Diamond Head and maximizing the setback to the single-family uses to the north. The CPD will enhance compatibility in terms of public viewsheds based on the building location.

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

The proposed development will serve to improve the vehicular and pedestrian access by eliminating curb cuts from Estero Boulevard improving circulation. The use will be identical to the existing density which already is served by Estero Boulevard. No TIS has been provided as the site will not generate more trips than the development that existed pre-Hurricane Ian.

According to LDC §34-216, Planned Development Rezonings must also comply with the following criteria:

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

The use and location are appropriate for the proposed CPD, as the same use and density has existed on the site since 1981. It has long been a multifamily timeshare development with 75 units. The proposed request will not increase the density or intensity of the site. Additionally, the proposed development is similar in height and size to those in the surrounding area.

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

The MCP, development standards and schedule of uses ensure there are sufficient safeguards to the public interest, relating to access, building placement, view corridors, and setbacks.

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

The Applicant will coordinate with Staff relating to appropriate conditions of approval for the CPD.

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

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

N/A

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

N/A

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

The proposed building height demonstrates consistency with the surrounding development patterns, both existing and proposed. The proposed eight (8) story structure will be located on the southernmost portion of the site adjacent to the 13-story Diamond Head Beach Resort. This will maximize separation from nearby single-family homes and also significantly increase the public viewshed of the Gulf of Mexico from Estero Blvd. Surrounding heights are analyzed on the Surrounding Heights Map to further demonstrate the proposed height will be compatible with the built form in this Downtown core of the Town.

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

N/A

5. Policy 4-E-1 on pre-disaster buildback.

N/A

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

The CPD will not result in significant traffic impacts as the site's existing density and intensity will remain the same.

VII. Comprehensive Plan Consistency Narrative

The following is an analysis of how the proposed Comprehensive Plan Amendment is consistent with the goals, objectives, and policies (GOPs) of the Town of Fort Myers Beach Comprehensive Plan. The adopted GOP headings are listed below, and the Applicant's compliance analysis is shown in **bold**.

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

The proposed CPD rezone includes enhanced pedestrian safety and streetscape aesthetics via building placement, in direct compliance with this policy, including the elimination of two driveways directly onto Estero Boulevard that have historically brought pedestrian and car traffic into conflict. The MCP will provide sidewalk connectivity throughout and increase views of the Gulf of Mexico that generally improve the aesthetics of Estero Boulevard.

POLICY 1-B-3 Identify potential mechanisms to implement and maintain special amenities such as entry features, monuments, or other special landscape projects.

The CPD proposes a widened view shed (90-feet-wide) to the Gulf and greater focus on the public beach access #30.

POLICY 4-A-1 Maintaining the town's current "human scale" is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.

The MCP and development parameters propose ground floor parking and a narrow façade with the building arranged perpendicularly to the beach and Estero Boulevard. In doing so, the pedestrian walkway along Estero boulevard will benefit from a larger view of the Gulf, which is increasing from 40 feet to 90+/- feet.

POLICY 4-A-5 The town contains many important natural resources despite its urbanized character. Preservation of those resources is of the highest importance and is a frequent theme throughout this plan.

Uses and development in the areas waterward of the 1978 Coastal Construction Control Line (CCCL) will continue to comply with the above policy. Minor cosmetic repair to the pool seaward of the CCCL is proposed in accordance with the provisions of the LDC. Other portions of the Property are disturbed/developed. The development program will be designed and constructed to the latest South Florida Water Management District and Department of Environmental Protection standards to ensure high-quality development that protects natural resources.

POLICY 4-B-8 "RECREATION": applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control

line. Additional accretions of beach, whether by natural causes or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all dwelling units to be constructed outside this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.

The proposed request takes into consideration the Recreation portion of the site and is only requesting to rezone those areas within the Downtown district zoning category. Because the Recreation category will remain, the uses and development in this area will continue to comply with the above policy based on restriction.

The design and scale of the proposed development has been carefully planned to remain consistent with the surrounding developments and provides a new building with softened landscaping and architectural details.

OBJECTIVE 7-E UPGRADE ESTERO BOULEVARD.

The proposed development increases pedestrian safety on Estero Boulevard by proposing access points off side streets rather than by direct curb cuts on Estero Boulevard.

OBJECTIVE 6-E DUNES AND BEACHES

The proposed development will contribute to the beach renourishment efforts by the Town and state agencies, as well as implement localized dune renourishment, as required by the Town.

POLICY 6-H-5 WATER QUALITY

The proposed project will abide by any required reviews by the FDEP and SFWMD to ensure water quality is maintained and the project meet the current standards will be applied.

VIII. Conclusion

In sum, the CPD rezoning request will allow for the redevelopment of the Estero Island Beach Club with a modern, attractive and safe structure that enhances the property's and Town's resiliency in the long-term.

The CPD will not increase the site's established density and is primarily requested to allow specific site development regulations that do not meet the requirements under the conventional Downtown zoning district.

The newly constructed building will contribute to Fort Myers Beach's aesthetic character, including substantial increases to views of the Gulf, and improved community appearance and safety along Estero Blvd.

As proposed through the CPD request and the Master Concept Plan, the CPD rezoning will be consistent with the vision and implementing goals, objectives and policies of the Town's Comprehensive Plan and Land Development Code Regulations. For these reasons, the Applicant respectfully requests approval of this petition.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 1836 & 1840 ESTERO BLVD FORT MYERS BEACH FL 33931

STRAP Number: 19-46-24-W4-03200.1010 & 19-46-24-W4-03200.00CE

Applicant: Estero Island Beach Club Association, Inc. Phone: 239-770-0989

Contact Name: John Shaw Phone: _____

Email: John@ralresorts.com Fax: _____

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial, Recreation

FLUM Density Range: 6-10 DU/Acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Estero Island Beach Club Association, Inc. Phone: _____

**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: 17810 San Carlos Blvd.

Email: John@ralresorts.com Fax: _____

Contact Name: RAL Resort Property Management, Inc. c/o John Shaw Phone: 239-770-0989



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Fred Drovdlc, AICP, RVI Planning + Landscape Architecture Phone: (239) 989-3370

Address: 1514 Broadway, Suite 201, Fort Myers, FL 33901

Email: fdrovdlc@rviplanning.com Fax: _____

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

Name: Sarah E. Spector, Esq., Roetzel & Andress, LPA Phone: (239) 338-4213

Address: 2320 First Street, Suite 1000 Ft. Myers, FL 33901

Email: sspector@ralaw.com Fax: (239) 337-0970

Name: MECA Engineering c/o Tony Stofko Phone: 219-545-9153

Address: 565 Broadway Ave., Merrillville, IN 46410

Email: tony.stofko@mecaengineering.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: LDC Section 10-286 Description: Traffic Impact Study
The application proposed post-disaster buildback of the same number of units (75 DUs) that previously existed prior to Hurricane Ian.

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

- ☐ Single Owner (individual or husband and wife)
- Name: N/A Phone: _____
- Mailing Address: _____
- Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

N/A

Signature

N/A

Printed Name

STATE OF N/A COUNTY OF N/A

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

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

James Murley - President

N/A - Condominium Assoc.

Craig Block - Vice President; Jeffrey Hunsucker, Treasurer

Bonnie Schaafsma - Secretary; Jay wade - Officer

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature

James Murley

Printed Name

AFFIDAVIT

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

I, James Murley (name), as President (title)
of Estero Island Beach Club Association, Inc (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

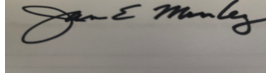
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Estero Island Beach Club Association, Inc

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



Signature

James Murley

Typed or Printed Name

HOA President

Title

12/13/2023

Date

STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☒ online notarization, this 13th day of December, 2023, by James Murley, ☐ who is personally known to me OR ☒ who has produced Indiana DL #8938-32-3817 as identification.

Seal





Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-03200.1010, 19-46-24-W4-03200.00CE

Property Address: 1836 & 1840 Estero Blvd Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☒ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: Miramar & T.P.Hill's Subdivision

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

****See attached boundary survey for Book/Page/Unit/Block/Lot information**

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 315+/- feet

Depth (please provide an average width if irregular in shape) 375+/- feet

Frontage on street: 315+/- feet. Frontage on waterbody: 315+/- feet

Total land area: 1.92 +/- ☒ acres ☐ square feet

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

From Matanzas Pass Bridge go west on San Carlos Blvd and continue south on
Estero Boulevard for 800 feet. The subject property will be located on the
right (Gulfside) adjacent to Diamond Head Resort.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☐ Mixed Residential

☐ Boulevard

☒ Pedestrian Commercial

☐ Marina

☒ Recreation

☐ Wetlands

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

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

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

Project Name: Estero Island Beach Club Residential Planned Development
Authorized Applicant: RVi Planning + Landscape Architecture c/o Fred Drovdlc, AICP
STRAP Number(s): 19-46-24-W4-03200.1010, 19-46-24-W4-03200.00CE

Current Property Status: Estero Island Beach Club (75-Unit Multi-Family Bldgs)
Current Zoning: Downtown, Environmentally Critical (EC)
Future Land Use Map (FLUM) Category: Pedestrian Commercial, Recreation, Tidal Water
Platted Overlay? ☐ yes, ☒ no FLUM Density Range: 6-10 du/acre

Requested Action:

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

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☒	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)

C. Comprehensive Plan Compliance.

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

[illegible]

D. Design Standards Compliance

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

[illegible]

E. Decision-making Compliance

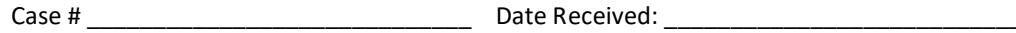
Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

[illegible]

F. Schedule of deviations and written justification

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

[illegible]



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

[illegible]

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

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

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

Guide to Filing Supplement PH-D for Planned Developments

Amendments Applications for amendments to an approved Master Concept Plan or its attendant documentation will require as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in surrounding land uses that have occurred since the original application. Some amendments can be approved administratively as provided in LDC Section 34-219, but all other amendments must proceed through the public hearing process.

Through a pre-application meeting with Community Development staff, prospective applicants can determine whether proposed amendments will require a public hearing, and can request waivers from any submittal requirements that are not necessary to specify the changes requested.

All other planned developments All other applications must complete and submit the Request for Public Hearing and Supplement PH-D, along with all required documents. Refer also to the instructions for the Request for Public Hearing form.

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate whether the request is a DRI (Development of Regional Impact) that requires rezoning, a Planned Development, or an amendment to a Planned Development.

Part 1 Narrative Statements:

Comprehensive Plan Amendments

If Comprehensive Plan Amendments are pending that might affect the future use of the property, explain the amendments' possible effects.

Construction Phasing

If the project is to be constructed in multiple phases, describe the ordering and timing of the proposed phasing. In the absence of a phasing plan, phasing of development would be governed by the limitations of LDC Section 34-220.

Comprehensive Plan Compliance

Explain how the proposed development complies with the Fort Myers Beach Comprehensive Plan. Address the Future Land Use Map category or categories applicable to the subject property and any other relevant policies.

Design Standards Compliance

For properties and/or projects as described in LDC Section 34-992, explain how the proposed development will comply with the standards in LDC Sections 34-991 through 34-997.

Decision-making compliance

Explain how the proposed development will comply with the standards for decision-making in LDC Section 34-85.

Schedule of deviations and written justification

Identify the deviations from the requirements of the Land Development Code that are requested for the proposed development and justify them in relation to the guidance in LDC Section 34-932(b).

Administrative amendments

If the request is for an amendment to a planned development, indicate which of the requested changes could not be approved administratively as allowed by LDC Section 34-219.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for rezoning, including Planned Developments and Planned Development amendments for which public hearing is required, consist of the Public Hearing form and the supplemental form PH-D. Both parts of the application form must be completed and submitted.

Master Concept Plan. The master concept plan consists of maps, graphic illustrations, and written statements concerning the development. Space has

been provided on this form for many of the required narrative statements, though they can be attached on separate sheets. A master concept plan must include the following required information:

- a. The general size, configuration, and location of each development phase, and a description of the phasing of construction, unless the development is to be constructed in a single phase.
- b. The maximum height of any proposed buildings or structures, using the Land Development Code's method of measuring building height (see LDC Section 34-631).
- c. Proposed principal and accessory uses, identified using the terminology employed in the Land Development Code. Employ the groupings of uses in Tables 34-1 and 34-2 of the Land Development Code, or specify individual uses if necessary.
- d. The density and intensity of the proposed uses, in terms of dwelling units by type, or through conversion factors for hotel/motel units. Provide gross square footages for types of commercial uses, and maximum Floor-Area Ratio.
- e. The minimum width and composition of proposed buffers along the perimeter of the property. References to the types of buffers required by LDC chapter 10 are acceptable.
- f. The location of any environmentally sensitive land and water, based on standard environmental data capable of verification by Town staff. Developments larger than one acre in size may require a protected species survey under LDC Section 10-473.
- g. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development, with distances from other existing or planned rights-of-way or access points.
- h. Access and facilities for public transit, if applicable.
- i. The general location of stormwater management areas.
- j. The specific locations of requested deviations, including sample detail drawings illustrating their effects if applicable.
- k. The exact location of existing rights-of-way and easements, whether or not those easements are recorded.
- l. Proposed dedications, if any, including beach access, boat ramps, park or recreation areas, open space, or other easements.

Traffic Impact Statement. A traffic impact statement in the same format and to the same degree of detail required for development orders (LDC Section 10-286).

Architectural Elevations. Architectural elevations or three-dimensional renderings that show at minimum all building façades adjoining public streets. These drawings will serve for the sketch requirement of LDC Section 34-202(b)(5) as well. If aspects of the proposed design will not comply with the commercial design standards of LDC Sections 34-991 through 34-997 (if required), the applicant may request deviations from those standards.

Schedule of uses. A list of all proposed principal and accessory uses. Identify these uses by reference to the groups of uses in Tables 34-1 and 34-2 of the Land Development Code unless greater specificity is necessary. For amendments to planned developments that were approved under different regulations, the enumeration of uses in the schedule of uses supplied for the amendment must be specific enough to explain what uses were previously approved without future reference to prior regulations or approvals.

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

Yellow Sheet Number: **2024-122**

1. Request:

Meeting Date: June 11, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENY SPECIAL EXCEPTION SEZ20240126 TO ALLOW RECONSTRUCTION OF STORM DAMAGED INFRASTRUCTURE IN THE EC ZONING DISTRICT, INCLUDING: A PARTIAL PARKING LOT, A NEW ALUMINUM RAIL FENCE ALONG THE SEAWALL, AND NEW FENCE WITH GATE AROUND THE SOUTH GARDEN, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

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

What the action accomplishes:

The Town Council will consider the recommendation of the LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

resolution

5. Background:

The applicant is proposing the reconstruction of a partial parking lot, construction of a new aluminum rail fence along the seawall, and installation of a new fence with gate around the south garden. All are fully or partially in the EC zoning district Environmentally Critical (EC) zoning district, seaward of the Coastal Construction Control Line (CCCL). The portion of the parking lot that is seaward of the EC line existed prior to Hurricane Ian. The proposal of the aluminum fence/rail along the seawall is for life safety purposes, and the South Garden fence/gate is new developments that did not exist prior to Hurricane Ian.

Attachments:

1. SEZ20240126 Leonardo Arms Staff LPA
2. Exhibit 1-A site plan
3. Exhibit B - Property Owner Acknowledgment list
4. Exhibit D - Complete application 7400 Estero
5. Resolution 24-xx SEZ20240126- 7400 Estero Blvd (1) ns

Financial Impact:

unknown

6. Alternative Action

Deny or Approve with conditions

7. Staff Recommendations:

Recommended approval with conditions of the parking lot and denial of the fence along the seawall and for the south garden fence/gate.

8. Recommended Approval:

Date: June 05, 2024

Frankie Kropacek, Operations & Compliance Director

Date: June 05, 2024

nancy stuparich, Town Attorney

Date: June 07, 2024

Amy Baker, Town Clerk



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20240126

CASE NAME: Special Exception for reconstruction of storm damaged infrastructure in the EC zoning district, including: a partial parking lot, a new aluminum rail fence along the seawall, and new fence with gate around the south garden .

LPA

HEARING DATE: June 11, 2024, at 9:00 AM

STAFF

RECOMMENDATION: APPROVAL of partially damaged parking lot.
DENIAL for the development of new seawall fence.
DENIAL for garden fence partially or fully in the EC.

**PREPARED/
SUBMITTED BY:** Eli Lee, Planner, & Sarah Propst AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Timothy Bagget/Leonardo Arms Beach Club
Condominium Association

Requests: To reconstruct a partial parking lot, construct a new aluminum rail fence along the seawall, and new fence with gate around the south garden partially in the EC zoning district.

Physical Address: 7400 Estero Blvd

STRAP #: 03-47-24-W4-02000.00CE, 03-47-24-W4-02100.00CE

FLU: Recreation

Zoning: Environmentally Critical

Adjacent zoning and land uses:

North:	Residential Multifamily (RM) Mixed Residential
South:	Environmentally Critical (EC) Recreation
East:	Residential Multifamily (RM) Mixed Residential
West:	Residential Multifamily (RM) Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:

The applicant is proposing the reconstruction of a partial parking lot, construction of a new aluminum rail fence along the seawall, and installation of a new fence with gate around the south garden. All are fully or partially in the Environmentally Critical (EC) zoning district, seaward of the Coastal Construction Control Line (CCCL). The portion of the parking lot that is seaward of the EC line existed prior to Hurricane Ian. The proposal of the aluminum fence/rail along the seawall is for life safety purposes, and the South Garden fence/ gate is new development that did not exist prior to Hurricane Ian.

The portion of the parking lot in the EC is considered a major accessory structure and can be replaced in the EC zoning district with approval of a special exception, per Section 34-652 (e) of the land development code. However, the construction of the fence/ rail along the seawall and the South Garden fence/gate are new developments. The EC zoning district starts at the 1978 Coastal Construction Control Line (CCCL) and extends seaward to the water. The attached site plan indicates the CCCL as the dashed line that is highlighted running through the Leonardo Arms Beach Club Condominium Unit II building.

Analysis:

The condominium structure was built in 1969, per Lee Property Appraiser. Staff does not have a copy of the original development order to verify that the parking lot was built at the same time as the condominium, however it likely was part of the original design and therefore built prior to the creation of the 1978 CCCL. The code requires the condominium building to have 90 parking spaces and they are proposing to have 60 including the 14 that was partially damaged in the EC. The applicant also informed staff that the parking spots are deeded to the residents of the condominium building.

The condominium has met the application criteria of providing notice to the condominium ownership of this special exception application and staff has received a list of the unit numbers which have acknowledged from more than the code required 75% of owners.

The LDC was recently updated to allow major primary and accessory structures to be repaired in the EC zoning district with the approval of a special exception. However, the new seawall fence and garden fence are not considered repairs, and they did not exist before Hurricane Ian. The fence/rail on the seawall is not required by the Florida Building Code, but it is being proposed as a structure for fall protection purposes. Prior to the code change, only single-family residences could be repaired in the EC zoning district.

Neighborhood Compatibility:

A review of the aerials up and down the beach indicate that there are several primary and accessory structure that extend over the 1978 CCCL. The aerials are not precise so that may be an over or under estimate of the number. These developments may request to repair the primary and accessory structure in the same location or may choose to move the structures landward of the CCCL. Repairs to the portions of the Leonardo Arms buildings that extend over the CCCL will require special exceptions for repairs also.

Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

- a. Any repairs must comply with all relevant local and state floodplain regulations.*

The development must comply with local and state floodplain requirements.

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

The repairs and proposed structures are proposed landward of the dune. No dunes or native vegetation will be impacted.

- c. Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

Sea turtle nesting season began May 1st and ends on October 31st.

- d. A new special exception must be applied for each time the structure is repaired.*

This will be a condition of the special exception approval.

Special Exception Findings

LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

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

The partial parking lot in the EC was destroyed or severely damaged during Hurricane Ian. Construction seaward of the EC is likely to be damaged by storm surge in the future, but with the construction of the seawall, the damage could be minimized. Furthermore, the applicant is proposing minor structures seaward of the 1978 Lee County Line (CCCL) that was not present pre-Hurricane Ian. The fence/rail on the seawall is not required by the Florida Building Code, but it is being proposed as a structure for fall protection purposes.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment of the parking lot seaward of the 1978 Lee County Line (CCCL) does not create any new development or change the location from what previously existed on the site. Therefore staff believes that this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

This proposed development of a new seawall fence and garden fence did not exist pre-Hurricane Ian, is located partially or fully in the EC and is considered minor structures but LDC Sec. 34-652(e)(4) states that it shall be located as close to the landward edge of the EC zoning district line as possible.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

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

The request will maintain what was previously constructed on this property for the partially damaged parking lot, except with the development of a new seawall fence and garden fence that was not present pre-Hurricane Ian. It will not have an additional negative impact.

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

There is no anticipated negative impact or injury to surrounding properties.

6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. The development of minor structures are allowed in the EC through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows replacement of major accessory structures also.

III. RECOMMENDATION

Staff finds that the special exception for reconstruction of major accessory structures in the EC zoning district is in compliance with item Sec. 34-88(b)(1). Therefore, staff recommends **APPROVAL** of SEZ20240126 for the reconstruction of a partially damaged parking lot seaward of the 1978 Lee County Line (CCCL). Staff recommends

DENIAL for the new seawall fence and **DENIAL** for the garden fence partially or fully seaward of the 1978 Lee County Line (CCCL).

If LPA recommends approval for the requests, staff has recommended conditions of approval.

IV. CONDITIONS OF APPROVAL

1. A new special exception must be applied for each time the structures are reconstructed.
2. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
3. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
4. Any violation of the conditions of approval shall render the special exception null and void.
5. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834. The applicant must also obtain an approved landscaping plan as outlined in LDC Sec. 10-413.
6. The applicant must ensure that the proposed seawall fence/rail and south garden gate/fence adhere to LDC Sec. 34-1744.

Staff Report Exhibits:

- A – Exhibit 1-A Site Plan
- B – Property Owner Acknowledgement List
- C – Postcards to adjacent properties
- D- Complete Application



EXHIBIT 5-3
Leonardo Arms Special Exception

South Shore Construction LLC <myles@ssc.bz>

75 % of approved acknowledgement for Leonardo Arms

1 message

timothy baggett <timothyabaggett@gmail.com>

Tue, May 7, 2024 at 1:15 PM

To: Sarah Propst <sarah.propst@fmbgov.com>, South Shore Construction LLC <myles@ssc.bz>, Louis & Jill Luddecke <leluddecke@gmail.com>, Robin Singer <jimsinger2013@gmail.com>, Gene Duffy <efduffy@hotmail.com>, timothy baggett <timothyabaggett@gmail.com>

Good afternoon Sarah

The following units have approved and acknowledged to move forward with the special exception process.

I have the unit numbers for each association as I did for the pool exception. (results below)

Please let me know if this format works. I do have the back up emails if needed.

Notice sent to owners

Good morning Leonardo Arms Owners

As most of you are aware, the reconstruction of our Parking Lot to bring it back to Pre Hurricane Ian conditions has been very challenging. With the majority of the damage falling "Seaward" of the CCCL, The Coastal Construction Control Line, the permitting process is a bit involved. After multiple meetings, on site visits, and zoom calls over the past few months we have complied and prepared enough information to file for a "Special Exception Hearing". This is a Public hearing held by The Special Exception Hearing Committee where we, along with the information we have compiled, request them to grant us permission to rebuild the portion of our Parking Lot that since 1978 is considered "Seaward" of the CCCL. If granted permission at the Special Exception Hearing, the next step of the process is for a vote at the following City Council Meeting, that then allows us to submit for the permit process. It is imperative for Leonardo Arms that you reply to this email, stating you received the email, and you are approving for Leonardo Arms to proceed with this process.

Thank you in advance for your time.

Please reply to this email chain so we can track your reply

Please include building and unit number.

Kind regards

In favor of proceeding

Building one 72 unit owners

209, 312, 206, 103, 410, 401, 603, 409, 405, 108, 510, 303, 507, 304, 203, 110, 508, 105, 204, 512, 109, 503, 608, 511, 201, 212, 509, 205, 605, 202, 609, 501, 612, 610, 102, 301, 305, 405, 403, 502, 106, 207, 406, 411, 606, 308, 504, 601, 211, 611, 111, 112, 104, 404, 209, 412,

55 units total

Building two 60 unit owners

430, 524, 229, 623, 124, 227, 626, 529, 627, 331, 330, 232, 127, 129, 225, 429, 629, 125, 226, 325, 524, 628, 427, 523, 132, 329, 123, 531, 129, 624, 128, 425, 231, 228, 528, 130, 126, 224, 630, 128, 428, 532, 323, 332, 423, 424, 131

47 units total

Building three 48 unit owners

318, 314, 220, 418, 316, 514, 118, 513, 616, 516, 420, 415, 116, 217, 317, 615, 515, 518, 619, 320, 218, 315, 417, 213, 119, 419, 620, 313, 117, 517, 413, 613, 617, 120, 520, 513, 118

37 units total

--

Timothy Baggett
Property Manager
Leonardo Arms Beach Club
Condominium Association
LCAM #46059
M (239)-878-3010 timothyabaggett@gmail.com



Leonardo Arms Specical Exception Exhibit 6

05/10/24

Leonardo Arms
7400 Estero Blvd
Ft Myers Beach Fl 33931

Parking Spaces

Building 1
Total of 90 spaces

Building 2
Total of 63 spaces

Building 3
Total of 54 spaces

(813) 333-1222 

Myles@ssc.bz 

Exceptionalconstruction.com 

(813) 200-3887 



Leonardo Arms Complex Before Hurricane Ian



Leonardo Arms Complex After Hurricane Ian With Retaining Wall Under Construction.





#SouthShorePro







#SouthShorePro



#SouthShorePro







COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 7400 Estero Blvd Ft Myers Beach 33931

STRAP Number: 03-47-24-W4-02000.00CE

Applicant: Lenardo Arms Beach Club 1 Phone: (239) 878-3010

Contact Name: Timothy Baggett Phone: (239) 878-3010

Email: timothyabaggett@gmail.com Fax: N/A

Current Zoning District: 4

Future Land Use Map (FLUM) Category: _____

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

ACTION REQUESTED

☒ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Timohty Baggett Phone: (239) 878-3010

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: 7400 Estero Blvd Ft Myers Beach Fl 33931

Email: timothyabaggett@gmail.com Fax: N/A

Contact Name: Timohty Baggett Phone: (239) 878-3010



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|--|--|
| ☐ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☒ Other* (please indicate) <u>Authorized Contractor Working On Pool Area</u> | |

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

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

Name: Myles La Garde Phone: (813) 503-9424
Address: 240 Apollo Beach Blvd Apollo Beach Fl 33572
Email: Myles@ssc.bz Fax: (813) 200-3887

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

Name: Timothy Baggett (Property Manager) Phone: (239) 878-3010
Address: 7400 Estrero Blvd Ft Myers Beach Fl 33931
Email: timothyabaggett@gmail.com Fax: N/A

Name: Brett Moore Phone: (239) 825-6518
Address: _____
Email: bdm@humistonandmoore.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

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

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

[Signature]
Signature

Louis Luddecke
Printed Name

STATE OF NS COUNTY OF Ocean

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

presence OR online notarization, this 14th day of November, 2023

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

DL as identification.

(SEAL)

[Signature]
Notary Public Signature

by **ANGELINA POLITO**
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126226
My Commission Expires 04/27/2025

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Leonardo Arms Beach Club I

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

[Signature]

Signature

President

Title

Louis Luddecke

Typed or Printed Name

Date

STATE OF NS COUNTY OF Ocean

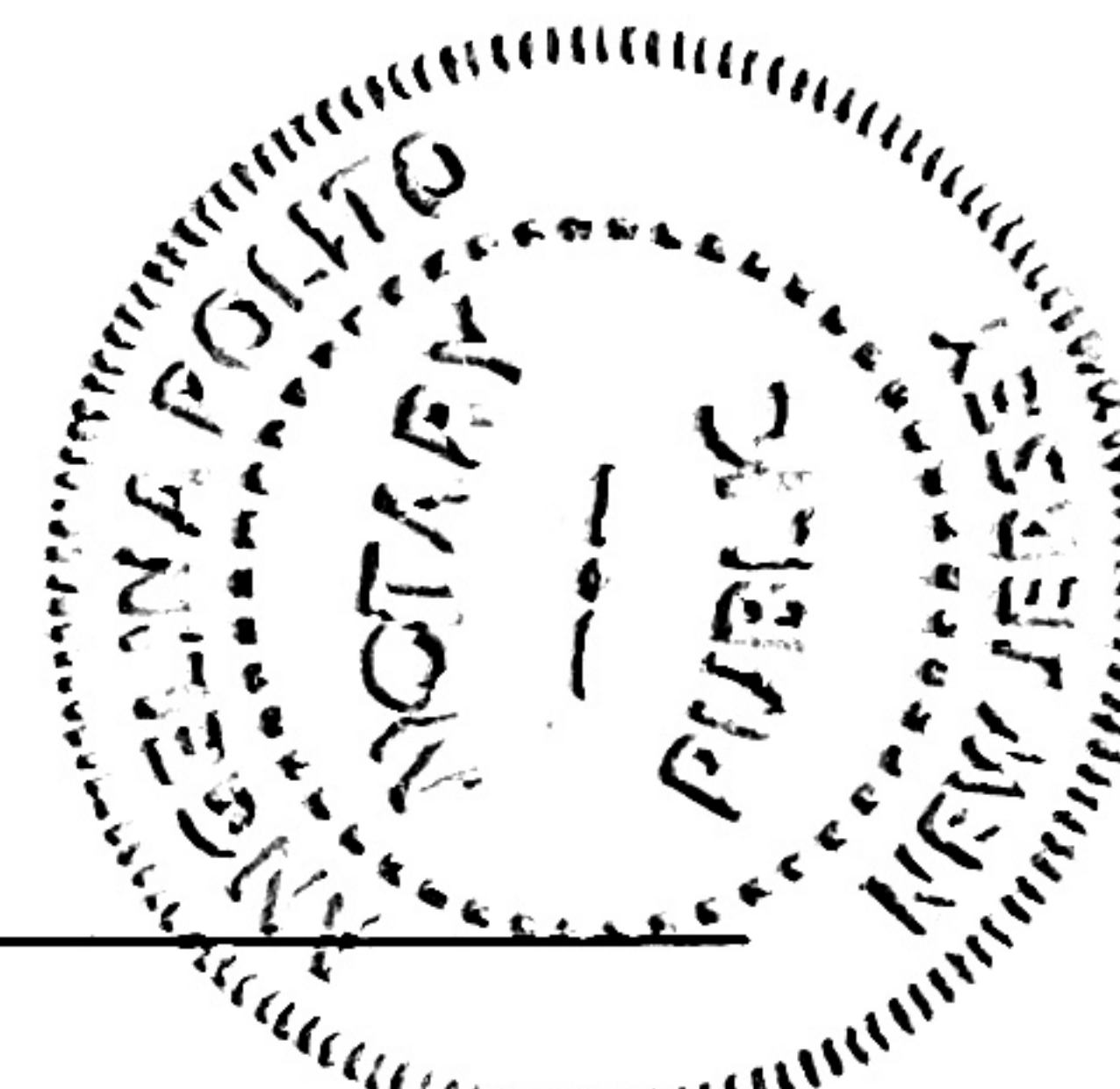
The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 14th day of November, 2023, by DL ☐ who is personally known to me OR ☒ who has produced DL as identification.

Seal

ANGELINA POLITO
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126226
My Commission Expires 04/27/2025

Notary Public Signature

[Signature]



PART VI- Property Information

A. Legal Description:

STRAP: 03-47-24-W4-02000.00CE

Property Address: 7400 Estero Blvd Ft Myers Beach

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) ±466 feet feet

Depth (please provide an average width if irregular in shape) ±573 feet feet

Frontage on street: ±254 feet feet. Frontage on waterbody: ±568 feet feet

Total land area: ± 6.0 acres ☒ acres ☐ square feet

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

Property is located approx 2 mile North of Big Carlos Pass Bridge

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☐ Marina

☒ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Response to Insufficient Letter Special Exception

05/29/24

Leonardo Arms
7400 Estero Blvd
Ft Myers Beach Fl 33931

SEZ 20240126– Reconstruction of partial parking lot, replacement of parking lot lighting, fence w/ gate/ rail around the south garden

Zoning Review: 5/28/2024

PARKING LOT LIGHTS

There are NO lights regarding the parking lot “seaward” of the CCCL “All Lights “landward” of the CCCL will be part of the Turtle Conservancy Grant. ALL lights on Leonardo Arms’ property will be part of the grant and we will be 100% in compliance. Please see attached site plane

ALUMINUM FENCE ON NEW SEAWALL

This is a powder coated safety fence that meets all flood requirements. We would expect to submit all specs and information for permitting if allowed. We had attached a picture of the fence in the original package.

PARKING SPACES

We are dealing with a total 60 parking spots for Building 2, all are DEEDED parking spots. The (14) spots we lost from Ian that are located “Seaward” of the CCCL, are imperative we get the back, (Please see revised site and parking plan). According to Sec.34-2020 Required parking spaces(d) (1)(b) with updated calculations, we need (90) spots.

(813) 333-1222 

Myles@ssc.bz 

Exceptionalconstruction.com 

(813) 200-3887 



LIGHTING PLAN REQUIRED Per LDC Sec. 34-1834.

There are NO lights regarding the parking lot “seaward” of the CCCL “All Lights “landward” of the CCCL will be part of the Turtle Conservancy Grant. ALL lights on Leonardo Arms property will be part of the grant and we will be 100% in compliant. Please see attached site plane

INSPECTION REQUIRED FOR CERTIFICATE OF OCCUPANCY / CERTIFICATE OF COMPLETION

Again NO lighting will be installed “Seaward” of the CCCL. However, the Turtle Conservancy will be doing their “night evaluation” once Leonardo Arms gets their power to at least (2) Buildings restored. We will have a full evaluation at that time. The entire property qualifies and will be fitted with all proper and acceptable lighting.

LANDSCAPING PLAN REQUIRED Per LDC Section 10-413,

We are currently working with Landscape Florida (please see attached). We are way behind in our restoration efforts due to several ongoing issues. We currently still do not have power and are hoping for the first building by June 14th, 2024. We also have an agreement with the board from our “Pool Special Exception” hearing regarding planting native plants in the area behind Building 2.

EXOTIC VEGETATION

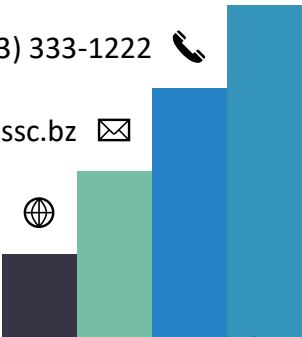
All invasive exotic vegetation listed in 5B-57.007 F.A.C. Noxious Weed List shall be removed and maintained in perpetuity. (acknowledged).

(813) 333-1222 

Myles@ssc.bz 

Exceptionalconstruction.com 

(813) 200-3887 





SOUTH SHORE CONSTRUCTION



southshorecreations.com

Tampa Bay's
Backyard Design Specialist

Office (813) 380-7060

On Fri, May 17, 2024 at 10:42 AM Rachel Tighe <rachel@conserveturtles.org> wrote:

Hi Myles,

Thank you for the information. Emily will be your main contact moving forward but I will offer support when needed. It was wonderful meeting you all and I'm glad you qualify for this grant!

Kind Regards,

Rachel Tighe, M.S., NAILD LS I

Lighting Project Manager | Sea Turtle Conservancy

4581 NW 6th Street, Suite A | Gainesville, FL 32609

Office: (352) 373-6441

www.conserveturtles.org

From: South Shore Construction LLC <myles@ssc.bz>

Sent: Wednesday, May 15, 2024 6:59 AM

To: Emily Wooley <emily@conserveturtles.org>

Cc: timothy baggett <timothyabaggett@gmail.com>; Anna <anna@ssc.bz>; Rachel Tighe <rachel@conserveturtles.org>

Subject: Re: Wildlife Friendly Lighting Evaluations

Good Morning Guys

It was great to meet you yesterday, thank you for coming out. Please see the attached site plan. Please let me know if I can help with anything. Have a great day

Thank you,
Myles La Garde
Certified General Contractor
CGC1517322



Fwd: Seawall fence - Leonardo Arms

timothy baggett <timothyabaggett@gmail.com>
To: South Shore Construction LLC <myles@ssc.bz>

Fri, Apr 26, 2024 at 10:21 AM

----- Forwarded message -----

From: **Greg Edsell** <GregEdsell@libertyaluminum.com>
Date: Tue, Aug 22, 2023 at 8:28 PM
Subject: Seawall fence - Leonardo Arms
To: timothy baggett <timothyabaggett@gmail.com>

Good evening Tim,

Attached is the proposal for installing the aluminum railing all along the new seawall. I have it planned to be installed to the inside of the seawall as I don't believe that we would be allowed to install it directly into the seawall. If it is learned that we can secure it into the seawall cap, I can make the adjustment easily enough. I do have the layout figured per the aerial drawing with the highlighted fence location that was supplied.

Please let me know if you have any questions at all, need to make any adjustments, or if you would like for us to begin the process.

Regards, Greg Edsell
Liberty Aluminum Company

Get [Outlook for Android](#)

--
Timothy Baggett
Property Manager
Leonardo Arms Beach Club
Condominium Association
LCAM #46059
M (239)-878-3010 timothyabaggett@gmail.com

 **2023-08-22 20-11.pdf**
356K



5613 6TH STREET W
LEHIGH ACRES, FL 33971
PHONE: 239.369.3000
WWW.LIBERTYALUMINUM.COM

**PRICE QUOTATION
VALID FOR 30 DAYS**

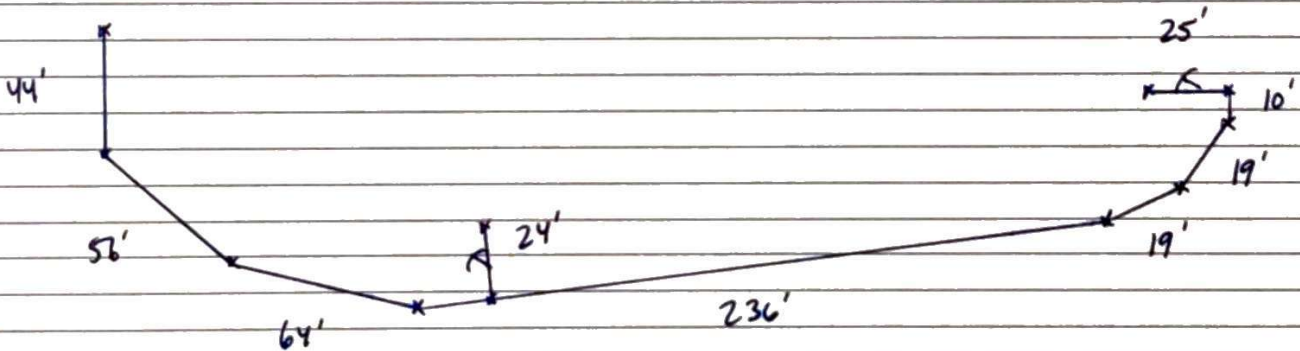
CUSTOMER	Leonardo Arms Beach Club	PHONE	239-878-3010	DATE	8/22/2023
CONTACT PERSON	Timothy Baggett	FAX		JOB NAME	
ADDRESS	7400 Estero Blvd	CELL		ADDRESS	
CITY	Fort Myers Beach	STATE / ZIP	FL	CITY	
EMAIL	timothyabaggett@gmail.com			COMMUNITY	

The Seller hereby agrees to sell and the undersigned Buyer(S) (if more than one, jointly and severally) hereby agree(s) to purchase subject to the terms and conditions hereinafter set forth, the following Property (which, together with any and all replacements thereof and additions thereto, is herein called the "Property"), VIZ:

DESCRIPTION

1. Fabricate and install 42" high mechanical aluminum railing inside of new seawall area using white or bronze aluminum extrusion, 1" square pickets, 2-line standard design, posts set into concrete in grade, stainless steel hardware throughout, and includes (2) welded aluminum gates with epoxy primer/powdercoat finish and self-closing/self-latching hardware. Approx. 497' total of fence and gates, includes permit and engineering. \$35,736.00

**** 35% deposit due with signed proposal, balance due on completion ****



The quotation for this scope of work on this construction project has been calculated based on the current prices for the component building materials. The market for the building materials is considered volatile, and sudden price increases could occur in addition to material shortages. Contractor should confirm pricing with Liberty Aluminum Co. prior to finalizing contract.

PURCHASER

LIBERTY ALUMINUM COMPANY, BY

Gregory Edsell

DATE

CONTRACT PRICE	\$35,736.00
DEPOSIT	\$12,508.00
BALANCE DUE	

GREGORY EDSSELL

In the event of a default on the part of the purchaser, it is agreed that the purchaser will pay all court costs, reasonable attorney fees, and interest at 18% per annum from the date of such default shall entitle seller to repossess the above described property on demand and without notice and to retain all sums previously paid. Seller shall not be responsible for any damage to the purchaser's property caused by the removal of the property described on the face hereof, from the premises in order to repossess them. Payment of the contract is due and payable in full upon completion unless other terms of payment have been agreed upon in writing with the management of the seller. In that event, title to items above shall remain with seller until contract price as stated above is paid in full.



12745 Livingston Road | Naples, FL 34105
(239) 643-6124 | ClientRequest@LandscapeFlorida.com | www.LandscapeFlorida.com

RECIPIENT:

Leonardo Arms Beach Club Condominium Association

7400 Estero Boulevard
Fort Myers Beach, Florida 33931

SERVICE ADDRESS:

7400 Estero Boulevard
Fort Myers Beach, Florida 33931

Estimate #4887

Sent on 05/20/2024
Title: LANDSCAPE RENOVATION ,
CONCEPT, DESIGN, PLANS
AND PROCESS

Total \$14,300.00

Product/Service	Description	Qty.	Unit Price	Total
PURPOSE OF PROJECT	Prepare and Provide Renovation Plans as Detailed Below for Leonardo Arms			
NOTE: SITE PLANS	Landscape Florida has site drawings provided by client that will be used in part for the base process for this project			
LANDSCAPE PLANTING PLANS	LANDSCAPE PLANTING PLAN LEONARDO ARMS -1) Dune planting plan for DEP and Fort Myers Beach review for unit one 2) Dune planting plan for DEP and Fort Myers Beach review for unit two 3) Landscape Planting Plan for Pool Area (joint land over Unit one, two and three). Proposal is limited to these areas and scopes and will include notes for irrigation only. If irrigation plans are required this will be additional service. CAD base files will be required. Will include any requested changes by municipal entities and one revision for the Board or Landscape review Committee of the Property.	1	\$14,300.00	\$14,300.00
PRELIMINARY BUDGET PREPARATION	Based on plans and specifications, prepare a preliminary budget and review for potential savings and value engineering options if required of the overall project (demolition, irrigation, landscape)	1	\$0.00	\$0.00
DISCOUNT OPPORTUNITY	If approved to proceed, and implemented per final plans and specifications, a discount to these fees will be provided in the final invoice of the overall project after completion.			



Product/Service	Description	Qty.	Unit Price	Total
TERMS:	TERMINATION OF SERVICES: The obligation to provide further services under this Agreement may be terminated by either party upon (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of termination, the Client shall pay the Architect for all services rendered to the date of termination, all reimbursable expenses and a termination fee equal to (5) percent of services rendered to date. COLLECTION COSTS: If the client fails to make payments when dues and the Consultant incurs any costs in order to collect overdue sums from the Client, The Client Agrees that all such collections costs incurred shall immediately become due and payable to the Consultant. This obligation of the Client to pay the Consultant's collection costs shall survive the term of this Agreement or any earlier termination by either party. ATTORNEYS' FEES: In the event of any litigation arising from or related to this agreement or the services provided under this agreement, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs incurred, including staff time, court costs, attorneys' fees and all other related expenses in such litigation. INDEMNIFICATION: The Client shall indemnify and hold harmless the Consultant, its officers, directors, employees and subconsultants (collectively Consultant) against any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising from or allegedly arising from or in any way connected with the services performed under this Agreement, provided that any such claims, damages, liabilities or costs is caused in whole or in part by the negligent act of omission and/or strict liability of the client, anyone directly employed by the Client (except the Architect) or anyone for whose acts any of them may be liable. The Client shall include the Architect in his indemnification clause in the construction agreement with the Contractor. HIDDEN CONDITIONS: A structural condition is hidden if concealed by existing finishes or is not capable of investigation by reasonable visual observation. If the Landscape Architect has reason to believe that such a condition may exist, the Client shall authorize and pay for all costs associated with the investigation and correction of such a condition. If after notification, the Client fails to authorize such investigation, or the Architect has no reason to believe that such a condition exists, the Client is responsible for all risks associated with this condition, and the Landscape Architect shall not be responsible for the condition nor any resulting			



12745 Livingston Road | Naples, FL 34105
(239) 643-6124 | ClientRequest@LandscapeFlorida.com | www.LandscapeFlorida.com

Product/Service	Description	Qty.	Unit Price	Total
EXCLUSIONS:	Surveys and Preliminary Layouts, cost estimates. The professional services to be provided are limited to those described in Scope of Services. All services requested beyond the scope of this agreement by the Client or representative of the Client, including extensive design revision, shall be completed at the rate of \$165/hr. Please note that the services may be progress billed as hourly efforts for client requested services are made, and may result in several partial billings. If you are in agreement with the scope of services above, please sign below and return to my attention. Deposit of 50% due to execute services. Metis Design thanks you again for the opportunity to provide Landscape Architectural services for the subject Project/s. If you have any questions or require additional information, please contact me.			



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 (239) 643-6124 | ClientRequest@LandscapeFlorida.com | www.LandscapeFlorida.com

Product/Service	Description	Qty.	Unit Price	Total
FEE AND EXPENSE SCHEDULE:	Hourly Rates Principal: Kristin R. Jeannin,RLA.....\$20 5.00/hr Architect / Designer..... .. \$175.00/hr Architect / Project Manager..... \$125.00/hr Construction Administration / \$ 95.00/hr CAD Person..... \$ 105.00/hr Clerical / Administrative..... \$ 90.00/hr Outside Professional Fees (additional services to any agreement)..... cost + 15% Blueprints / plots / color copies Bond plots (11 X 17)..... \$3.00 Bond plots (24 X 36)..... \$ 10.00 Vellum plots (24 X 36)..... \$15.00 Color Bond plots (24 X 36)..... \$30.00 Specialty Itemscost + 25% Shipping / courier / postage Overnight (commercial carrier)..... cost + 25% 2-day (commercial carrier).....cost + 25% Outside Service (commercial carrier).....cost + 25% In-house staff.....individual hourly rate + mileage Postage cost + 25% Associated Travel Airfare Transportation and Accommodations..... cost + 25%			



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Total

\$14,300.00

IRRIGATION REPAIRS AND MODIFICATIONS, If not included above, will be invoiced at time and materials rate. This proposal is valid for the next 30 days and is subject to change based on approval status and materials availability. Approved projects are scheduled in the order they are received as "Approved" by our offices. ALL WARRANTIES,EXPRESSED OR IMPLIED,ARE WHOLLY CONTINGENT UPON PROPER CARE AND MAINTENANCE BEING PROVIDED TO MATERIALS BASED ON INDUSTRY STANDARD PRACTICES.IN CASES WHERE THIS HAS NOT BEEN PROVIDED ALL WARRANTIES ARE NULL AND VOID AND LANDSCAPE FLORIDA WILL NOT PROVIDE REPLACEMENT MATERIALS OR SERVICES. INVOICES NOT PAID IN FULL WITHIN 30 DAYS OF THE INVOICE DATE WILL RESULT IN THE CANCELLATION OF ALL WARRANTIES.

Signature: _____ **Date:** _____

Leonardo Arms Complex Before Hurricane Ian



Leonardo Arms Complex After Hurricane Ian With Retaining Wall Under Construction.





Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name: Leonardo Beach Club
Authorized Applicant: Timothy Baggett
LEOPA STRAP Number(s): 03-47-24-W4-02000.00CE

Current Property Status:
Current Zoning: Residential Multifamily (RM)
Future Land Use Map (FLUM) Category: Mixed Residential
Platted Overlay? ☐ yes ☒ no FLUM Density Range: 6 Dwelling Units per acre

Requested Action:

☒	Use of premises in the EC (Environmentally Critical) zoning district for:
☐	Use of premises in the _____ zoning district for:

PART I

Narrative Statements

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

We looking to submit the following things which will help restore Leonardo Arms Back to it's original state.
1) Permit to repair the exsting Parking Lot to original form. The Parking Lot was constructed prior to 1978, so a good portion of the repair and Turtle Friendly lights are seaward of the CCCL.
2) We are looking to install an aluminum fence on the South Side of Building 1.
This fence along with an entrance gate will house a rebuilt "South Garden". This Garden will be will be approved plants. Both are will be seaward of the CCCL.
3) Alumiuon fence that may or may not be installed along the New seawall to keep people off the seawall for their own protection.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
1) We are requesting this special exemption because the parking lot was constructed in 1969-1970 prior to the existence of the 1978 coastal construction control line and repairing the parking lot back to its orginal form Pre-Hurricane Ian condition will not have any impact to surrounding separate properties (the Associations of Leonardo Ams Building II Condominium and Leonardo Arms Building III). In addition, Parking Lot or any of its repairs are not located in, nor will it adversely impact any critical wildlife area, nor will they interfere with, encroach on, or limit bird or turtle nesting areas.
2) The Turtle Friendly Lights are crucial and needed for the parking lot
3) The South garden and the fence w/ a gate is mean to beautify and maintain the approved plants while the gate and fence help protect the area.
4) The aluminum rail will help stop people from climbing and walking on the new seawall and help against unnecessary injuries

Granting the requested Special Exception could impact surrounding properties as follows:

Granting the requested Special Exception does not in anyway adversely impact any properties adjacent to Leonardo Arms. In fact the newly constructed seawall and proposed Rock apron will support the parking lot even more so than the original design. The Parking Lot area is not located in, nor will it adversely impact, any critical wildlife. Further it does not interfere with, encroach on, or limit bird or turtle nesting areas. Parking Lot lots will be identified and will be Turtle Friendly. Leonardo Arms parking Lot has been in existence since the property was built, and elevations and run off has never been an issue with protected areas or either adjacent properties.

PART 2
Submittal Requirements

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

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3800.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

“Request for...”

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

“The property qualifies for a special exception because...”

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Submittal Requirements Check List and Filing Guide

☐

A completed Public Hearing Application Form.

☐

A completed Supplemental form PH-A.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements: "Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows..."

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

- corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
 - C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
 - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
 - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
 - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
 - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
 - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
 - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

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

RESOLUTION NUMBER 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENY SPECIAL EXCEPTION SEZ20240126 TO ALLOW RECONSTRUCTION OF STORM DAMAGED INFRASTRUCTURE IN THE EC ZONING DISTRICT, INCLUDING: A PARTIAL PARKING LOT, A NEW ALUMINUM RAIL FENCE ALONG THE SEAWALL, AND NEW FENCE WITH GATE AROUND THE SOUTH GARDEN, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Leonardo Arms Beach Club is requesting a special exception for the reconstruction of a partial parking lot that was damaged during Hurricane Ian, construction of a new aluminum rail fence along the seawall, and a new fence with gate around the south garden, which is located in the Environmentally Critical zoning district; and

WHEREAS, the STRAP number for the subject property is 03-47-24-W4-0200.000CE, 03-47-24-W4-02100.00CE; and

WHEREAS, the property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 11, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted __ to __ to recommend approval of the special exception; and

WHEREAS, on August 5, 2024, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request and voted ___ to ___.

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

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested Special Exception **does/does not** meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception **is** in the best interest of the Town to approve. Based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **approves/approves with conditions/deny** the Special Exception for the reconstruction of a partial parking lot, construction of a new aluminum fence along the seawall, and a new fence with gate around the south garden partially in Environmentally Critical zoning district.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves the requested Special Exception and the following conditions of approval are imposed on the Applicant and the Property:

- A. A new special exception must be applied each time the structures are reconstructed.
- B. Approval of this Special Exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- C. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
- D. Any violation of the conditions of approval shall render the special exception null and void.
- E. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834. The applicant must also obtain an approved landscaping plan as outlined in LDC Sec. 10-413.
- F. The applicant must ensure that the proposed seawall fence/rail and south garden gate/fence adhere to LDC Sec. 34-1744.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a roll call vote, the result was as follows:

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

ADOPTED this 5th day of August 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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

Exhibit 1-A: Site plan

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

Yellow Sheet Number: **2024-124**

1. Request:

Meeting Date: June 11, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VAR20240071, FIVE (5) VARIANCES FROM LDC SECTIONS 34-674(a)(1)(b), 34-675(b)(3), 34-676(a)(4), 34-676(b) AND 34-676(d) REQUESTING RELIEF FROM BUILD-TO LINE MAXIMUM SETBACKS, INCREASED BUILDING HEIGHT, PARKING REDUCTIONS, RELIEF FROM PARKING LOCATION AND LOCATION OF SITE ACCESS IN THE DOWNTOWN ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 1250 ESTERO BLVD. (LESS ANY AREA WITHIN THE EC ZONING DISTRICT), GENERALLY KNOWN AS STRAP # 19-46-24-W4-0070F.0010 TO REDEVELOP A RESTAURANT/ BAR; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The lot is an odd configuration and requires a number of variances to the code to redevelop the structure/ use in a similar manner that existed prior to the storm. The LPA will make recommendations to the Town Council regarding the variance requests.

What the action accomplishes:

Allow for the redevelopment of Cottage/ Shuckers entirely landward of the 1978 CCCL and provide variances needed to make the project feasible.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is requesting five (5) variances to support the re-development of a restaurant and bar. The applicant's requests include: 1) remove requirements to construct the building 0-5' from the front property line; 2) increase of maximum building height by 2-feet 3-inches, to construct a 42'-3" building; 3) reduction of the parking requirements by 97 spaces, a reduction of parking requirements by 85-percent; 4) relief from the requirements that parking areas be developed in the rear and side of the property to allow for parking directly adjacent to Estero Blvd., and; 5) relief from requirements to relocate driveways from Estero to secondary-streets.

Attachments:

1. LPA Staff Report
2. Site Plan and Elevations
3. Narrative
4. Applications
5. 24-XX_Cottage_Shuckers_RESOLUTION NS

Financial Impact:

unknown

6. Alternative Action

Approve with conditions or deny

7. Staff Recommendations:

Recommend approval with conditions

8. **Recommended Approval:**

Frankie Kropacek, Operations & Compliance Director

Date: June 06, 2024

nancy stuparich, Town Attorney

Date: June 07, 2024

Amy Baker, Town Clerk

Date: June 07, 2024



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

TYPE OF CASE: Variances

CASE NUMBER: VAR20240071

CASE NAME: 1250 Estero Blvd requesting five (5) variances: Sec. 34-674(a)(1)b build to lines, Sec. 34-675(b)(3) building height, Sec. 34-676(a)(4) parking reduction, Sec. 34-676(b) parking location, Sec. 34-676(d) access, to redevelop a restaurant/ bar.

LPA

HEARING DATE: June 11th, 2024, at 9 AM

STAFF

RECOMMENDATION: Approve with Conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Ken Gallander, AICP -- The Neighborhood Company c/o Right Choice Investments, LLC

Request: Five (5) variances to support the re-development of a restaurant and bar. Variance requests include: 1) 34-674(a)(1)b remove requirements to construct the building 0-5' from the front property line; 2) Sec. 34-675(b)(3) increase of maximum building height by 2-feet 3-inches, to construct a 42'-3" building; 3) Sec. 34-676(a)(4) reduction of the parking requirements by 97 spaces, a reduction of parking requirements by 85-percent; 4) Sec. 34-676(b) relief from the requirements that parking areas be developed in the rear and side of the property to allow for parking directly adjacent to Estero Blvd., and; 5) Sec. 34-676(d) relief from requirements to relocate driveways from Estero to secondary-streets.

Subject property: See attached Site Plan

Physical Address: 1250 Estero Blvd.

STRAP #: 19-46-24-W4-0070F.0010

FLU: Pedestrian Commercial + Recreation

Zoning: Downtown + Environmentally Critical

Adjacent zoning and land uses:

North:	DOWNTOWN Temporarily Unoccupied Commercial
South:	ENVIRONMENTALLY CRITICAL AREA (EC) Beach
East:	DOWNTOWN Hotel
West:	DOWNTOWN Temporarily Unoccupied Commercial

II. BACKGROUND AND ANALYSIS

Background:

Originally constructed in 1921, the Cottage and Shuckers served as a restaurant, bar and venue on the beach for decades. The structure which existed pre-storm was completely destroyed and the applicant now proposes to rebuild the restaurant using modern flood mitigation techniques and to move the structures landward of the 1978 CCCL.

The lot at 1250 Estero Blvd. is approximately 0.83-acres ($\pm 37,000$ -s.f.) with approximately 0.37-acres ($\pm 16,000$ -s.f.) available for development, the remainder exists within the Environmentally Critical area (EC). Prior to the storm the cluster of buildings on the site contained approximately 10,900-s.f., the applicant has proposed to redevelop a 12,000-s.f., three-story building to accommodate two restaurants, a bar and entertainment areas for live music and dancing, an increase of approximately 1,100-s.f.

Analysis:

1. **Variance #1:** Request for variance from LDC Section 34-674(a)(1)b which establishes a build-to line for the Downtown zoning districts and requires buildings to be placed 0-5' from the right of way

APPLICANT JUSTIFICATION: *This petition seeks a variance from LDC Section 34-674(a)(1)b due to the configuration of the property. The subject property is located at 1250 Estero Boulevard and was previously home to The Cottage and The Cottage Beach Bar prior to their destruction by Hurricane Ian. The property currently measures approximately 55 feet wide along Estero Boulevard, approximately 152 feet wide at the beachfront and approximately 335 feet deep. A variance is needed to allow the building to be placed near the center of the property where the lot is wider and landward of the 1978 Coastal Construction Control Line (CCCL). The approximate width of 55' at the property edge along Estero Boulevard is not conducive to reconstructing one adequately sized structure along with parking and drive aisles.*

STAFF ANALYSIS: The requirement to construct new buildings 0-5' from the front property line serves to support the architectural standards of the community. This requirement helps to create a streetscape that is open and appealing to pedestrians who may take the opportunity to stop into a business as they walk through the Downtown area. The request to move the structure further seaward on the property doesn't present a risk to the community, but may hinder the development of a walkable Downtown commercial area and the aesthetics envisioned in the Comprehensive Plan.

Variance #2: Request for variance from LDC Section 34-675(b)(3), which limits height to 40 feet above base flood elevation plus freeboard and 3 stories, to allow a building height of 42'- 3" feet above design flood elevation.

APPLICANT JUSTIFICATION: *This variance is requested to provide the ability to rebuild The Cottage and Shuckers with a restaurant and bar area approximately the same size as existed prior to Hurricane Ian. However, due to today's building and floodplain regulations, the proposed structure can no longer extend beyond the 1978 CCCL. As such, the structure has to build up rather than out if it is to maintain approximately the same entertainment space. The overall structure proposed is approximately 10% larger than the historic building in order to*

accommodate modern construction methods, and meet today's standards associated with kitchens, bathrooms and mechanicals.

STAFF ANALYSIS: The applicant's request to increase the building height is relatively de-minimis and will likely be unnoticeable if the building is allowed to be set-back from Estero Blvd. The additional height would allow for screening of the electrical and mechanical equipment proposed on the roof and allow for additional hardening of the structure's floors and roof to meet modern engineering standards for construction on the coast.

Variance #3: Request for variance from LDC Section 34-676(a)(4), which allows off-street parking reductions of up to 67% for the subject property located within the Downtown district. The variance requested would reduce parking counts from 114 space to 17 spaces, a total reduction of 85%.

APPLICANT JUSTIFICATION: *As mentioned previously, this variance is requested to provide the ability to rebuild The Cottage and Shuckers with a restaurant and bar area approximately the same size as existed prior to Hurricane Ian. However, due to today's building and floodplain regulations, the proposed structure can no longer extend beyond the 1978 CCCL. As such, the lot's development footprint is significantly smaller and cannot accommodate the proposed building and required parking. Moreover, it should be noted that the original building was constructed legally and met development standards at that time. Parking regulations have changed over time resulting in parking requirements that are not feasible for the limited size of the subject property.*

STAFF ANALYSIS: The requested parking reductions will have some effect on the wider community, whether that be through customers being forced to circle the area looking for street parking or force them to use the commercial parking lots within the area. Ultimately, it is the responsibility of the applicant to ensure that their customers can access their business.

It should be pointed out that the Town Council did provide a similar amount of relief to another proposed restaurant across the street from the applicant's property.

Variance #4: Request for variance from LDC Section 34-676(b), which requires off-street parking to be placed in rear yards or side yards for properties that front the beach side of Estero Boulevard, to allow parking in the front yard.

APPLICANT JUSTIFICATION: *Due to the configuration of the lot, this variance is needed in order to allow the off-street parking at the front of the property. Locating the building to the rear of the property and parking to the front is consistent with the property's historical configuration and allows for the efficient layout of the property. This layout maintains the beachfront location but also maintains established access points where the entrance to the parking lot is along Estero Boulevard and the exit is a "left out" on Avenue A. As can be seen from the site plan, the drive aisle is "one-way" with angled parking since the portion of the lot connecting to Estero Boulevard is relatively narrow.*

STAFF ANALYSIS: Staff recognizes that this "flag lot" doesn't easily lend itself to meeting the requirement that parking be placed in the side or rear of the building. Due to the positioning of the CCCL on the lot, it seems reasonable to request relief from this code section since the owner will be utilizing a large majority of the existing, pre-storm parking area.

When looking at the site design for this property and comparing it to the other commercial developments in the area, none of the lots have rear or side parking in any large number, even the relatively more recent resort/ hotel developments have been allowed to develop parking directly adjacent to Estero Blvd.

Variance #5: Request for variance from LDC Section 34-676(d), which requires that new driveways shall connect only to secondary streets, except where these requirements would prohibit all reasonable access to a property.

APPLICANT JUSTIFICATION: *Due to the properties unique size and configuration the parking drive aisle has to be "one way". The property is not wide enough to allow a bi-directional drive aisle and double bays of parking spaces. As such, access on to the property has to be from Estero Boulevard with the exit onto Avenue A. This represents the historical and most functional layout for the parking lot.*

STAFF ANALYSIS: Staff agrees that the existing entrance from Estero is a better option than forcing an increase in traffic to utilize Avenue A –which also serves as a pedestrian beach access. This will limit customer vehicles operating in the same limited area as residents and visitors trying to access

the beach as well as avoid interfering with cars entering and exiting the parking spaces on Avenue A. Staff agrees that limiting ingress/ egress to the beach access would not provide a measurable benefit to the community.

III. Findings

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

Staff Response: For variances #1-5 -- To rebuild the same area on the property and move it landward of the 1978 CCCL, some amount of variance would be needed, because of the nature of a "flag lot" the applicant is proposing relatively de minimis requests to make the site plan work with the existing parking, in a smaller buildable area than what was available when the buildings were originally developed.

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

Staff Response: For variances #1-5 -- The buildings which existed pre-storm were not in compliance with today's Land Development Code, the buildable area has become smaller since the lot was originally developed, the relative intensity of the buildings, parking and entrances/ exits on the site have not measurably changed, this is not due to the actions of the applicant.

That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;

Staff Response: For Variances #1, 4 & 5 -- With the exception of the additional requested height (2'3") and the parking space counts, the lot is remaining much the same as it was pre-storm. The applicant's requests largely ask that the layout of the lot (parking, ingress/ egress, larger setbacks from Estero) be allowed to continue on-site since they are existing conditions of the site.

For Variance #2 -- Staff recognizes that the additional height request is relatively small, the applicant states that the additional height comes mainly from the need to develop the building to modern engineering standards for construction on the coast and that requires additional thickening of roofs and floors, while accommodating a flood compliant electrical/ mechanical room and an elevator and vestibule on the third floor, which accounts for the additional height request.

For Variance #3 -- Staff also recognizes that the applicant is requesting a parking reduction of 85%, which is greater than the by-right allowance for parking

reductions in this portion of the Downtown zoning district, by 18%. Staff recognizes that this is in-line with previously approved variances/ deviations granted for other projects, but it will put pressure on the applicants to ensure they're providing parking for their customers and this may in-turn increase people looking for parking during busy times.

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

Staff Response: For Variance #3 -- With the exception of additional traffic caused by the applicant's customers during busy times, we do not believe that the project will be injurious to the neighborhood or the public welfare of the island.

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

Staff Response: N/A

IV. CONDITIONS OF APPROVAL

1. The applicant shall provide an alternative parking plan to provide the minimum, code-required number of space should variance #3, 85% reduction of required parking, not be approved.
2. The development shall be substantially in compliance with the site plan attached to the ordinance.
3. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

IV. STAFF RECOMMENDATION

Staff has reviewed the site plans, elevations and variances for the redevelopment of The Cottage and Shuckers VAR20240071

Staff recommends **APPROVAL WITH CONDITIONS** of Res. 24-**XX** with the five (5) Variances contained therein.

V. EXHIBITS

Exhibit A – Site Plan

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THE COTTAGE

I 250 ESTERO BLVD

FORT MYERS BEACH, FL 33931

REVISIONS		
MK	DATE	DESCRIPTION

JOB NO: A23-5501

DATE: 04/05/2024

DRAWN BY:

CHK'D BY:

BUILDING

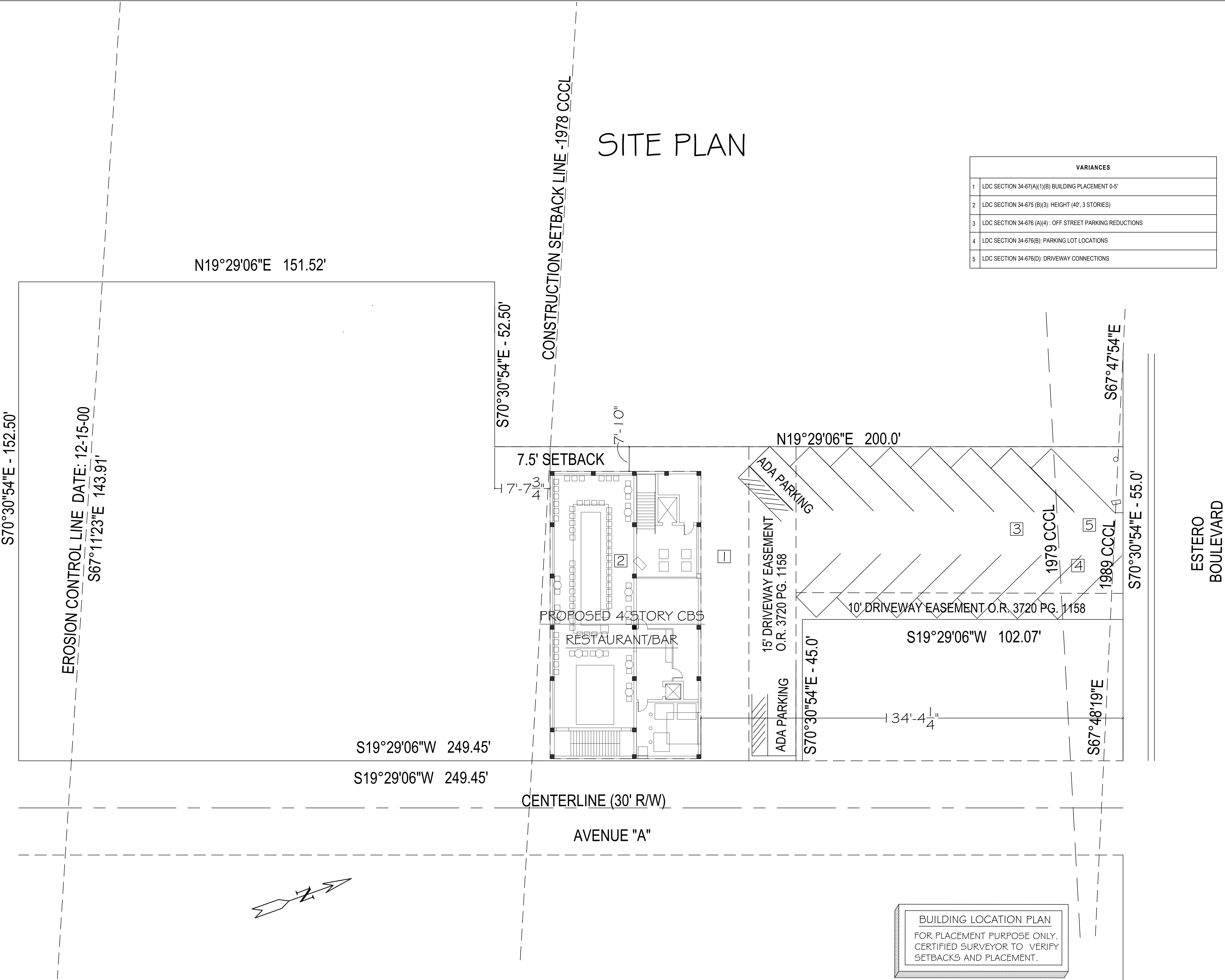
LOCATION PLAN

SHEET NUMBER

L-P

SITE PLAN

VARIANCES	
1	LDC SECTION 34-67(A)(1)(B): BUILDING PLACEMENT 0-5'
2	LDC SECTION 34-675 (B)(3): HEIGHT (40', 3 STORIES)
3	LDC SECTION 34-676 (A)(4) : OFF STREET PARKING REDUCTIONS
4	LDC SECTION 34-676(B): PARKING LOT LOCATIONS
5	LDC SECTION 34-676(D): DRIVEWAY CONNECTIONS



L-P

LOCATION PLAN

Scale: 1" = 15'

BUILDING LOCATION PLAN

FOR PLACEMENT PURPOSE ONLY.

CERTIFIED SURVEYOR TO VERIFY

SETBACKS AND PLACEMENT.



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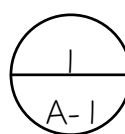
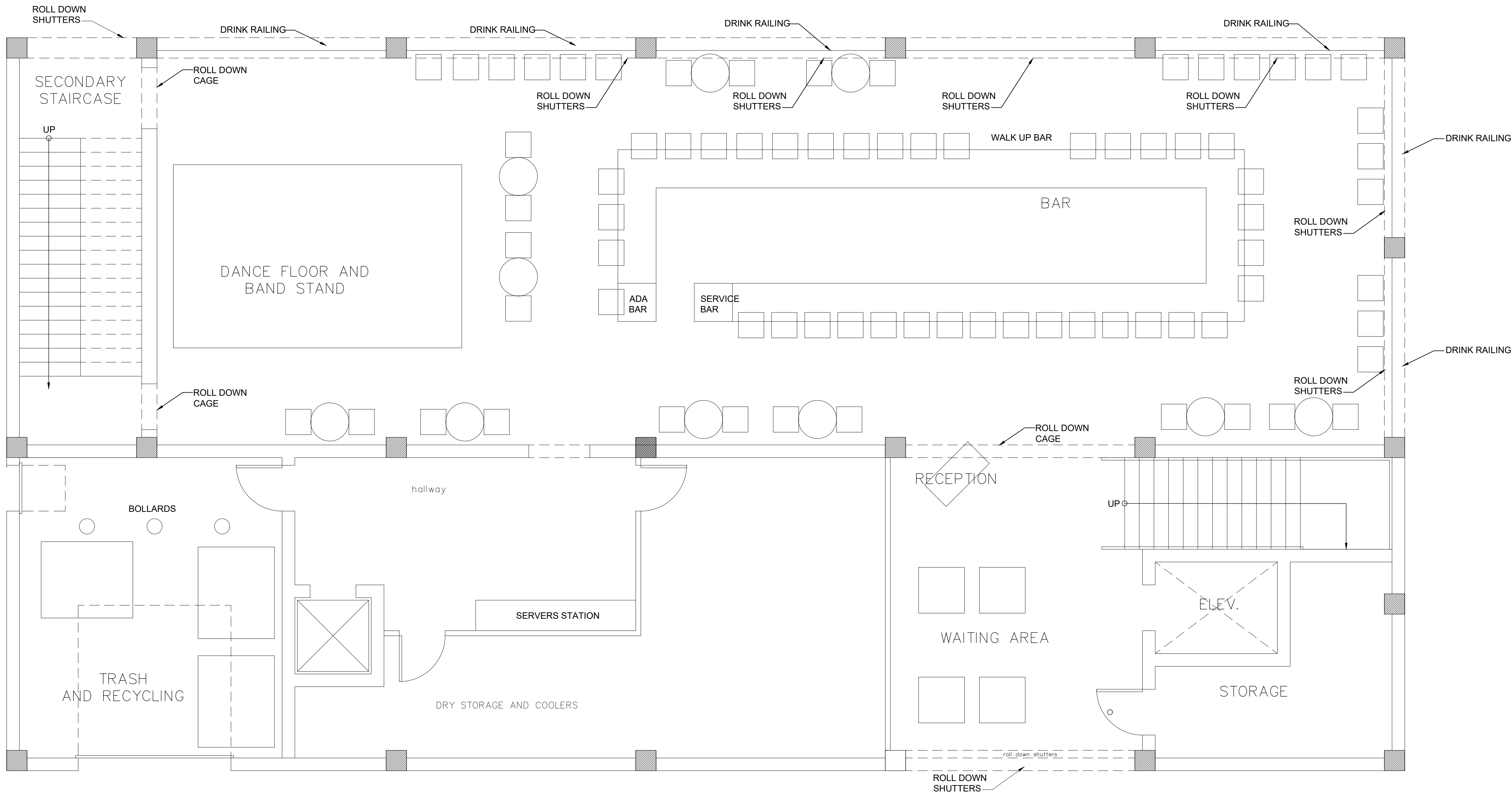
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27499 RIVERVIEW CENTER BLVD
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contact@AshmoreLLC.com

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BONITA SPRINGS, FL 34135

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1 ST FLOOR BAR/BEACH LEVEL

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

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GROUND FLOOR
BAR/BEACH LEVEL

SHEET NUMBER

A-1



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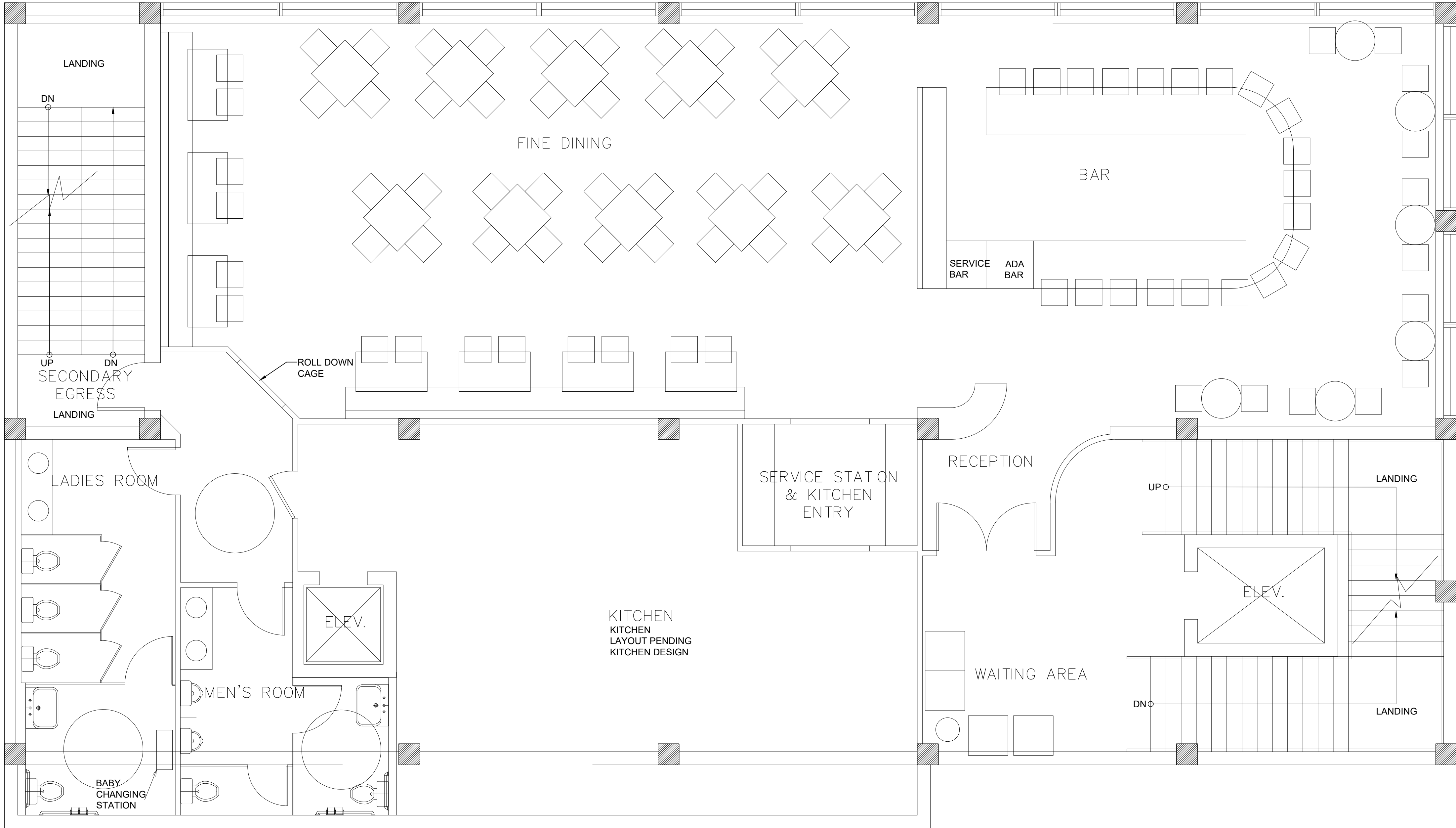
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2ND FLOOR – MAIN DINING LEVEL

2nd FLOOR MAIN DINING LEVEL
Scale: 1/4" = 1'-0"

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DATE: 04/05/2024
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2ND FLOOR
SLAB PLAN

SHEET NUMBER

A-2



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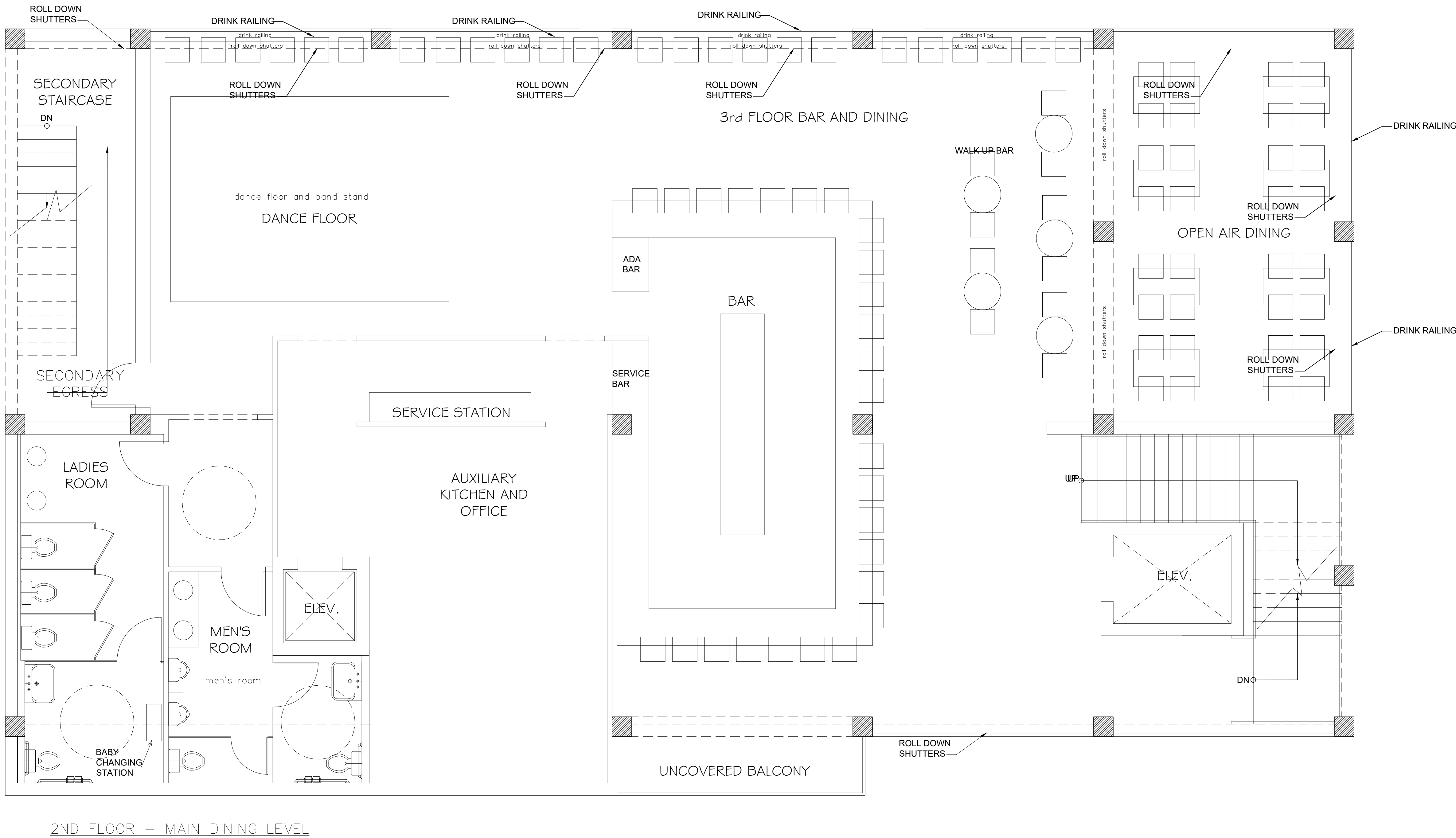
MK	DATE	DESCRIPTION

JOB NO: A23-5501
DATE: 04/05/2024
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3RD FLOOR-COTTAGE
BAR

SHEET NUMBER

A-3





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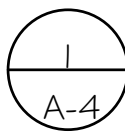
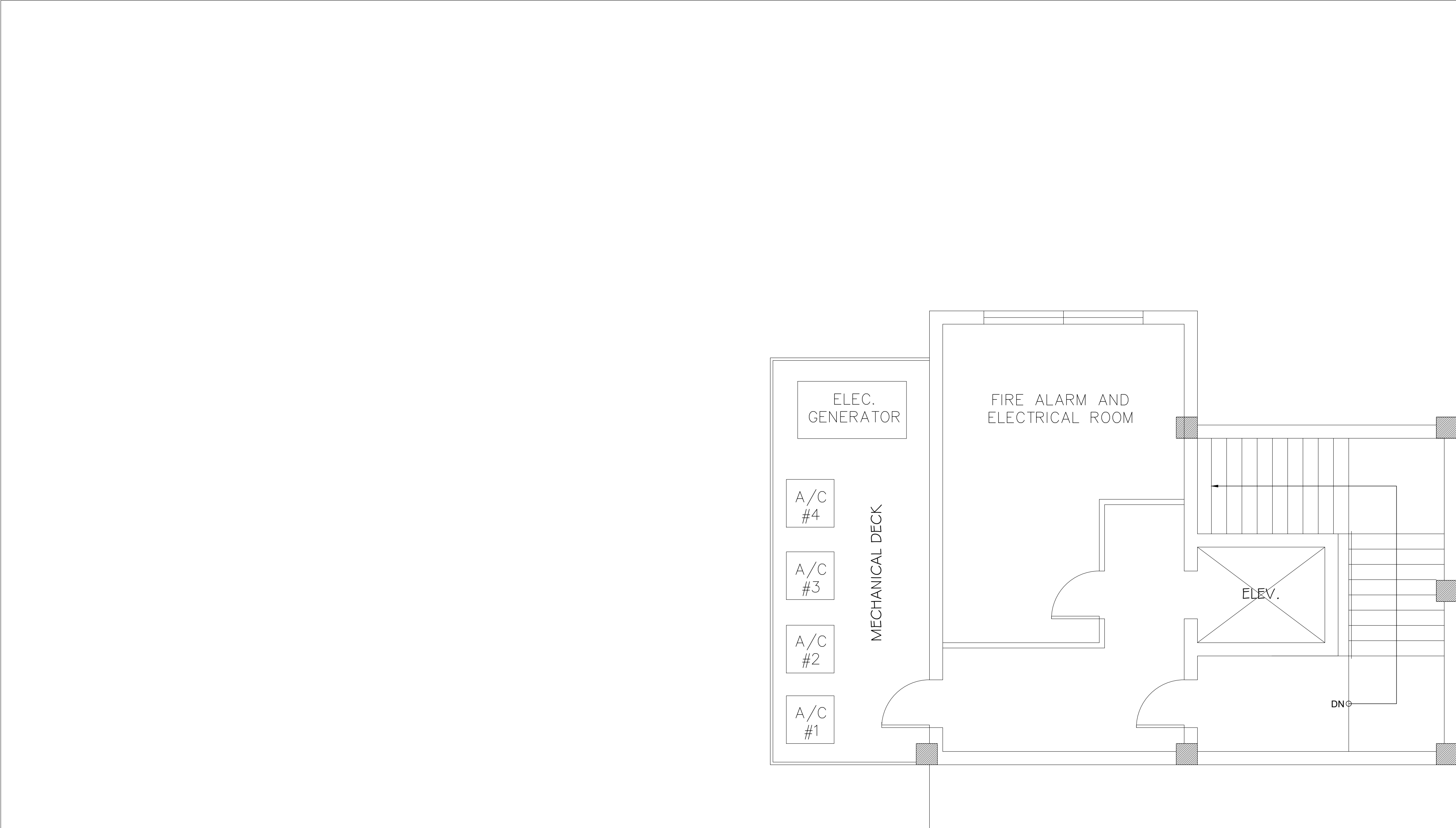
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JOB NO: A23-5501
DATE: 04/05/2024
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CHK'D BY:

4TH FLOOR-OFFICE
AND EQUIPMENT
ROOM

SHEET NUMBER

A-4



4TH FLOOR-FIRE EQUIPMENT ROOM

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



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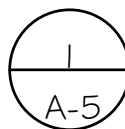
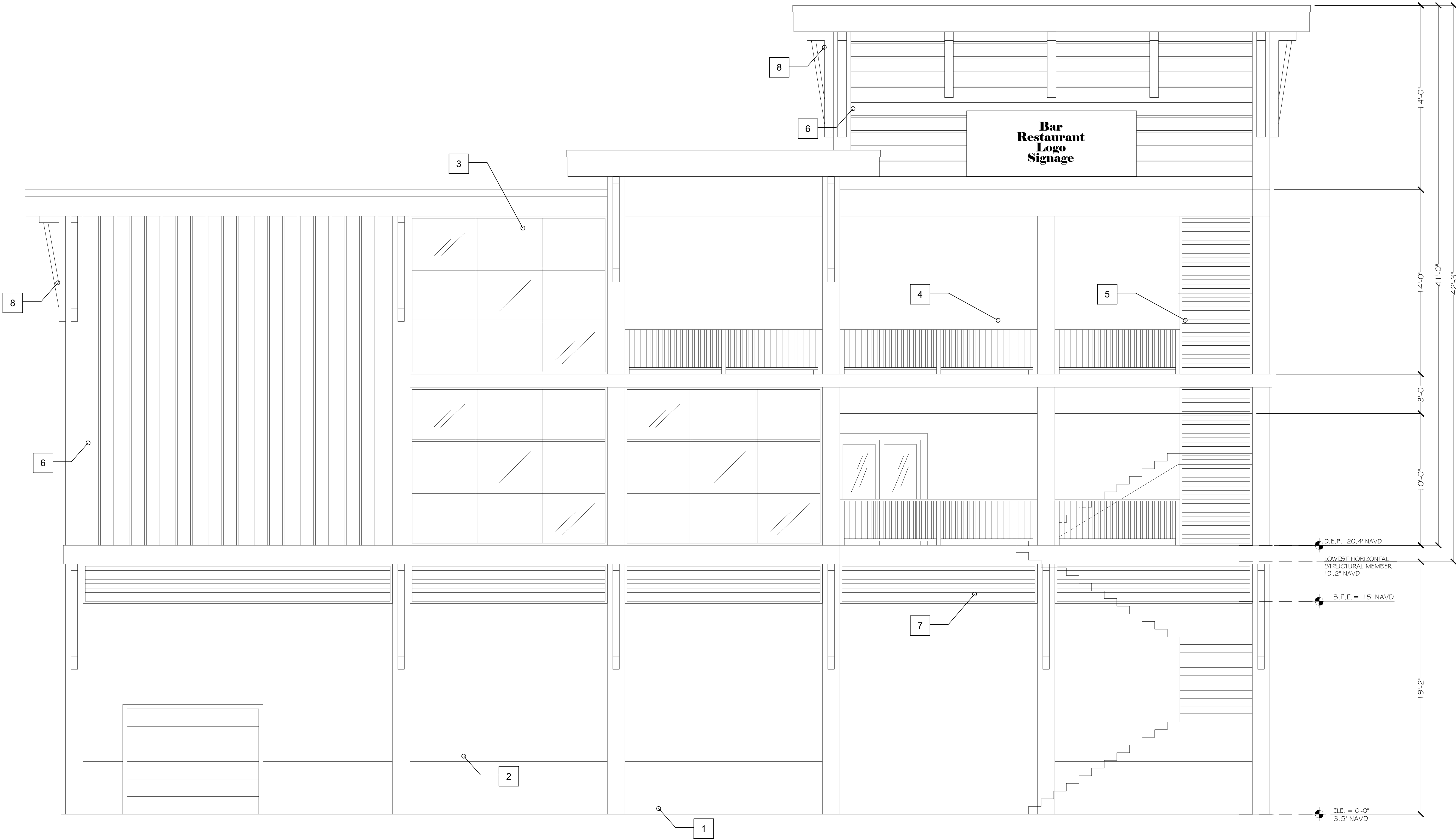
JOB NO: A23-5501
DATE: 04/05/2024
DRAWN BY:
CHKD BY:

FRONT ELEVATION

SHEET NUMBER

A-5

KEYNOTES	
KEY	DESCRIPTION
1	STUCCO BASE
2	STUCCO BOARD + BATTEN
3	FALSE FRAME WINDOW
4	42" HIGH ALUMINUM RAILING
5	ALUM BAHAMA SHUTTER SCREEN
6	ALUM BOX SLAT SCREEN WALL
7	ALUM. DECORATIVE LOUVER
8	COMPOSITE BRACKET



FRONT ELEVATION

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



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FORT MYERS BEACH, FL 33931

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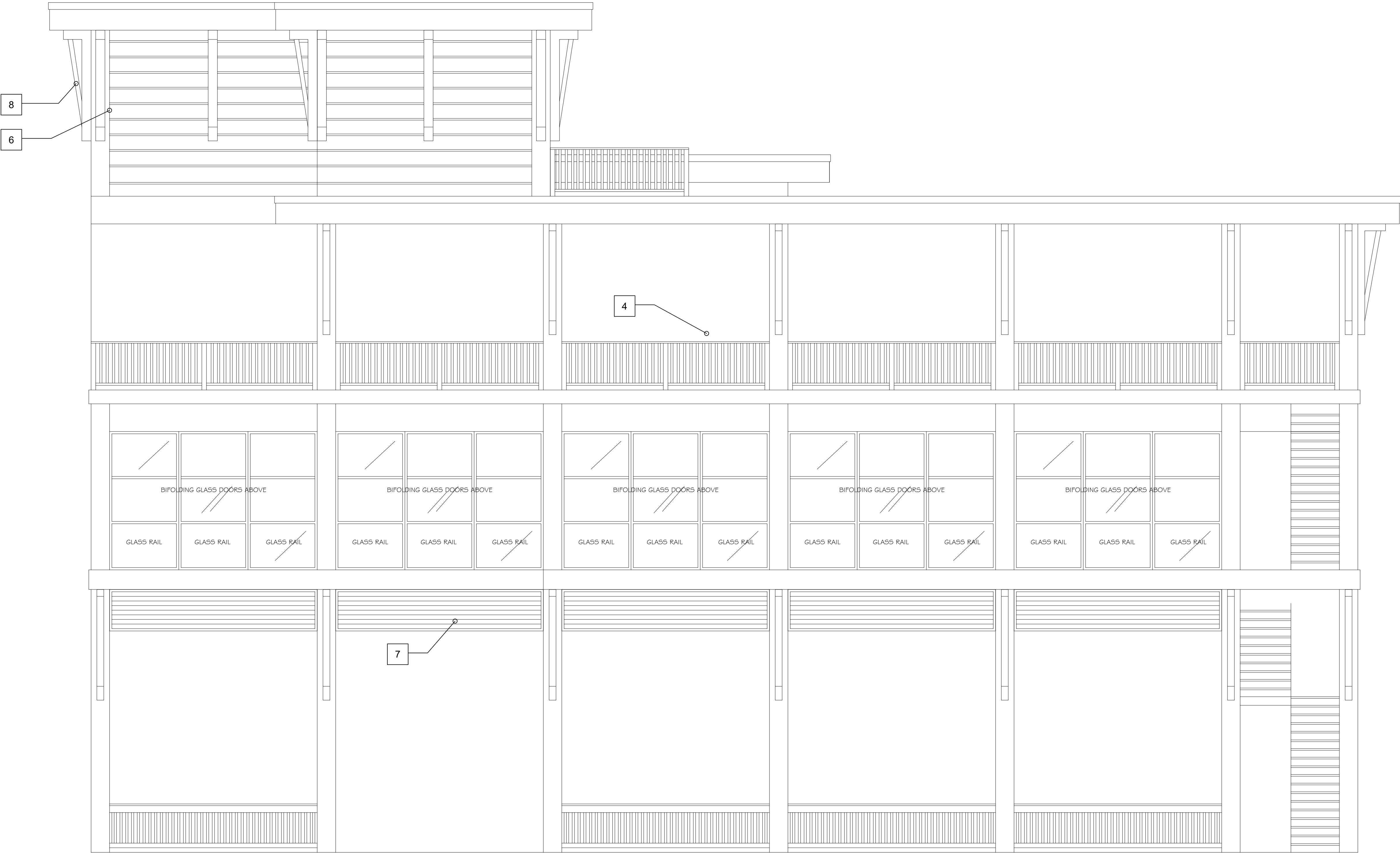
JOB NO: A23-5501
DATE: 04/05/2024
DRAWN BY:
CHKD BY:

REAR ELEVATION

SHEET NUMBER

A-6

KEYNOTES	
KEY	DESCRIPTION
1	STUCCO BASE
2	STUCCO BOARD & BATTEN
3	FALSE FRAME WINDOW
4	42" HIGH ALUMINUM RAILING
5	ALUM BAHAMA SHUTTER SCREEN
6	ALUM BOX SLAT SCREEN WALL
7	ALUM. DECORATIVE LOUVER
8	COMPOSITE BRACKET



REAR ELEVATION
Scale: 1/4" = 1'-0"



**The Cottage
1250 Estero Blvd.
Variance Request**

REQUEST NARRATIVE

REQUEST & BACKGROUND

The Neighborhood Company, on behalf of Orlandini Development Inc., requests five (5) variances for redevelopment of The Cottage and Schuckers at the Gulfshore Restaurant/Bar located on the subject property at 1250 Estero Blvd., Fort Myers Beach, FL, 33931. The enclosed variance application seeks relief from the following code sections:

1. LDC Section 34-674(a)(1)(b): Building Placement 0-5'
2. LDC Section 34-675(b)(3): Height (42'-3", 3 stories)
3. LDC Section 34-676(a)(4): Off Street Parking Reductions
4. LDC Section 34-676(b): Parking Lot Locations
5. LDC Section 34-676(d): Driveway Connections

The subject property encompasses 0.82 +/- acres (35,719 sq. ft.) is located at 1250 Estero Blvd., Fort Myers, FL 33931 and is identified as STRAP #19-46-24-W4-0070F.0010. The property has a Future Land Use Designation of Pedestrian Commercial and Recreation and is within the Downtown and Environmentally Critical (EC) zoning designation. The property was previously developed with a The Cottage Bar and Shuckers at the Gulfshore Restaurant which were both destroyed by Hurricane Ian.

Prior to the storm the improvements on the property totaled approximately 10,900 SF. The structures were older, non-conforming and encroached over the 1978 CCCL. The Applicant is proposing to redevelop The Cottage and Shuckers with a new state-of-the-art structure that will be resilient, attractive, and lively as ever.



PROPERTY BOUNDARY





SUBJECT PROPERTY POST- HURRICANE IAN



The Cottage Bar and Shuckers at the Gulfshore were iconic establishments on Fort Myers Beach. They had a long history dating back to 1921, and were popular eating, drinking and entertainment venues beloved by locals and visitors alike.



"The Gulf Shore Inn was called the Crescent Beach Casino when it first opened in 1921. Thomas Phillips, an early developer on the island opened the casino and bath house once the new bridge to the island was completed. The place evolved into the Gulf Shore Inn when rooms were added in the 1930s and 1940s. For many years the restaurant and the inn were popular gathering places. In the 80s, the Cottage bar was added and the outside area expanded. Before Ian, plans were in place to redesign and renovate the buildings. Nothing was left of the original buildings after the storm."



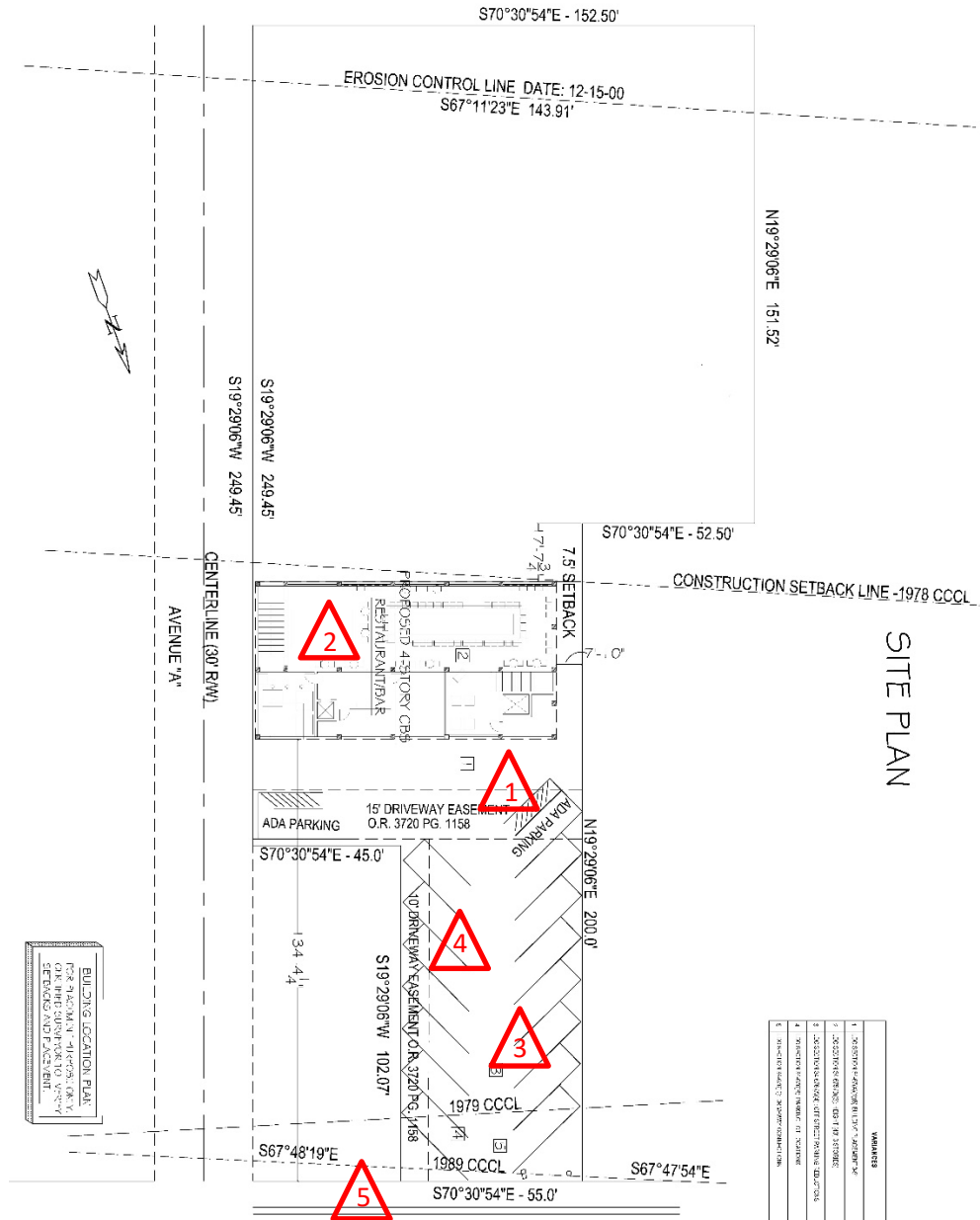
Source: esteroislandhistoricalsociety.org

PROPOSED REDEVELOPMENT

The Applicant proposes to redevelop the subject property with a new restaurant and bar within a three-story entertainment complex that will be FEMA compliant and will meet or exceed Florida Building Code requirements. However, due to the limited size and unique configuration of the property, redevelopment will require five variances. These variances discussed in greater detail below, will allow The Cottage and Shuckers to remain "beach venues" with outstanding direct views of the Gulf and easy access to our beautiful white sand beach. The proposed entertainment complex seeks to honor the rich history of those establishments within a modern facility with a contemporary coastal design.



The proposed venue will be +/- 12,000 SF and will feature a beach bar at the ground level. This bar will be hardened and resilient and will be designed to meet floodplain requirements. The second floor will house Shuckers Restaurant which will be a casual fine dining restaurant, and the third floor will be The Cottage Bar/Restaurant, which will offer a bar and dining experience with live entertainment and a dance floor. The proposed structure will be slightly larger than the historic buildings to accommodate modern construction methods, and meet today's standards associated with kitchens, bathrooms, and mechanicals.





NARRATIVE STATEMENTS

The following information is provided to address the narrative statement requirement contained within the Supplement Form PH-B, Additional Required Information for a Variance Application. The directions contained and questions posed within the application are presented in bold and underlined format, with our responses below. Please forgive the redundancy found within these answers. Even though this is one unified project, the code requires that we address the same questions and all evaluation criteria for each variance requested. The five variances are depicted on the site plan above.

Variance #1 Request

Request for variance from LDC Section 34-674(a)(1)(b) which establishes a build-to line for the Downtown zoning districts and requires buildings to be placed 0-5' from the right of way. Explain the specific regulation contained in this section from which relief is sought.

The Land Development Code Section 34-674(a)(1)(b) states that, "built-to lines are 0 – 5 feet for all of First, Second, Third, and Fifth, and the south side of Estero Boulevard from the Sky Bridge to Miramar Street." This regulation would require that the front of the building be placed along Estero Boulevard rather than the proposed location fronting the Gulf of Mexico and the sandy beaches. The subject property has a "flag lot" configuration where the frontage along Estero Blvd is narrower at approximately 55' wide and the back of the lot along the Gulf is approximately 152' wide. The unique configuration of the lot does not allow an adequately sized building along Estero, nor does it honor The Cottage's and Shuckers' long history as beachside venues with great views and direct access onto the beach.

Reasons for request. Explain why the variance is needed:

This petition seeks a variance from LDC Section 34-674(a)(1)(b) due to the configuration of the property. The subject property is located at 1250 Estero Boulevard and was previously home to The Cottage and The Cottage Beach Bar prior to their destruction by Hurricane Ian. The property currently measures approximately 55 feet wide along Estero Boulevard, approximately 152 feet wide at the beachfront and approximately 335 feet deep. A variance is needed to allow the building to be placed near the center of the property where the lot is wider and landward of the 1978 Coastal Construction Control Line (CCCL). The approximate width of 55' at the property edge along Estero Boulevard is not conducive to reconstructing one adequately sized structure along with parking and drive aisles.

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

This variance, if granted, will not cause negative impacts to surrounding properties and will actually provide site design benefits to allow proper access, circulation and parking on the property. It will also provide patrons with an improved beach experience by allowing them to take advantage of the beautiful views of the Gulf of Mexico and direct access to the beach.

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

The property's unique shape has created the need for this variance. The property is approximately 55' wide along Estero Boulevard and extends $\pm 102'$ deep, it then widens to 100' for a depth of $\pm 100'$ and widens again to $\pm 152'$ for a depth of $\pm 151'$. This unique "L" shaped lot does not allow for the construction of the



building at the front of the property along with providing access parking and a drive aisle.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87. The guidelines for decision-making regarding a request for a variance are as follows:

- (1) Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimis variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;**

Hurricane Ian's destruction and the unique configuration of the subject property have created exceptional circumstances. The requested variance will allow for a building, building placement and site design that represents a de minimis variance to allow for the reasonable reconstruction of The Cottage and Shucker's. The configuration of the property limits the ability to place a building within the 0' to 5' build to line for properties along Estero Boulevard. The proposed site design places the building within the widest usable portion of the property outside of the Coast Construction Control Line with parking to be located at the narrowest portion of the site thus, utilizing the property in the most efficient manner possible to comply with Federal, State and Local regulations.

- (2) Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;**

The exceptional or extraordinary conditions are not the result of the actions of the Applicant. Hurricane Ian is an "act of god", and the size and configuration of the property has not been altered by the Applicant. The Applicant has carefully considered current regulations and designed a building and site to eliminate or alleviate pre-storm non-conformities while still being able to maintain the use of a restaurant and bar on the subject property.

- (3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;**

The requested variance is the minimum variance to relieve the applicant of the unreasonable burden caused by the application of the build-to line requirement. As mentioned above, the narrow width of the lot along Estero Blvd is not conducive to redeveloping the site and proposed structure, nor is it consistent with allowing this venue to remain a beach venue with direct access to the beach and unobstructed views of the gulf.

- (4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and**

The proposed variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. To the contrary, this variance allows the redevelopment of a Fort Myers Beach icon that is a public asset. It allows for a better site configuration and more efficient access, parking, and traffic circulation.

- (5) Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.**

No, the property's conditions, use and request are unique and are not general or recurrent in nature.



Variance #2 Request

Request for variance from LDC Section 34-675(b)(3), which limits height to 40 feet above base flood elevation plus freeboard and 3 stories, in order to allow 42'-3" feet above base flood elevation plus freeboard within a 3-story structure with mechanicals on the roof deck. Explain the specific regulation contained in this section from which relief is sought.

Variance request #2 is for relief from Land Development Code Section 34-675(b)(3) which states that properties fronting on Avenues A shall limit building heights to a maximum of 40 feet above base flood elevation and no taller than three stories. The new Cottage and Shuckers is proposed to be 42 feet 3 inches above the lowest horizontal structural member, and within a 3-story structure with mechanicals on the roof deck. This request represents a 2-foot-3-inch variance to the maximum height to accommodate the elevator shaft, air conditioners and the electrical and mechanical room on the rooftop. These "mechanicals" will be shielded by architectural panels that will be integrated within the proposed contemporary coastal design.

Reasons for request. Explain why the variance is needed:

This variance is requested to provide the ability to rebuild The Cottage and Shuckers with a restaurant and bar area approximately the same size as existed prior to Hurricane Ian. However, due to today's building and floodplain regulations, the proposed structure can no longer extend beyond the 1978 CCCL. As such, the structure has to build up rather than out if it is to maintain approximately the same entertainment space. The overall structure proposed is approximately 10% larger than the historic building in order to accommodate modern construction methods, and meet today's standards associated with kitchens, bathrooms and mechanicals.

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

The requested 2-foot-3-inch variance represents a de minimus difference in height that will not be noticeable to the naked eye. This variance will have no detrimental impacts on surrounding properties. To the contrary, the height deviation allows for the proper shielding and architectural treatment of essential mechanical components, which will result in a more attractive building.

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

The unprecedented hurricane which destroyed the property, the unique shape of the lot and the limited development footprint, resulting from regulations that were implemented subsequent to the original construction of this establishment, impose significant hardships that would impede redevelopment if not for this variance.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87. The guidelines for decision-making regarding a request for a variance are as follows:

- (1) Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimus variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;**

As explained above Hurricane Ian, the unique shape of the lot and the limited development footprint, resulting from regulations that were implemented subsequent to the original construction of this establishment, have created exceptional conditions and circumstances. Furthermore, the



requested variance represents a de minimis departure from the established height regulations and will not be deleterious to adjacent properties or the surrounding neighborhood.

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

The exceptional conditions and circumstances do not result from actions of the Applicant. The size and configuration of the property have not been altered but regulations have significantly changed over the years. These regulations significantly affect the ability to redevelop this property and how a proposed structure can be built.

(3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;

Yes, the variance is the minimum variance needed to allow an adequately sized building to be rebuilt while meeting modern construction methods and today's regulatory standards.

(4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The proposed variance will not be injurious to the neighborhood or detrimental to the public welfare. To the contrary, the variance will allow for a better building where mechanicals can be appropriately shielded with an aesthetically pleasing architectural treatment.

(5) Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

No, the property's conditions, use and request are unique and are not general or recurrent in nature.



Variance #3 Request

Request for variance from LDC Section 34-676(a)(4), which allows off-street parking reductions of up to 33% for the subject property located within the Downtown district, in order to allow an 80% reduction. Explain the specific regulation contained in this section from which relief is sought.

The Land Development Code describes the Downtown district as being a “park-once” district and provides for substantial reductions to the off-street parking requirements. Land Development Code Section 34-676(a)(4) states, “All other streets in the Downtown district, and all land on Crescent Street regardless of zoning district, multiply by 67 percent” to determine the adjusted off-street parking requirement for the subject property. The applicant proposes to redevelop the subject property with a new restaurant and bar within a three-story entertainment complex. The minimum parking requirements for restaurants with a bar/cocktail lounge is eight spaces per 1,000 square feet of total floor area plus five additional spaces per 1,000 square feet of floor area used for the bar. If outdoor seating is provided, parking must also be provided for the area used for outdoor seating at the same rate. The required and provided parking for the new Cottage and Shuckers are as follows:

- Building Square Footage inclusive of bar area (excluding rooftop mechanicals): 12,143
- Bar Square Footage: 3,348

- Restaurant Parking Requirement: 12,143 @ 8 spaces/1,000 SF = 97 spaces
- Bar Parking Requirement: 3,348 @ 5 spaces/1,000 SF = 17 spaces
- Total Parking Requirement: 97 spaces + 17 spaces = 114 spaces

- Parking Provided: 16 spaces + 2 spaces derived from 2 bike racks = 18 spaces

Therefore, the applicant is requesting an 84% reduction in required parking.

Reasons for request. Explain why the variance is needed:

As mentioned previously, this variance is requested to provide the ability to rebuild The Cottage and Shuckers with a restaurant and bar area approximately the same size as existed prior to Hurricane Ian. However, due to today’s building and floodplain regulations, the proposed structure can no longer extend beyond the 1978 CCCL. As such, the lot’s development footprint is significantly smaller and cannot accommodate the proposed building and required parking. Moreover, it should be noted that the original building was constructed legally and met development standards at that time. Parking regulations have changed over time resulting in parking requirements that are not feasible for the limited size of the subject property.

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

This variance, if granted, will have little to no effect on the surrounding properties since this establishment will continue to operate with limited off-street parking as it did prior to Ian. The site will be designed to meet access and dimensional parking standards for a safe and efficient circulation pattern on the property. The property’s location within the Downtown district ensures sufficient paid and public parking within a reasonable pedestrian radius. There will be adequate bicycle parking on the subject property and there is a pedestrian crossover located at Avenue A and Estero Boulevard which also provides safe access to the



transit stop on Estero Boulevard. Historically, The Cottage and Shuckers have provided a great beach location for residents and visitors to enjoy views of the Gulf while enjoying a variety of dining and entertainment options.

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

The unprecedented hurricane which destroyed the property, the unique shape and size of the lot and parking requirements that were developed and imposed after the original building of The Cottage and Shucker's venue, create significant hardships that justify relief from the parking regulations.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87. The guidelines for decision-making regarding a request for a variance are as follows:

- (1) Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimis variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;**

Hurricane Ian's destruction and the unique size and configuration of the subject property have created exceptional circumstances. The requested variance will allow for a reduction in parking in an area of the island that promotes the park once concept and where pedestrian activity is prevalent and highly encouraged.

- (2) Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;**

The extraordinary conditions which justify the requested variance are not the result of actions taken by the applicant but result from the destruction caused by Hurricane Ian and a changing regulatory framework that established the 1978 CCCL and stringent parking requirements.

- (3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;**

The requested variance is de minimis in nature and represents the minimum variance needed to allow the Applicant to redevelop an adequately-sized structure that will meet current standards.

- (4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and**

The variance will not be injurious to the neighborhood or detrimental to public welfare. This variance will allow iconic establishments to continue operating with limited parking in a pedestrian area, where paid and public solutions currently exist and can be enhanced. This aligns with the "park once" concept described in the comprehensive plan.

- (5) Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.**

No, the property's conditions, use and request are unique and are not general or recurrent in nature. This variance is sought due to the lot configuration and the need to locate the building outside of the CCCL. Although other flag lots exist on the island, this lot configuration is specific to the subject property, and it would not be reasonable or practical to amend the regulation. Each flag lot is considered unique and should be evaluated on an individual basis to ascertain if a variance is necessary to allow the desired development.



Variance #4 Request

Request for variance from LDC Section 34-676(b), which requires off-street parking to be placed in rear yards or side yards for properties that front the beach side of Estero Boulevard, in order to allow parking in the front yard.

The Land Development Code Section 34-676(b) states that off-street parking lots are not permitted in front yards or side yards within the Downtown District, except they may be placed in the side yards of building on properties that front the beach side of Estero Boulevard if the unbuilt area thus created allows open views to the Gulf of Mexico. Due to the subject property's size, location and configuration, the logical and most efficient placement of the building and parking lot is presented in the proposed site plan. This configuration positions the building at the widest developable point of the property and maintains the direct beach access and Gulf frontage which has existed throughout the history of these iconic venues. Additionally, the proposed configuration allows for efficient access, circulation and parking on the property.

Reasons for request. Explain why the variance is needed:

Due to the configuration of the lot, this variance is needed in order to allow the off-street parking at the front of the property. Locating the building to the rear of the property and parking to the front is consistent with the property's historical configuration and allows for the efficient layout of the property. This layout maintains the beachfront location but also maintains established access points where the entrance to the parking lot is along Estero Boulevard and the exit is a "left out" on Avenue A. As can be seen from the site plan, the drive aisle is "one-way" with angled parking since the portion of the lot connecting to Estero Boulevard is relatively narrow.

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

This variance, if granted, will not have negative effects on the surrounding properties. The proposed site configuration generally maintains the historical layout with the building to the back of the property and parking in the front.

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

As mentioned above, the unprecedented hurricane which destroyed the property, the unique shape and size of the lot and parking requirements that were developed and imposed after the original building of The Cottage and Shucker's venue create significant hardships that justify relief from the parking location regulation.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87. The guidelines for decision-making regarding a request for a variance are as follows:

- (1) Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimis variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;**

Hurricane Ian's destruction and the unique size and configuration of the subject property have created exceptional circumstances. The requested variance will allow the parking to be located in the most logical and functional location. The request is de minimis and represents the minimum variance needed to allow the proposed layout.



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

The extraordinary conditions which justify the requested variance are not the result of actions taken by the Applicant, but result from the destruction caused by Hurricane Ian and a changing regulatory framework that established the 1978 CCCL and locational parking standards after the original development of this property.

(3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;

The requested variance is de minimis in nature and represents the minimum variance needed to allow the Applicant to redevelop the site with a layout which respects the property's historical configuration.

(4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The variance will not be injurious to the neighborhood or detrimental to public welfare. This variance will allow iconic establishments to continue operating with limited parking and will allow the most functional a safe parking configuration and circulation pattern.

(5) Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

No, the property's conditions, use and request are unique and are not general or recurrent in nature. This variance is sought due to the lot configuration and the need to locate the building landward of the 1978 CCCL. The location, lot configuration and proposed use are unique to this property.



Variance #5 Request

Request for variance from LDC Section 34-676(d), which requires that new driveways shall connect only to secondary streets, except where these requirements would prohibit all reasonable access to a property, in order to maintain the pre-storm access along Estero Boulevard and exit onto Avenue A. Explain the specific regulation contained in this section from which relief is sought.

Due to the properties unique size and configuration the parking drive aisle has to be “one way”. The property is not wide enough to allow a bi-directional drive aisle and double bays of parking spaces. As such, access on to the property has to be from Estero Boulevard with the exit onto Avenue A. This represents the historical and most functional layout for the parking lot.

Reasons for request. Explain why the variance is needed:

As mentioned above, the width of the lot does not allow a bi-directional drive aisle, which mandates the proposed configuration.

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

The variance will not have any negative affect on surrounding properties. It maintains the historical layout and traffic circulation pattern that existed pre-lan. Additionally, the existing pattern represents the most functional and safest configuration.

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

Again, the unprecedented hurricane which destroyed the property, the unique shape and size of the lot and access requirements implemented after the original building of The Cottage and Shucker’s venue create significant hardships that justify relief from the code requirement.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87. The guidelines for decision-making regarding a request for a variance are as follows:

- (1) Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimis variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;**

Hurricane Ian’s destruction and the unique size and configuration of the subject property have created exceptional circumstances. The requested variance will allow the parking to be located in the most logical and functional location. The request is de minimis and represents the minimum variance needed to allow the proposed layout.

- (2) Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;**

The extraordinary conditions which justify the requested variance are not the result of actions taken by the Applicant but result from the unique lot configuration, and limited width of the property.

- (3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;**

Yes, the requested variance represents the minimum variance needed for the proposed circulation pattern and redevelopment of the site with a layout which respects the property’s historical



configuration.

(4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The variance will not be injurious to the neighborhood or detrimental to public welfare. This variance will allow iconic establishments to continue operating with limited parking and will allow the most functional, safe parking configuration and circulation pattern.

(5) Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

No, the property's conditions, use and request are unique and are not general or recurrent in nature. This variance is sought due to the lot configuration and the need to locate the building landward of the 1978 CCCL. The location, lot configuration and proposed use are unique to this property.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 1250 Estero Blvd., Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-0070F.0010

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

Contact Name: Kenrick Gallander, AICP Phone: _____

Email: KG@theneighborhood.company Fax: _____

Current Zoning District: Downtown & EC

Future Land Use Map (FLUM) Category: Pedestrian Commercial & Recreation

FLUM Density Range: 6 du/ac & 1 du/20 ac Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

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

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: _____

Email: KG@theneighborhood.company Fax: _____

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

Name: N/A 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 _____ - see attached narrative request
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

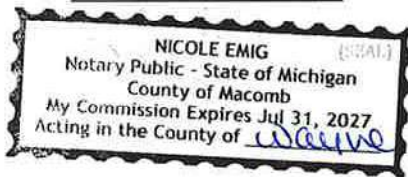
Printed Name

STATE OF MI COUNTY OF Wayne

The foregoing instrument was certified and subscribed before me by means of X physical presence OR _____ online notarization, this 29th day of February, 2021 by

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

_____ as identification.



Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

Right Choice Investments LLC, 13500 Telegraph Rd. Taylor, MI 48180

100

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

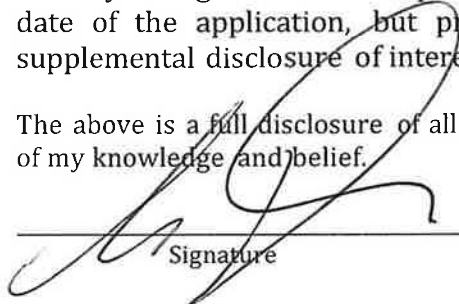
Name

Address

_____	_____
_____	_____
_____	_____
_____	_____

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

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



Signature

Paul Shamo
Printed Name

AFFIDAVIT

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

I, Paul Shamo (name), as Owner (title)
of Right Choice Investments LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Right Choice Investments LLC

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

Signature

Typed or Printed Name

Owner

Title

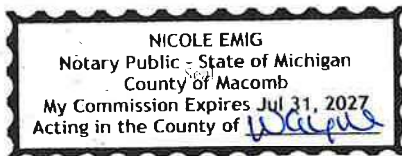
2/29/2024

Date

STATE OF MI COUNTY OF Wayne

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 29th day of February 2024, by

Paul Shamo ☒ who is personally known to me OR ☐ who has produced _____ as identification.



Nicole Emig
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0070F.0010

Property Address: 1250 Estero Blvd., Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) +/- 100 feet
Depth (please provide an average width if irregular in shape) +/- 340' feet
Frontage on street: +/- 50 feet. Frontage on waterbody: +/-150 (beachfront) feet
Total land area: 35,719 ☐ acres ☒ square feet

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

Head south from the Sky Bridge on San Carlos Blvd. which turns slightly left and
becomes Estero Blvd., the property is approximately 0.3 miles on the right.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

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

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



THE NEIGHBORHOOD
COMPANY

I Paul Shamo, as Owner of the
Right Choice Investments LLC, owner of property located at 1250 Estero Blvd., Fort
Myers Beach, FL, 33931, identified by STRAP Number 19-46-24-W4-0070F.0010,
hereby authorizes The Neighborhood Company regarding the above-referenced property
to serve as agent for the Town of Ft Myers Beach Planned Development Variance
Application.

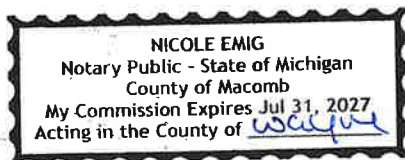
Right Choice Investments LLC

By: [Signature]
Print Name: Paul Shamo
Title: Owner

STATE OF Mi
CITY OF Wayne

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization, this 29th day of February, 2024 by
Paul Shamo, as owner of Right Choice Investments
LLC, on behalf of the company(s), who ☒ is personally known to me OR ☐ has produced
a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Mi
Print Name: Nicole Emig
My Commission Expires: 7-31-2027

LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

ID Number: 801612846

[Request certificate](#)

[Return to Results](#)

[New search](#)

Summary for: RIGHT CHOICE INVESTMENTS, LLC

The name of the DOMESTIC LIMITED LIABILITY COMPANY: RIGHT CHOICE INVESTMENTS, LLC

Entity type: DOMESTIC LIMITED LIABILITY COMPANY

Identification Number: 801612846 **Old ID Number:** D5650D

Date of Organization in Michigan: 04/14/2011

Purpose: All Purpose Clause

Term: Perpetual

The name and address of the Resident Agent:

Resident Agent Name: PAUL SHAMO

Street Address: 13500 TELEGRAPH ROAD

Apt/Suite/Other:

City: TAYLOR

State: MI

Zip Code: 48180

Registered Office Mailing address:

P.O. Box or Street Address: 13500 TELEGRAPH ROAD

Apt/Suite/Other:

City: TAYLOR

State: MI

Zip Code: 48180

Act Formed Under: 023-1993 Michigan Limited Liability Company Act

Managed By:

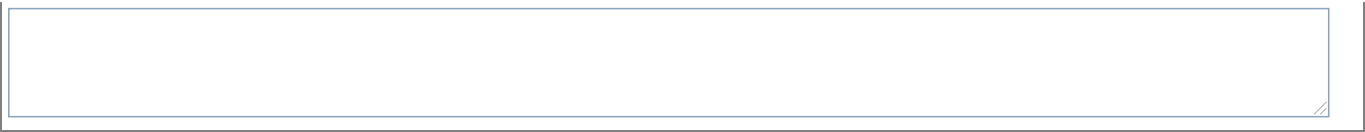
Members

View filings for this business entity:

ALL FILINGS
ANNUAL REPORT/ANNUAL STATEMENTS
CERTIFICATE OF CORRECTION
CERTIFICATE OF CHANGE OF REGISTERED OFFICE AND/OR RESIDENT AGENT
RESIGNATION OF RESIDENT AGENT
CERTIFICATE OF ASSUMED NAME

[View filings](#)

Comments or notes associated with this business entity:



[LARA FOIA Process](#) [Transparency](#) [Office of Regulatory Reinvention](#) [State Web Sites](#)

[Michigan.gov Home](#) [ADA](#) [Michigan News](#) [Policies](#)

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THE NEIGHBORHOOD COMPANY

THE COTTAGE
1250 ESTERO BLVD.
VARIANCE REQUEST

EXHIBIT 6-1: STRAP & LEGAL DESCRIPTION

- **STRAP NUMBER:** 19-46-24-W4-0070F.0010

- **LEGAL DESCRIPTION**

LOTS 1 & 2 AND THE EASTERLY 2 ½ FEET OF LOT 3, BLOCK C, CRESCENT PARK SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND

LOTS 1, 2, 3, 4, & 5, BLOCK F, LESS THE EASTERLY 45 FEET OF LOTS 1 AND 2, BLOCK F, LESS THE EASTERLY 45 FEET OF THE NORTHERLY 2.7 FEET OF LOT 3, BLOCK F, CRESCENT BEACH SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

LEGAL DESCRIPTION FROM SURVEY WHICH WAS PROVIDED BY CLIENT.

1250 Estero Boulevard Project Location



March 1, 2024

Air Photos: 2023 Hi-Res (3 inch)

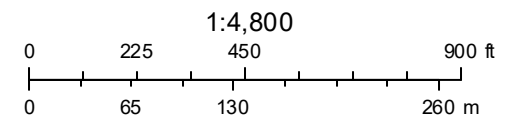
 Hospital Locations

 Library Locations

School Locations

 School Locations

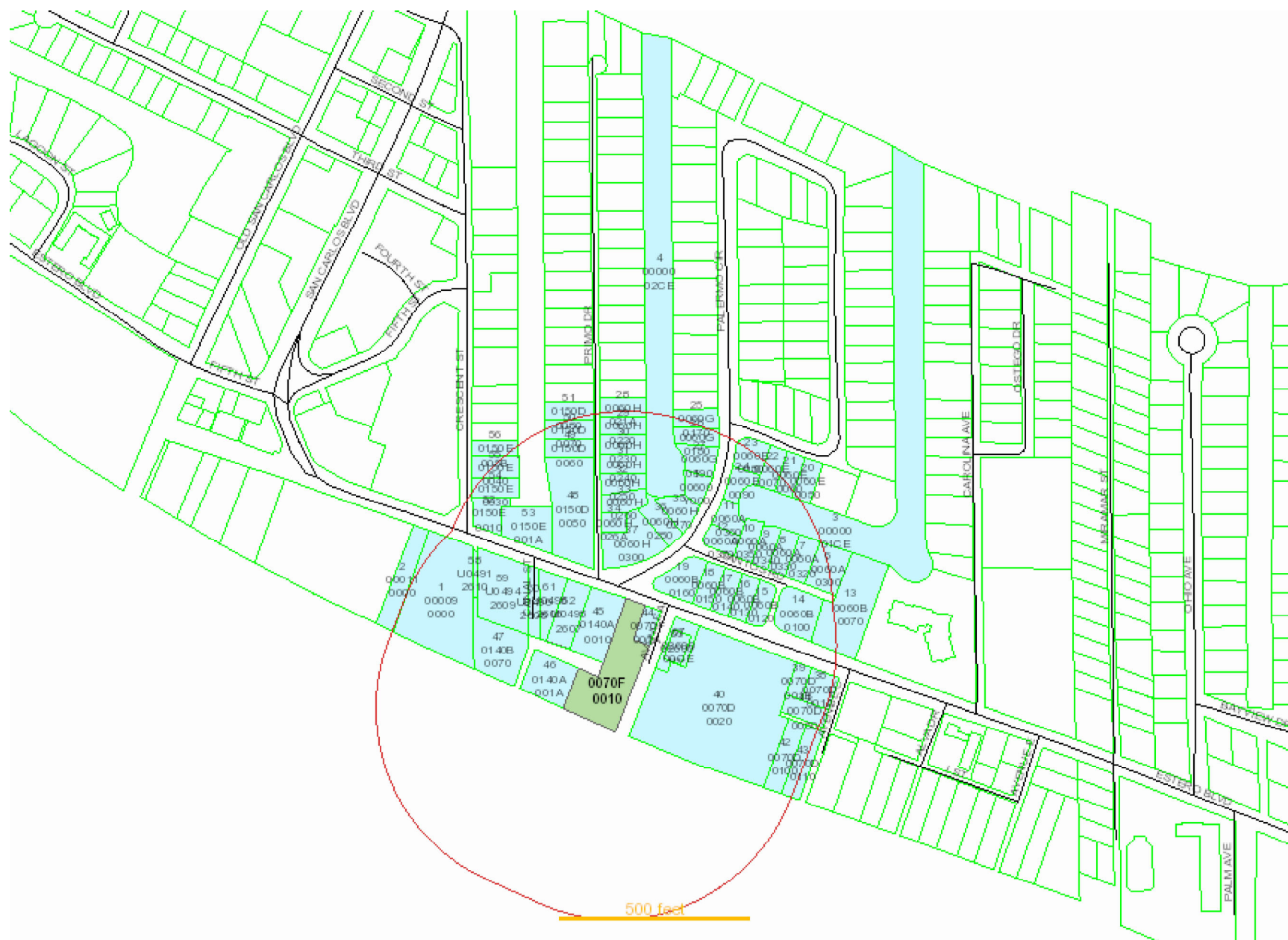
 Public Locations



Subjects: 1 Date: 1/30/2024 12:00:00 AM

List Size: 73

Index	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
0	19-46-24-W4-0070F.0010	RIGHT CHOICE INVESTMENTS LLC		13500 TELEGRAPH RD		TAYLOR	MI	48180	
1	24-46-23-W3-00009.0000	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
2	24-46-23-W3-00011.0000	CLOWNFISH RESTAURANT HOLDINGS		11201 COORPORATE CIRCLE N		SAINT PETERSBURG	FL	33716	
3	19-46-24-W4-00000.01CE	VENETIAN GARDENS CANAL		PALERMO CIR		FORT MYERS BEACH	FL	33931	
4	19-46-24-W4-00000.02CE	VENETIAN GARDENS CANAL		PALERMO CIR		FORT MYERS BEACH	FL	33931	
5	19-46-24-W4-00600.Y000	VAN BURGESS ROBERT		PO BOX 2717		FORT MYERS BEACH	FL	33932	
6	19-46-24-W4-0060A.0300	LANI KAI LP		1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
7	19-46-24-W4-0060A.0320	LANI KAI LP		1400 ESTERO RD		FORT MYERS BEACH	FL	33931	
8	19-46-24-W4-0060A.0330	AULLS PATRICIA E L/E		7241 BERGAMO WAY UNIT 101		FORT MYERS	FL	33966	
9	19-46-24-W4-0060A.0340	WILCOX LANCE		1339 SANTOS RD		FORT MYERS BEACH	FL	33931	
10	19-46-24-W4-0060A.0350	PARILLA DAVID R TR		1335 SANTOS RD		FORT MYERS BEACH	FL	33931	
11	19-46-24-W4-0060A.0360	CONNER CHARLES R & GAIL D		53 POMPANO ST		FORT MYERS BEACH	FL	33931	
12	19-46-24-W4-0060A.0370	PARILLA DAVID R TR		1335 SANTOS RD		FORT MYERS BEACH	FL	33931	
13	19-46-24-W4-0060B.0070	LKLB OF FLORIDA INC		1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
14	19-46-24-W4-0060B.0100	KLC SURF LLC	CHRISTOPHER PRIMEAU	4625 W EUCLID AVE		TAMPA	FL	33629	
15	19-46-24-W4-0060B.0120	KLC SURF LLC	CHRISTOPHER PRIMEAU	4625 W EUCLID AVE		TAMPA	FL	33629	
16	19-46-24-W4-0060B.0130	ROBERT G CONIDARIS	ROBERT G CONIDARIS	1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
17	19-46-24-W4-0060B.0140	LANI KAI LP	ROBERT G CONIDARIS	1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
18	19-46-24-W4-0060B.0150	LANI KAI LP	ROBERT G CONIDARIS	1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19	19-46-24-W4-0060B.0160	7-ELEVEN INC	CORP INCOME TAX DEPT	3200 HYACKBERRY RD		IRVING	TX	75063	
20	19-46-24-W4-0060E.0050	R & D ENTERPRISES OF		3436 CHURCH ST		STEVENS POINT	WI	54481	
21	19-46-24-W4-0060E.0060	WEIGERT ANTJE & MARTIN		415 CAPE CORAL PKWY W		CAPE CORAL	FL	33914	
22	19-46-24-W4-0060E.0070	JAMES R BRATLEY & JOAN E BRATL		15120 WEST ILIFF PL		LAKEWOOD	CO	80228	
23	19-46-24-W4-0060E.0080	GNIRCK RAPHAEL +		AM MUEHLBERG 39A		BAD HOMBURG VD HOEHE		61348	GERMANY
24	19-46-24-W4-0060E.0090	STRICK RICHARD A &		5804 PARK RIDGE CT		FORT COLLINS	CO	80528	
25	19-46-24-W4-0060G.0170	DAY BILLY WAYNE		3708 SHANNON RUN TRL		LOUISVILLE	KY	40299	
26	19-46-24-W4-0060G.0180	LUMP THOMAS F & ANN C		145 PALERMO CIR		FORT MYERS BEACH	FL	33931	
27	19-46-24-W4-0060G.0190	SLOMSKI STEVEN A &		PO BOX 2428	PMB 25382	PENSACOLA	FL	32513	
28	19-46-24-W4-0060H.021A	SANDY BEACH L L C		PO BOX 5		BELMOND	IA	50421	
29	19-46-24-W4-0060H.0220	NEUMANN SHEILA		146 PRIMO DR		FORT MYERS BEACH	FL	33931	
30	19-46-24-W4-0060H.0230	140 PRIMO LLC	SHEILA NEUMANN	146 PRIMO DR		FORT MYERS BEACH	FL	33931	
31	19-46-24-W4-0060H.0240	SEABIRD RESIDENTIAL LLC		1709 SW 47TH TER		CAPE CORAL	FL	33914	
32	19-46-24-W4-0060H.0250	HIGHLEY JAY E & MARY B		124 PRIMO DR		FORT MYERS BEACH	FL	33931	
33	19-46-24-W4-0060H.0260	HIGHLEY MARY BETH TR		6620 ESTERO BLVD #1006		FORT MYERS BEACH	FL	33931	
34	19-46-24-W4-0060H.026A	KWSH RE LLC		2601 MULBERRY AVE		MUSCATINE	IA	52761	
35	19-46-24-W4-0060H.0270	ARLINGTON GREEN HOMES LLC	LARRY SMITH	434 SPINNAKER DR		MARCO ISLAND	FL	34145	
36	19-46-24-W4-0060H.0280	KALIDINDI RAMA USHA +		44354 APACHE CIR		ASHBURN	VA	20147	
37	19-46-24-W4-0060H.0300	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
38	19-46-24-W4-0070D.001A	GANIM GEORGE W & JOSEPHINE		4666 MAIN ST		BRIDGEPORT	CT	06606	
39	19-46-24-W4-0070D.001B	GANIM GEORGE W & JOSEPHINE		4666 MAIN ST		BRIDGEPORT	CT	06606	
40	19-46-24-W4-0070D.0020	LANI KAI LP	ROBERT G CONIDARIS	1400 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
41	19-46-24-W4-0070D.0050	STEPNEY LLC		4666 MAIN ST		BRIDGEPORT	CT	06606	
42	19-46-24-W4-0070D.0100	GANIM GEORGE W SR &		4666 MAIN ST		BRIDGEPORT	CT	06606	
43	19-46-24-W4-0070D.0110	ATWATTER LLC	WALTER RAY SIMMONS	12711 CHATHAM DR		FORT MYERS	FL	33908	
44	19-46-24-W4-0070F.001A	OUR BEACH SAND LLC		12483 SUMMERWOOD DR		FORT MYERS	FL	33908	
45	19-46-24-W4-0140A.0010	GANIM PROPERTIES LLC		4666 MAIN ST		BRIDGEPORT	CT	06606	
46	19-46-24-W4-0140A.001A	GANIM PROPERTIES LLC		4666 MAIN ST		BRIDGEPORT	CT	06606	
47	19-46-24-W4-0140B.0070	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
48	19-46-24-W4-0150D.0050	TPI-FMB SUITES LLC		1207 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
49	19-46-24-W4-0150D.0060	COLLIN JAMES GROUP LLC		15 CARROTWOOD CT		FORT MYERS	FL	33919	
50	19-46-24-W4-0150D.0070	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249	
51	19-46-24-W4-0150D.0080	PATTON THOMAS D &		153 PRIMO DR		FORT MYERS BEACH	FL	33931	
52	19-46-24-W4-0150E.0010	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
53	19-46-24-W4-0150E.001A	DEEP DISH DOUGH LLC		328 BUCKLIN ST		LA SALLE	IL	61301	
54	19-46-24-W4-0150E.0030	MILLER CONRAD RE LLC		PO BOX 80490		FORT WAYNE	IN	46898	
55	19-46-24-W4-0150E.0040	INVESTMENTS OF FMB LLC	MARK DEIFT	560 NW 118 AVE		PLANTATION	FL	33325	
56	19-46-24-W4-0150E.005B	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
57	19-46-24-W4-02600.00CE	CRESCENT SHORE CONDO ASSOC		PO BOX 2990		FORT MYERS BEACH	FL	33932	
58	19-46-24-W4-U0491.2610	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
59	19-46-24-W4-U0494.2609	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
60	19-46-24-W4-U0496.2608	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
61	19-46-24-W4-U0498.2606	TPI-FMB LLC		103 15TH AVE NW STE 200		WILLMAR	MN	56201	
62	19-46-24-W4-U0498.2607	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
63	19-46-24-W4-02600.1010	1300 ESTERO BLVD LLC		32 BAYVIEW BLVD		FORT MYERS BEACH	FL	33931	
63	19-46-24-W4-02600.1040	BEYER TAMMY E TR		9656 HALYARDS CT # 24		FORT MYERS	FL	33919	
63	19-46-24-W4-02600.1050	ANDRESEN EDWIN TR		7960 PRESERVATION DR		INDIANAPOLIS	IN	46278	
63	19-46-24-W4-02600.1060	BOCCELLA SALVATORE		4 POINT VIEW CT		SICKLERVILLE	NJ	08081	
63	19-46-24-W4-02600.2010	JOHNSON NANCY ANN L/E		9 NANCY LN		FORT MYERS BEACH	FL	33931	
63	19-46-24-W4-02600.2020	HECK LLC		15561 CATALPA COVE DR		FORT MYERS	FL	33908	
63	19-46-24-W4-02600.2030	CONANT DONNA TR		8122 S FOREST HILL CIR		FRANKLIN	WI	53132	
63	19-46-24-W4-02600.2040	DENNIS R + CYNTHIA L LOKEN TRU		106 ICHABOD LN		MANKATO	MN	56001	
63	19-46-24-W4-02600.2050	LANDOLFI STEVEN J		22 VETO ST		PROVIDENCE	RI	02908	
63	19-46-24-W4-02600.2060	NIEMEIER RYAN & SUMMER		106 S WALNUT ST		LA CRESCENT	MN	55947	



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

CLOWNFISH RESTAURANT HOLDINGS
11201 COORPORATE CIRCLE N
SAINT PETERSBURG FL 33716

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

LANI KAI LP
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO RD
FORT MYERS BEACH FL 33931

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

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

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

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

SANDY BEACH L L C
PO BOX 5
BELMOND IA 50421

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

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

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

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

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

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

ARLINGTON GREEN HOMES LLC
LARRY SMITH
434 SPINNAKER DR
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

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

GANIM GEORGE W & JOSEPHINE
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W & JOSEPHINE
4666 MAIN ST
BRIDGEPORT CT 06606

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

STEPNEY LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W SR &
4666 MAIN ST
BRIDGEPORT CT 06606

ATWATTERLLC
WALTER RAY SIMMONS
12711 CHATHAM DR
FORT MYERS FL 33908

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

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

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

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

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

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

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

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

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

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

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

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

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

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

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

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

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

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

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

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

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

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name: The Cottage
Authorized Applicant: Kenrick Gallander, AICP
LeePA STRAP Number: 19-46-24-W4-0070F.0010

Current Property Status: Vacant
Current Zoning: Downtown & EC
Future Land Use Map (FLUM) Category: Pedestrian Commercial & Recreation
Comp Plan Density: 6 du/ac, 1 du/20 ac Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
LDC Sec. 34-674(a)(1)(b)	Build-to lines established
LDC Sec. 34-675(b)(3)	Building Height
LDC Sec. 64-676(a)	Off-street parking reductions
LDC Sec. 34-676(b)	Parking Lot Locations
LDC Sec. 34-676(d)	Driveway Connections

Complete the narrative statements below for EACH variance requested.



Case # _____

Date Received: _____

PART I
Narrative Statements

Request for variance from see attached list (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See attached Narrative Request

Reasons for request

Explain why the variance is needed:
See attached Narrative Request



Case # _____

Date Received: _____

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

See attached Narrative Request

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

See attached Narrative Request



Case # _____

Date Received: _____

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

See attached Narrative Request

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

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

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

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

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

Site plan

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

LDC Section 34-87

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

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

RESOLUTION 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VAR20240071 CONSISTING OF FIVE (5) VARIANCES FROM THE FOLLOWING LDC SECTIONS: 1) SECTION 34-674(a)(1)(b) [BUILD-TO-LINE MAXIMUM SETBACKS], 2) SECTION 34-675(b)(3) [BUILDING HEIGHT], 3) SECTION 34-676(a)(4) [PARKING SPACES], 4) SECTION 34-676(b) [REAR PARKING], AND 5) SECTION 34-676(d) [LOCATION OF ENTRANCE WAYS, FOR PROPERTY LOCATED AT 1250 ESTERO BLVD. ALSO IDENTIFIED BY STRAP# 19-46-24-W4-0070F.0010, TO ALLOW FOR REDEVELOPMENT OF A RESTAURANT/BAR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Applicant, Right Choice Investments, LLC, is the owner of property located at 1250 Estero Boulevard, Fort Myers Beach (STRAP# 19-46-24-W4-0070F.0010), and identified in the Lee County Property Appraiser's database as CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3 (the "Property"); and

WHEREAS, the Applicant is requesting 5 variances to allow the redevelopment of a restaurant and bar on the Property. These variances are:

1. a variance from LDC 34-674(a)(1)(b), which requires all structures on First, Second, Third and Fifth Streets, and the south side of Estero Boulevard from the Sky Bridge to Miramar Street to be between 0-5-feet setback from the street property line, to be waived and;

2. a variance from LDC 34-675(b)(3), which limits all structures on the south side of Estero Boulevard east of the main pedestrian crossing to a maximum of 40-feet above Base Flood Elevation and not taller than three stories, to allow for an additional 2-feet 3-inches of building height, and;

3. a variance from LDC 34-676(a)(4), which allows for all other areas not mentioned in this code section to reduce their parking requirements by 67-percent, to allow a reduction of an additional 18-percent above the 67-percent, for a total parking reduction of 85-percent, or a total reduction of 97-spaces and;

4. a variance from LDC 34-676(b), which requires all development to place parking areas in the rear, or to the side of buildings, to allow for the existing parking area forward of the proposed building to remain.

5. a variance from LDC 34-676(d), which requires all lots fronting along Estero Blvd to be relocated to secondary streets and all driveways connected to secondary streets, to allow for the continued use of the existing parking and driveway areas which allow access directly to and from Estero Blvd.; and

WHEREAS, the Property is located in the “Pedestrian Commercial” and “Recreation” categories of the Future Land Use Map of the Comprehensive Plan, and the “Downtown District” and “Environmentally Critical” (EC) zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 11, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted X-X to recommend **APPROVAL/ APPROVAL WITH CONDITIONS/ DENIAL** of the variances; and

WHEREAS, on August ____, 2024 the Town Council held a noticed public hearing to consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, redevelopment of projects such as this following Hurricane Ian is in the best interest of the Town and its residents.

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

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

Section 2. The Town Council finds the Applicant **did/ did not** meet its burden of proof and that the requested variances with conditions, all satisfy the requirements of the Town Comprehensive Plan and LDC.

Section 3. Accordingly, the Town Council approves the requested variances with conditions. In approving the variances with conditions, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

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

B. The conditions justifying approval of the variance are /are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is / is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

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

E. The conditions or circumstances on the Property are / are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. Approval of the variances is subject to the following conditions:

1. The development shall be substantially in compliance with the site plan attached to this Resolution as Exhibit A.
2. Approval of these variances does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

Section 5. This Resolution shall be effective upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

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

ADOPTED this ____ day of August 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Gretchen R. H. Vose., Town Attorney

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

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

Yellow Sheet Number: **2024-126**

1. Request:

Meeting Date: June 11, 2024

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE THE PROPERTY LOCATED AT 1668 I STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, WITH DEVIATIONS, FOR A BAR AND RESIDENCE; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears rezoning cases and makes recommendations to the Town Council.

What the action accomplishes:

The LPA recommendation will be forwarded to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The applicant is requesting a rezoning from Downtown to Commercial Planned Development for the redevelopment of a bar and dwelling unit. The residential use is allowed in the Downtown zoning district and the bar use received approval through Lee County Special Permit Case 95-10-173 (attached as Exhibit C) and has been in operation since that time. The CPD includes a deviation to increase the floor area ratio (FAR) from 1.0 to 1.4.

Attachments:

1. Ordinance 24-XX ns
2. Staff Report
3. Exhibit A - MCP
4. Exhibit B - Uses, Deviations & Conditions
5. Exhibit C - 95-10-173-02
6. Exhibit D - BZA-88-339
7. Exhibit E - Architectural Plans
8. Exhibit F - Application

Financial Impact:

unknown

6. Alternative Action

deny

7. Staff Recommendations:

Recommend approval with conditions

8. Recommended Approval:

Date: June 06, 2024

Frankie Kropacek, Operations & Compliance Director

Date: June 06, 2024

nancy stuparich, Town Attorney

Date: June 07, 2024

Amy Baker, Town Clerk

ORDINANCE 24-XX

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE THE PROPERTY LOCATED AT 1668 I STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, WITH DEVIATIONS, FOR A BAR AND RESIDENCE; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend. or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, B & B Properties of Fort Myers, as owner, and Jim Ink, Ink Engineering Inc., as agent for the owner of property located at 1668 I Street, and generally identified as STRAP numbers 19-46-24-W4-0070B.0110 ("Subject Property") in the Town of Fort Myers Beach, filed an application to rezone the property from the Downtown Zoning District to Commercial Planned Development (CPD) with a Master Concept Plan (MCP) and a request for certain deviations to the Land Development Code (LDC) in order to develop a bar and residence; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on June 11, 2024; and

WHEREAS, at the June 11, 2024 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) sec. 34-85; and

WHEREAS, at the June 11, 2024 public hearing the LPA found that the request is **consistent/ inconsistent** with the comprehensive plan and the requirements of the LDC and voted to recommend **approval/approval with conditions/denial** of the rezoning by a ___ - ___ vote; and

WHEREAS, on August 5, 2024 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code

(LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally noticed in the _____ 10 days prior to the Town Council’s meeting on August 19, 2024 at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and timely published on the Town’s website; and

WHEREAS, the Town Council finds approval of the request with requirements and conditions to be in the interest of the public’s health, safety, and welfare as well as in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, Exhibit B is the schedule of uses, conditions of approval, and approved deviations for this CPD, to be used during the permitting process; and

WHEREAS, the Town Council finds that this request to rezone the property from the Downtown Zoning District to CPD with MCP with certain deviations to the Land Development Code (LDC) in order to develop a bar and residence, is a unique and individual application which does not set precedent for future development or rezoning applications. Approved deviations include:

Deviation #1

Request to deviate from 34-675(c)3 that states, Floor area ratio (FAR). Floor area ratios (see 34-633) of the chapter) shall not exceed: (3) 1.0 for all other properties in the Downtown District” to allow an FAR of 1.4 consistent with properties fronting Estero Blvd per 34-675(c)(2).

WHEREAS, the Town Council has considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and

- with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
 - e. Urban services are available and adequate to serve the proposed use.
 - f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
 - g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
 - h. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
 - i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
 - l. The proposed use or mix of uses is appropriate at the subject location.
 - m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
 - n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council made the following formal findings before making final decisions on the one requested deviation from "by-right" requirements of the Land Development Code (see LDC 34-216):

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

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

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof, that the request to approve Town of Fort Myers Beach's Ordinance No. 24-05 and the conditions of approval for the CPD **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC.

Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **DENY/ APPROVE/ APPROVE WITH CONDITIONS AND REQUIREMENTS** as contained in the Master Concept Plan in Exhibit A and the schedule of uses, deviations, and conditions of approval for the Property's CPD set forth in Exhibit B, which shall be attached to and incorporated by this reference to approval of the Ordinance.

Section 3. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 4. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 19th day of August 2024.

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

Attachments:

A – Master Concept Plan (MCP)

B – Schedule of Uses, Conditions of Approval and Deviation



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: DCI Rezoning, 20240143

CASE NAME: 1668 I St, rezone the property from Downtown Zoning to Commercial Planned Development for the redevelopment of a bar and dwelling unit.

LPA

HEARING DATE: June 11, 2024 at 9 AM

STAFF

RECOMMENDATION: Approve with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: James Ink, Ink Engineering Inc. / B & B Properties of Fort Myers

Request: Rezone the property from Downtown Zoning to Commercial Planned Development with one deviation, for the redevelopment of a bar and residential dwelling.

Subject property: See attached site plan

Physical Address: 1668 I Street

STRAP #: 19-46-24-W4-0070B.0110

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North:	Downtown/ Pedestrian Commercial Vacant, previously residence
South:	Environmentally Critical/Recreation Beach
East:	Downtown/ Pedestrian Commercial Residence
West:	Downtown/ Pedestrian Commercial Vacant

II. BACKGROUND AND ANALYSIS

Background:

James Ink on behalf of B & B Properties of Fort Myers, owner of 1668 I Street, is requesting a rezoning from Downtown to Commercial Planned Development for the redevelopment of a bar and dwelling unit. The residential use is allowed in the Downtown zoning district and the bar use received approvals through Lee County Special Permit Case 95-10-173 (attached as Exhibit C) and has been in operation since that time. A reduction in parking requirements from 10 parking spaces to 0 parking spaces was approved per Lee County Resolution BZA-88-339 (Attached as Exhibit D).

Analysis:

1668 I Street has been used as a bar and since at least 1995. Pre Ian, the property included a ground floor retail store with alcohol sales and a second story with two residential units, for a total of approximately 3,690 square feet, per the Lee Property Appraiser property details. The proposed development will contain a ground floor open area used as a bar which will open to the beach where a sand seating area is located. A residence is proposed on the second and third floor of the structure. The total proposed gross square footage is 5,822 square feet.

The applicant is requesting a CPD in order to increase the allowable floor area ratio (FAR) from 1.0 to 1.4 to allow additional square footage of the proposed development. The Downtown zoning district provides three FAR limits, depending on the location of the parcel:

- 1) Parcels along Old San Carlos, between 5th and 1st Streets and fronting on Times Square pedestrian plaza are limited to 1.8 FAR.
- 2) Parcels fronting on Estero Blvd and fronting on the Bayfront pedestrian plaza

are limited to 1.4 FAR

3) All other Downtown zoned parcels are limited to 1.0 FAR.

This parcel is located in the 1.0 FAR area and contains only 4,159 square feet of Downtown zoned property. The remainder of the property is located in the Environmentally Critical (EC) zoning district and this district does not grant any additional FAR. Based on the portion of the lot in the Downtown zoning district, an FAR of 1.0 would allow a maximum of 4,159 square feet. The underlying future land use district, Pedestrian Commercial, provides the top limit of 2.5 FAR for a CPD.

Requested Deviations:

- 1) Request to deviate from 34-675(c)3 that states, “Floor area ration (FAR). Floor area ratios (see 34-633) of the chapter) shall not exceed: (3) 1.0 for all other properties in the Downtown District” to allow an FAR of 1.4 consistent with properties fronting Estero Blvd per 34-675(c)(2).**

Applicant Justification: The subject property was developed as a two unit elevated single story residential structure with a commercial bar facility on the ground level operating under a Lee County Resolution Number BZA-88-339 and Hearing Examiner Case 95-10-173.02s. These entitlements were established before incorporation of the Town of Fort Myers Beach on December 31, 1995. Prior the town incorporating, Lee County did not use Floor Area Ratios to determine density and intensities. The subject property was bound for development by density, setbacks, and heights. The Town adopted their Comprehensive Plan on January 1, 1999. The plan developed Future Land Use categories for determining use and development of the parcels consistent with the Comprehensive Plan. The plan splits the subject property into two future land use categories. They are Pedestrian Commercial and Recreation. Pedestrian Commercial has a maximum Floor Area Ration of 2.5 and Recreation does not allow development. The Town further restricted the use of the subject property with the adoption of the town’s Land Development Code setting an allowable FAR of 1.0 on the subject property. These actions changed development rights from development based on density, height, and setbacks to a highly restrictive FAR in a Future Land Use category that is the highest allowable in the Comprehensive Plan. There is only one zoning district (Santos) that allows residential with a FAR of less than the subject property. Santos zoning district is a transitional community that is a buffer between high intensities on Estero Blvd and low-density residential portions of Venetian Gardens Subdivision. The subject property and all lots along Alva Drive and I Street do not provide any transition to a lower density neighborhood. If fact this area is in the heart of Gulf front properties that could support much higher FAR’s. This poor planning perspective is further

supported in the apparent lack of the town to enforcement of the restrictive FAR at 1560 I Street and 61 Alva Drive.

Staff Comment: The proposed request meets all of the setback and height requirements of the Downtown zoning district. While the square footage is greater than would be allowed by the strict interpretation of the ordinance, it is unlikely to have any noticeable impact. The proposed development contains approximately 300 additional square feet of first floor bar area than the previous development. The residence above will be unlikely to impact adjacent properties.

Neighborhood Compatibility:

Many of the previously existing commercial and residential properties in the area were destroyed by hurricane Ian. Very few structures remain standing. The proposed development will decrease density from two units to a single unit, although the unit will be larger. The bar use has been in place for several decades and the existing conditions, repeated in this staff report and the ordinance, will remain in effect.

While the square footage increases the FAR above the code allowed 1.0, it does appear that some developments in this same FAR category may exceed the allowed 1.0 FAR. Properties less than 100 feet from this property are allowed an FAR of 1.4.

Findings and Conclusions:

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

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

No errors or ambiguities exist.

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

The previous structure was destroyed by Hurricane Ian and the property owner would like to build a larger structure. This is a design choice, not a changing condition.

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

If the intent of the code was to encourage smaller, quaint beach homes, this may affect the intent. However, that intent is not explicit, only inferred from the regulatory requirements.

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

The proposed development is in compliance with the intent and intensity of the future land use district, as the maximum allowed intensity is 2.5.

The proposed development is not consistent with the intent of Policy 4-A-8, as the lower intensity of 1.0 was developed following the adoption of this Comprehensive Plan policy.

- **Policy 4-A-8** *The Town shall establish clear and consistent rules and processes that govern private and public development. They shall be incorporated into an illustrated Land Development Code that: v. In existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures.*

The proposed use is, however, consistent with Policy 4-B-6, which recommends residential uses over commercial uses in the Pedestrian Commercial district.

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

The proposed development will meet performance standards set for the in 34-2031 and 34-2032. An approved photometric plan will be required prior Certificate of Occupancy.. There are no special location standards for residences and the bar use has been previously approved by Lee County Special Permit 95-10-173.

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

The urban services exist in this location.

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

The requested FAR increase is landward of the EC zoning district. The seating area is located within the EC zoning district but has been approved and in existence for several decades. The dune and plantings will be located seaward of the proposed outdoor seating area.

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

The proposed use has been in existence in this location for many decades. It is not anticipated to have any detrimental impacts on existing or planned uses. The structure will be approximately 2,100 square feet larger than the previous structure. The impact of the structure size is unknown.

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

This use in this location will not place additional burden on the transportation network or other facilities and services. The two parking spaces provided will be for the residential unit, not the bar.

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

(c) Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

The proposed use and requested deviation for the CPD comply with the Comprehensive Plan.

(2) This chapter.

The proposed use complies with this chapter except in regard to the deviation to increase the FAR.

(3) Any other applicable town ordinances or codes.

The proposed request complies with the town ordinances and codes, except in regard to the deviation to increase the FAR.

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

Sec. 34-216 Findings:

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

The uses are allowed in this location.

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

Sufficient safeguards are provided for the public interest.

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

All conditions are related to the impacts on the public interest.

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

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.
It is not in the "mixed residential" category, 4-B-4 is not applicable. 4-C-3: An expansion of commercial use is proposed but it is not in the "mixed residential" category.

However, the expansion is unlikely to cause increased impacts because conditions are in place which limit hours of operation and live music. Additionally, the seating area is not being increased with the expansion.

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.
It is not in the "boulevard" category.

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

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

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

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.
The proposed development does not provide parking for bar patrons and is unlikely to cause any additional traffic impacts. The seating area will not expanded.

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification or rejected based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and

The requested deviations allows a 1,660 square foot larger structure on the site than would be allowed without the CPD deviation.

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

The proposed deviations does not have any impact on public health, safety and welfare.

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

interest; and

The deviations are not a detriment to the public interest.

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

The deviations are consistent with the comprehensive plan in that the plan allows up to 2.5 FAR in the pedestrian commercial future land use. It does, however, indicate that larger structures should not be promoted but does not provide a size reference for that policy.

III. RECOMMENDATION

Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20240143 with the attached conditions. Staff notes that the previous zoning approvals from Lee County included conditions and that staff recommends these conditions continue to be enforced. These conditions are listed and include the reference to the corresponding case.

IV. CONDITIONS OF APPROVAL

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The proposed development must be substantially in compliance with the Master Concept Plan attached to the ordinance.
3. A Landscaping Plan and Photometric Plan must be approved prior to CO.
4. From BZA-88-339: The commercial use shall be limited to the retail sales of beach-oriented convenience items, including packaged food and beverage and beach recreational rentals; and
5. From BZA-88-339: Public access shall be limited to the beach on Gulf side of the business.
6. From 95-10-173: The Special Permit for consumption on premises in conjunction with outdoor seating is limited to the use in conjunction with the existing retail use. The use of a bar/service bar on this property is prohibited. However, this does not prohibit the sale of draft beer or wine which is poured from a large bottle, so long as it is consumed only in the designated locations. There will be no waiter or waitress service: the customers must order their drinks from inside the premises and directly from the person who pours the drinks.
7. From 95-10-173: The location of the Special Permit for consumption on premises in conjunction with outdoor seating is limited to the outdoor deck

- area (approximately 10 feet by 40 feet as shown on Attachment B to the Staff report) which separates the retail use from the beach area, and on the first 50 feet of the beach which extends south from the deck area toward the water. The seating for both areas may not exceed 75 seats. The alcohol consumption portion of the beach area will be clearly marked.
8. From 95-10-173: Hours of operation for the outdoor seating area are limited to 10:00 a.m. to 10:00 p.m., daily.
 9. From 95-10-173: Live entertainment is limited to the hours of 10 a.m. to 8 p.m., daily.
 10. The conditions of Resolution No. BZA-88-339 and from Special Permit 95-10-173 will remain in full force and effect to the extent that they are not in conflict with this ordinance.

Staff Report Exhibits:

- A – Master Concept Plan
- B – Schedule of Uses, Approved Deviations, & Conditions of Approval
- C – Special Permit Case 95-10-173
- D – BZA-88-339
- E – Architectural Plan
- F – Application

Exhibit B

Schedule of Uses

- Dwelling unit, single-family
- Administrative Office
- Commercial Accessory Uses
- ATM
- On-Premises consumption of alcoholic beverages – existing conditions
- Bar or Cocktail Lounge – existing conditions
- Retail Store, Small – existing conditions

Deviation

Request to deviate from 34-675(c)3 that states, “Floor area ration (FAR). Floor area ratios (see 34-633) of the chapter) shall not exceed: (3) 1.0 for all other properties in the Downtown District” to allow an FAR of 1.4 consistent with properties fronting Estero Blvd per 34-675(c)(2).

Conditions

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The proposed development must be substantially in compliance with the Master Concept Plan attached to the ordinance.
3. A Landscaping Plan and Photometric Plan must be approved prior to CO.
4. From BZA-88-339: The commercial use shall be limited to the retail sales of beach-oriented convenience items, including packaged food and beverage and beach recreational rentals; and
5. From BZA-88-339: Public access shall be limited to the beach on Gulf side of the business.
6. From 95-10-173: The Special Permit for consumption on premises in conjunction with outdoor seating is limited to the use in conjunction with the existing retail use. The use of a bar/service bar on this property is prohibited. However, this does not prohibit the sale of draft beer or wine which is poured from a large bottle, so long as it is consumed only in the designated locations. There will be no waiter or waitress service: the

customers must order their drinks from inside the premises and directly from the person who pours the drinks.

7. From 95-10-173: The location of the Special Permit for consumption on premises in conjunction with outdoor seating is limited to the outdoor deck area (approximately 10 feet by 40 feet as shown on Attachment B to the Staff report) which separates the retail use from the beach area, and on the first 50 feet of the beach which extends south from the deck area toward the water. The seating for both areas may not exceed 75 seats. The alcohol consumption portion of the beach area will be clearly marked.
8. From 95-10-173: Hours of operation for the outdoor seating area are limited to 10:00 a.m. to 10:00 p.m., daily.
9. From 95-10-173: Live entertainment is limited to the hours of 10 a.m. to 8 p.m., daily.
10. The conditions of Resolution No. BZA-88-339 and from Special Permit 95-10-173 will remain in full force and effect to the extent that they are not in conflict with this ordinance.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 95-10-173.02S
APPLICANT: MURRAY CARSLAKE, rep. by LINDA KANE, in ref. to TIKI KLUB
HEARING DATE: December 7, 1995

I. APPLICATION:

Filed by LINDA KANE, 12140 Siesta Dr., Ft. Myers Beach, FL 33931 (Applicant); MURRAY CARSLAKE, 5770 Estero Blvd., Ft. Myers Beach, FL 33931 (Owner); CARLETON RYFFEL, AICP, 6309 Corporate Ct., #207, Ft. Myers, FL 33919 (Agent).

Request is for a Special Permit in the C-1 (Commercial) district for consumption on premises with outdoor seating per Land Development Code Section 34-1264(a).

The subject property is located at 1668 I Street, Fort Myers Beach (over Sky Bridge to Estero Blvd., south to Ave E [just beyond Hooters] turn right to I St., building is on Gulf, directly to the right of public access), in S19-T46S-R24E, Lee County, FL. (District #3)

The Strap # as furnished by the Applicant is: 19-46-24-07-0000B.0110

II. STAFF RECOMMENDATION:

The Department of Community Development Staff Report was prepared by Mike Pavese. The staff report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and GRANTS a Special Permit in the C-1 (Commercial) district for consumption on premises with outdoor seating per Land Development Code Section 34-1264(a) for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITION(S):

1. The Special Permit for consumption on premises in conjunction with outdoor seating is limited to the use in conjunction with the existing retail use. The use of a bar/service bar on this property is prohibited. However, this does not prohibit the sale of draft beer or wine which is poured from a large bottle, so long as it is consumed only in the designated locations. There will be no waiter or waitress service; the customers must order their drinks from inside the premises and directly from the person who pours the drinks.
2. The location of the Special Permit for consumption on premises in conjunction with outdoor seating is limited to the outdoor deck area (approximately 10 feet by 40 feet as shown on Attachment B to the Staff Report) which separates the retail use from the beach area, and on the first 50 feet of the beach which extends south from the deck area toward the water. The seating for both areas may not exceed 75 seats. The alcohol consumption portion of the beach area will be clearly marked.
3. Hours of operation for the outdoor seating area are limited to 10:00 a.m. to 10:00 p.m., daily.
4. Live entertainment is limited to the hours of 10:00 a.m. to 8:00 p.m., daily.
5. The conditions of Resolution No. BZA-88-339 will remain in full force and effect to the extent that they are not in conflict with this Special Permit.

IV. HEARING EXAMINER DISCUSSION:

The Applicant, Murry Carslake, represented by Linda Kane, in reference to the Tiki Klub, is requesting a Special Permit in the C-1 (Commercial) zoning district to allow consumption of beer and wine on the premises which is located at 1668 I Street, Fort Myers Beach.

The Staff is recommending approval of the request with four conditions which would limit the location of the alcohol consumption and the hours of operations of the outdoor portion of the business.

The Applicant objected to the stringent nature of the conditions, and put on testimony which was designed to loosen them somewhat without eliminating them completely.

The Tiki Klub is located in a 2-story building which contains a combination of commercial and residential uses. The upper portion of the building contains two residential units and the lower portion contains a small retail store which sells beach related convenience items and packaged food and beverages. There is also a portion of the lower floor which is used for storage. Ancillary uses which occur on the site include jet ski and parasail rentals and ultralight rides. It was also noted that the beach area behind the building is often used for volleyball games.

The retail business on the site has had a (2 APS) license since 1981, which permits the sale of beer and wine for off-site consumption. The site was also the subject of a variance in 1988 which reduced the number of parking space to zero, and which limited the public access to the beach; it also limited the use to the sale of those items enumerated above.

The subject site and the properties surrounding it are in the C-1 zoning category. It was pointed out that this is an area of the beach which is tourist and entertainment oriented and which caters, primarily, to a transient, younger clientele. As such the requested use is not an intrusion into a more sedate area.

The Staff was of the opinion that the sale of beer and wine for on premise consumption would be proper, but they were also of the opinion that the use of kegs of beer (rather than cans and bottles), and the sale of wine by the drink (rather than by the bottle), would be too intense a use for the location. Therefore, the difference from what is being requested and what the Staff is recommending is one of degree. However, it was not clear to this Hearing Examiner what the difference would be if drinks were sold by the glass rather than by the can or bottle. Rather, it would appear that beer and wine sold by the glass would be safer and cleaner than by beer and wine sold by the can or bottle because there would be less trash as a result of the discarding of the cans and bottles.

Testimony was offered by the Applicant which demonstrated that entertainment already existed at the subject location, and that the condition recommended by the Staff to prohibit live entertainment would be taking something away from the Applicant which has never been a problem at this location.

Given the resort oriented character of the properties around the subject location, and given the already existing sale of alcohol and the existence of live entertainment on those surrounding properties, it is this Hearing Examiner's opinion that the requested use, as conditioned, is not contrary to the public's interest nor does it pose a public health, safety, comfort, convenience or welfare threat to the citizens of the County.

Therefore, the Special Permit, as conditioned is approved.

V. FINDINGS AND CONCLUSIONS:

Based upon the staff report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. There is no negative impact on the intent of the Land Development Code as a result of the granting of the Special Permit, conditioned as set out above.

B. That the granting of the Special Permit, conditioned as set out above, is consistent with the goals, objectives, policies and intent of the Lee Plan, as last amended.

C. That the Special Permit, conditioned as set out above, meets or exceeds all performance and locational standards set forth for the proposed use.

D. That the Special Permit, conditioned as set out above, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

E. That granting the Special Permit, conditioned as set out above, will protect, conserve and preserve environmentally critical areas and natural resources.

F. That the Special Permit, conditioned as set out above, will be compatible with existing or planned uses and will not cause damage, nuisance, hazard or other detriment to persons or property.

G. That the location of the requested Special Permit does not place 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 use(s) which will be developed in conjunction with the Special Permit.

H. That the requested use is in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth in the Land Development Code, as last amended.

I. That granting the requested Special Permit, conditioned as set out above, is not contrary to the public interest, public health, public safety, public convenience or public welfare of the citizens of Lee County.

VI. PRESENTATION SUMMARY:

After the Hearing Examiner placed all witnesses under oath, Mike Pavese, Division of Zoning and Development Services, presented the Staff Report in this request for a Special Permit in the C-1 (Commercial) district for consumption on premises (COP) with outdoor seating. The subject property is located on I Street, on the Gulf side of Estero Boulevard, Fort Myers Beach.

The subject property is developed with a 2-story building that was constructed in 1966. The existing structure is a combination of residential and commercial uses. There are two residential units upstairs while a portion of the first floor is used as a small retail operation specializing in the sale of beach related convenience items, and packaged food and drink to go.

The property was previously the subject of a variance request in 1988. The Applicant purchased the property approximately one year before that and attempted to obtain an occupational license for basically the same type of retail use. At that time he attempted to obtain a license for an existing shed which was located between the existing structure and the Gulf of Mexico. Because the County determined the existing use was non-conforming, the application for an occupational license was denied.

As a resolution to the Applicant's problem, the County suggested that he apply for a variance and attempt to relocate the retail use that had previously been located in the shed to the ground floor of the commercial structure. This caused a problem from the standpoint that, in order to relocate to the other building, he would have to provide the appropriate

parking for the use. At that time there was no parking available on site; therefore, a variance from the minimum requirement of 10 spaces, to zero spaces was requested and approved.

In approving the variance request the Board of Zoning Adjustments applied two conditions. The first condition provided that the commercial use would be limited to the retail sales of beach oriented convenience items including package food and beverage and beach recreational rentals. The second condition was that public access to the commercial use would be limited to the beach on the Gulf side of the business.

The instant request is for a 2-COP license. The proposed outdoor seating area is a 10-foot by 40-foot deck which is located at the rear of the building, and facing the Gulf of Mexico.

Staff has recommended approval of the request with five conditions. Condition 1 states that the COP is limited to use in conjunction with the existing retail use. The use of a bar/service bar on this property is prohibited. Condition 2 limits the proposed outdoor seating area to the 10-foot by 40-foot deck located to the rear of the existing structure. Condition 3 limits the hours of operation of the outdoor seating area to the hours of 10:00 a.m. to 10:00 p.m., daily. Condition 4 states that live entertainment is prohibited; and Condition 5 states that the conditions of resolution number BZA 88-339 is to remain in full force and effect.

The surrounding zoning is C-1. The existing uses surrounding this property are primarily residential, but they are of a seasonal rental nature. There are some commercial uses in the general vicinity that are located closer to Estero Boulevard.

Staff felt that the request, as conditioned, was consistent with the Lee Plan and with the surrounding zoning and land uses; therefore, they recommended approval.

The Hearing Examiner noted that Staff was keeping the other conditions in place and that there was a provision in the old resolution that limited the request to packaged food and beverage. He asked if there would be a conflict since this request, if approved, would allow outside consumption? Mr. Pavese stated that there could be a conflict if the Applicant was planning on selling draft beer which is not sold in a factory sealed container. The Hearing Examiner asked if Staff would object if he changed the language to state that the other resolution was in effect to the extent that it is not in conflict with this resolution, and Mr. Pavese replied that would be acceptable.

The Hearing Examiner asked why this request was not handled administratively? Mr. Pavese replied that these types of requests were done administratively in conjunction with a restaurant use; however, this use was not a restaurant, it is a retail operation.

Matt Uhle, the Applicant's attorney, referenced the last sentence of Condition 1 which states that "the use of a bar/service bar on this property is prohibited." He questioned the Staff about the differences between selling wine and beer by the bottle or can, as opposed to selling it by the glass. Staff indicated that their concern was that, if beer and wine were sold by the glass, it might create a "bar" situation. The existing use is a retail use. The proposed uses are specifically restricted by a previous resolution that permits only packaged food and beverages for sale. To allow draft beer to be served from a keg, or wine to be served by the glass, would go against the conditions approved in that resolution.

After further discussion the Hearing Examiner asked what the Applicant would be allowed to do on the property if approval of the 2-COP license is granted. Mr. Pavese stated that they would be allowed to sell beer and wine in factory sealed containers, and people would be allowed to consume it on premises in the designated area.

Mr. Uhle asked what public interest would be served by selling packaged liquor, as opposed to non-packaged liquor, to which Mr. Pavese stated that he didn't feel the subject location was appropriate for a bar, in that it is surrounded by predominantly residential uses. In response to further questioning by Mr. Uhle, Mr. Pavese stated that Staff was concerned that people would tend to stay at the site longer if non-package liquor was sold.

Mr. Uhle referenced Condition 2 and stated that the outdoor seating area included the deck and the private beach located contiguous to the deck. He noted that the Staff Report did not make reference to the private beach area, and questioned what the rationale for this limitation was, to which Mr. Pavese replied that this also related to the intensity of the use. The County could not control how much seating is on the beach and how far it extends out into the area that is traversed by the public. In response to Mr. Uhle's question as to why Staff couldn't impose a setback condition, Mr. Pavese stated that the amount of seating is easier to control within an existing building or deck. This goes back to the intensity of the use. Staff also had to consider parking. The previous variance issued was conditioned to allow a certain type of use on this property. To allow the COP to encroach out into the beach area changes the intended use of the property. Mr. Uhle noted that the LDC does not require any particular parking for outdoor seating.

Mr. Uhle referred to the issue of the enforceability of the condition and asked Mr. Pavese if he has been to the beach lately, to which Mr. Pavese replied yes. He agreed that there are roped off areas indicating boundaries of property in this area and throughout the beach, and that this could be done fairly easily on the subject site. This would be an objective standard and could be enforceable if a setback of a particular distance was established.

Mr. Pavese agreed that the sandy beach area would be further away from the adjacent uses than the deck currently is, whether it was extended or not. However, as proposed by the Applicant, it is closer.

In response to further questioning by Mr. Uhle, Mr. Pavese confirmed that the beach area is frequently used for volleyball games, and for live entertainment. The impacts caused by someone consuming alcohol at a table on the surrounding areas is greater than the impact created by live music at the same location.

He also confirmed that the Applicant already has a license to sell alcohol off-site. Mr. Uhle asked Mr. Pavese if he could make the distinction in the regulations between "off-premises" and "on-premises"? Mr. Pavese stated that with regard to the licenses issued by the State, a 2 APS license permits the sale of alcoholic beverages (beer and wine) for consumption off the licensed premises. A 2-COP allows for the sale of beer and wine for consumption on the licensed premises.

Mr. Uhle stated that he really was asking for the definition of "on the premises." He noted that the building has residential units on the second floor. He asked if it would be considered "on-premises" if someone were to come down and buy a beer in a can and then go up to their residence and drink it, assuming the Applicant didn't have a COP at this location. Mr. Pavese replied, literally, this would be on-premises consumption, but with respect to the Zoning Ordinance, and the subject case, that was not really relevant. The on-premises consumption that Staff was referring to was on a licensed premises. Mr. Uhle stated that this was merely a hypothetical question. He asked if it would be a violation of the County regulations for someone to do that, to which Mr. Pavese replied no.

Mr. Uhle asked, hypothetically, if it would be considered "off-premises" if someone from one of the adjacent cottages were to walk over to the subject property, buy a beer, and walk back to their own property and drink it, to which Mr. Pavese replied yes.

Mr. Uhle asked if it would be a violation of County regulations for someone to buy a beer at the subject property, and drink next door assuming

they had permission to do, to which Mr. Pavese replied he believed it may be a violation of the open container law. Mr. Uhle stated that it would be private property; therefore, he did not believe the open container law would apply. He asked if selling beer to somebody who is consuming it on-premises would be a violation in terms of the zoning regulations, to which Mr. Pavese replied no.

In response to Mr. Uhle's questions with regard to Condition 4, Mr. Pavese confirmed that he was aware that live entertainment has been on the premises in the past. This particular condition would actually require the property owner to give up something he already has. The subject property is approximately 500 feet from the Lani Kai Resort. To the best of his knowledge the Lani Kai does have outdoor seating and COP. He was not sure if they had live entertainment.

With regard to the live entertainment on the subject property in the past, Mr. Pavese was not aware of outstanding allegations of code violations, or Noise Ordinance violations.

Mr. Uhle asked if a permit was required to have live entertainment on a piece of property, to which Mr. Pavese replied that he was not aware of any ordinance that would prohibit someone from playing a guitar or singing on a piece of property, if they weren't being compensated for it. Mr. Uhle asked if the condition would prohibit an adjacent property owner from having live entertainment. Mr. Pavese stated that he did not know of any ordinance that would prohibit an adjacent property owner from playing music on their property, unless they were charging admission.

Mr. Uhle asked if Condition 3 would also limit the hours of operation for live entertainment if live entertainment was allowed. Mr. Pavese stated that Condition 3 would not limit the hours for live entertainment because the time limitation is only related to the outdoor seating area. Mr. Uhle asked if it would be possible to write a condition that would limit the hours of outdoor entertainment if, in fact, the tranquillity of the neighborhood at night is one of Staff's concerns, to which Mr. Pavese replied yes. Mr. Uhle asked if the tranquillity of the neighborhood was one of Staff's concern, to which Mr. Pavese replied it was a minimal concern. The main reasoning for the condition related to the existing use and its intensity. Mr. Uhle noted that the intensity of the existing use involved live entertainment. Mr. Pavese stated that the County could not really control live entertainment being performed on the property if the people are not being charged admission, or the performers are not being compensated.

The Hearing Examiner asked if Staff was proposing that the Applicant be allowed to sell sealed containers of wine and beer to customers who will be allowed to drink them on the deck, to which Mr. Pavese replied yes. Staff has limited the hours of operation for the deck and prohibited live entertainment. This was a very minimal increase in the intensity of the use of the property. Staff believed that anything beyond that would be too great of an increase in intensity.

Carleton Ryffel, for the Applicant, stated that the subject property is located in a high activity level area near the Times Square area on the beach. Some adjacent and nearby uses include Gulf front seasonal rentals, a Hooters Restaurant, offices, and a variety of retail uses. The Lani Kai is approximately nine lots away from the subject property. Most of the lots along the gulf are 50-foot-wide lots, therefore, as Mr. Uhle stated, the subject property is approximately 500 feet away from the subject property.

The Applicant and/or his wife own six cottages immediately to the west of the subject property. To the east are other cottages which are seasonal rentals. The owner of the Tiki Klub lives in the cottage (under separate ownership) immediately adjacent to the subject property. Most of the cottages in the area cannot be rented on an annual basis due to the high level of activity in the area. This particular area of the island caters to young people and tourists. Most of the cottages are rented on a short

term basis. The ambiance of this area is a "party" atmosphere. This is where jet ski and other water sports abound, and volleyball is a common activity among younger people. The entire area is zoned C-1.

The Hearing Examiner stated that it might help him to know what the Applicant would like and why they believe their request should be approved. Mr. Ryffel stated that the Applicant would like to continue with the outdoor entertainment, which is something they already have. Mr. Uhle stated that the Applicant would also like to be allowed to use the private sandy beach area, located immediately south of the deck, for outdoor seating. He noted that he would be proposing an alternative condition to address this issue in the event the Hearing Examiner believed such a condition was necessary.

In terms of the sale of alcohol, the Applicant did not need a physical structure for a bar. However, they would like permission to be able sell draft beer out of kegs and to be able to keep wine in a refrigerator and pour into cups and be able to serve it. The Hearing Examiner asked if the Applicant wanted to have alcohol in bulk rather than individual containers, to which Mr. Uhle replied that was correct. The Hearing Examiner asked if there would be any indoor seating or area for patrons to consume alcohol, to which Mr. Uhle replied no.

Mr. Ryffel stated that there were several reasons the Applicant wanted to serve wine out of the bottle, however, as a practical matter, he has never seen wine come in a can. Serving wine or wine coolers in a bottle would mean there would be glass containers on the beach which is not appropriate for the type of activity in the area.

The property has evolved in use over the years. Long ago it was a duplex, and it remains a duplex upstairs. The downstairs was made into a beach clothing store, and then it became and remains the home base of jet ski, ultra-light boat rentals, sale of beach convenience items, i.e., sun glasses, T-shirts, suntan oil, and the package liquor store. In addition to these activities volleyball is played by anyone who walks by the property on the beach side. Televisions are available on the lower deck to watch sporting events. Live musical entertainment is provided on most weekends.

Mr. Ryffel submitted and reviewed several photographs (Applicant's Exhibits 1 through 13). These pictures depicted the front of the subject building, the view of Estero Boulevard (taken from the subject building), the upper and lower portions of the building, the sales counter and convenience items, the deck area, the television and scoreboard, and the outdoor seating area on the beach. He noted that Applicant's Exhibits 14 and 15 were also photographs which would be discussed later.

The Applicant has asked for 75 outdoor seats for COP which is reasonable considering the present activity level of the property. Some of the seating will be on the deck; the remainder on the sand. The Applicant intends to have the seating area on the sand within 50 feet of the back deck of the subject building. Mr. Ryffel submitted an as-built survey (Applicant's Exhibit 16) and pointed out the location where the Applicant wanted to have the outdoor seating.

As depicted on the as-built survey, the property line is 186 feet from the mean high tide to the road right-of-way of I Street. Between the existing building, and the 50-foot-wide area proposed for the outdoor seating on the sand, there is an additional 90 feet of private property before the water's edge. Even though the 90-foot-wide area is private property, the Applicant would limit the seating to the 50-foot-wide area. The 90-foot-wide area would not have any seating.

Mr. Ryffel submitted two photographs (Applicant's Exhibits 14 and 15) which depicted the 50-foot-wide area of sandy beach that will be used for seating. He referenced his letter to Pam Houck, dated October 15, 1995 (submitted with the application), and noted that it described the Applicant's response to the review criteria for a Special Permit. His letter states "the number of seats requested is 75, of which about 20 would be

on the adjoining ground level deck" As a correction to this statement Mr. Ryffel noted that, given the size of the deck, there would be room for approximately ten tables (40 seats). Therefore, Applicant did not want to be limited as to how many of the 75 seats they could put on the deck.

With regard to the second criteria of whether there are "changed or changing conditions which makes approval of the application appropriate," Mr. Ryffel noted that outdoor seating has become increasingly popular especially in tourist and beach areas which is the instant case. This would be considered a changing condition and one which would be consistent with this premise.

With regard to the question of whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan. Mr. Ryffel noted that his letter lists approximately ten policies that the request is consistent with. With regard to Policy 18.2.1, his letter states:

Since the nature of the business and its outward appearance will not change, i.e., it was and continues to be a mixed commercial use, it will not be an intrusion into any residential neighborhood. In fact there really is no owner occupied neighborhood near the present use. The proposed use should be considered as a logical adjunct to the existing use of the property.

He referred to the criteria of whether the requested use will be compatible with the existing or planned uses, and stated that the property is in a mixed use area and it will, therefore, be compatible with other uses.

The location of the project will not place a greater burden upon existing transportation facilities than it has in the past. Allowing the uses may actually reduce trips. Moreover, the proposed use is intended to primarily serve customers already on the property. The Applicant has no advertising from Estero Boulevard. They do not intend to draw automobile traffic, in that parking would be a problem in this area. The Applicant's business relies on the pedestrian traffic along the beach.

With regard to Condition 2 which limits the outdoor seating to the outdoor deck area, the Applicant feels that there is no logical reason to not permit outdoor seating on a private beach owned by an individual. There is seating already provided during the daylight hours. People use these tables and chairs to watch sporting activities at the property, especially volleyball.

Outdoor seating with a COP occurs nearby at Jimmy B's (with outdoor entertainment) and at the Lani Kai where there is sometimes more than one band. The Lani Kai has approximately four bars, jet ski rentals, retail stores, and beach convenience items. Jimmy B's and the Lani Kai sell hard liquor, while the Applicant will only sell beer and wine. The recently approved application for the Jewell Real Estate property will allow outdoor seating and COP, and was approved for outdoor entertainment. The Applicant was not proposing a physical bar; they merely wanted to dispense beer and wine.

He referred to Condition 4 and stated that, given the location and the activity level of the area, there is no reason to prevent outdoor entertainment. There have been no noise complaints against this property to the best knowledge of the Applicant. There were no letters of opposition from neighbors, but rather letters of support. He asked "What then are we protecting?"

He submitted a map of the subject property (Applicant's Exhibit 17) which showed the location and names of all adjoining property owners. He noted that the following letter was written by the Applicant and signed by all the adjacent property owners. (See Section VIII.)

I am requesting a Special Permit in the C-1 (Commercial) district for consumption on premises with outdoor seating per Land Development Code Section 34-1264(a), at the above stated premises. I currently hold an alcohol license at this location,

I am simply expanding the usage. Because you are adjacent and/or very near to our operation, we are asking for your support.

The only property owner who did not sign the letter was the owner of the Outlaws Steakhouse. Mr. Ryffel believed that the only reason they didn't sign the letter was because they couldn't be found. He believed they would have signed because they were former clients of his.

Due to the support from all of the neighbors, outdoor entertainment should not be a problem. Outdoor entertainment has been an ongoing activity in the neighborhood. The Applicant will comply with the County Noise Ordinance, and wants to be treated as anyone else would. It should be noted that outdoor entertainment does not require permission or public hearings; just compliance with the law. The Applicant has agreed to limit the hours of outdoor entertainment from 10:00 a.m. to 10:00 p.m., as stated in the Staff Report. As a practical matter, the Applicant could set up a band on his adjacent property and have the same effect, because Staff's condition only applies to the subject property.

It was Mr. Ryffel's understanding that Special Permits are not discretionary unless a public harm is found. In this case Staff sees outdoor seating and music on a private beach as public harm. The Applicant feels that these things are a public good in that these activities are part of the beach lifestyle in this particular area. It probably wouldn't be appropriate in more purely residential areas away from this busy area. However, in a place where this type of activity is commonplace, it makes no sense to impose conditions that serve no purpose and are easily circumvented. In short, the young people and tourist guests need these types of places to recreate and socialize without these obstructions.

In response to Mr. Uhle's questions Mr. Ryffel stated that the subject property and surrounding properties are zoned C-1. Mr. Ryffel did not agree with Mr. Pavese's earlier statement that consumption on premises would have a greater impact than volleyball games and live music on surrounding uses. Volleyball games get fairly vocal since people cheer on the players. He did not think that sitting down and drinking a beer is a very noisy thing to do.

Mr. Ryffel confirmed that the location of the project would not place an undue burden on existing transportation facilities because the property is not readily visible from Estero Boulevard. It is a very integrated use of the property and it is well known. People normally come to this type of establishment on the weekends. To keep it "one stop shopping" would limit traffic impacts overall on the island.

Mr. Ryffel was not aware of any greater impact to the public if alcohol is poured into containers as opposed to being sold in packaged containers.

The Hearing Examiner asked if there was anything prohibiting outdoor seating at the subject property at this time, and whether the only difference in approval would be that people could drink alcohol in the outdoor seating area. Mr. Pavese replied that there are no regulations that prohibit people from sitting in chairs outside on the property at this time. There is also no prohibition against there being live entertainment.

Pam Houck, Division of Zoning and Development Services, referred to Mr. Ryffel's earlier statement and asked if there was a package store existing or anticipated at this site, to which Mr. Ryffel stated that, at this time, the Applicant has a package license and they sell beer in cans. Mrs. Houck noted that a package store has different regulations. While it may be permitted in this district, it does have a specific 500-foot setback requirement from residential uses, day-care centers, churches, etc., and would not be allowed unless a variance were granted. A variance has not been requested for the subject property in the past or in this case. She wanted to make it clear whether or not a package store was indeed on the premises or anticipated. Mr. Ryffel stated that the

Applicant sells canned beer which is in a cooler. Mrs. Houck stated that the Applicant would be allowed to have incidental sales of packaged alcoholic beverages.

The Hearing Examiner asked Mrs. Houck if she was making the distinction between a liquor store or package store that sells primary beer and wine, as opposed to one that sells it in conjunction with other items. Mr. Ryffel noted that the Applicant has a package license, rather than a package store. Mrs. Houck pointed out that this was specifically defined in Section 34-1263, the Zoning Ordinance portion of the LDC.

Case 95-05-101.02S (Jimmy B's) was specifically approved as a bar. Case 95-07-161.02S (Jay Ursoleo) was specifically approved as a restaurant. Staff's primary concern, and the reason they limited the subject request by conditions, was because this case was heard previously and granted variance for specific uses. Staff's primary concern related to changing the use of the property to a bar or a restaurant, in that there was no place for parking at the site. The approved variances were not in place for these uses and variances have not been requested.

The Hearing Examiner stated that if the Applicant had come in for a variance, or just consumption on premises, there is no parking requirement for outdoor seating. Mrs. Houck stated that Staff's concern related to a change of use. If the use is changed to a bar, although there would be no parking requirements, a Special Permit would be required for a bar. The Hearing Examiner asked if Staff believed the use would be considered a bar if there was outdoor seating on the beach and on the deck area, but not inside the premises, to which Mrs. Houck replied not necessarily.

In response to the Hearing Examiner's question, Mrs. Houck confirmed that it was possible due to the increase in the use of alcohol on the premises a variance would be required. The Hearing Examiner stated that the concern was that normally a variance would be needed to obtain the other permission. This may be inadvertently intensifying the use of the property to the level where a variance would have been required, and it has not been required in this case.

Mr. Ryffel stated that the use is not intended to be a bar. The Applicant would be selling beer and wine like they would sell sunglasses or another convenience item. The activity includes volleyball and music and he did not feel the request would make any change in intensity at all. If there is an area that should be intense, this was it. Intense uses had to be somewhere, and he could not see why Staff would try to diminish that at this point in the area's history.

Mr. Uhle noted that the variety of mix of uses on the parcel would remain essentially the same. There was no obvious distinction in terms of the impacts with regard to how the alcohol is sold to people walking on the beach or people living in the beach cottages. He did not believe there was any credible evidence to indicate there was any distinction. In addition, the Applicant has established that outdoor seating does not require any additional parking. Furthermore, there is every reason to believe that, if there is an increase in use of this parcel, it is probably going to be caused by people walking along the beach because the parcel is not readily visible from Estero Boulevard and there is no signage on Estero Boulevard. Approval of this request would not result in a tremendous change in the character of the area.

Mr. Uhle stated that he has heard concerns from the Staff, but he has not heard any specific facts or specific LDC requirements that causes the problem that they are concerned about.

The Hearing Examiner asked if a customer would have go into the store to get a drink, or if someone would be serving them outside, and Mr. Uhle stated there would be no service outside. The Hearing Examiner noted that, if he were to approve the request, he would place this type of prohibition on the use. Mr. Ryffel stated that there would be no wait staff.

In response to the Hearing Examiner's question, Mrs. Houck stated that someone would be prohibited from bringing alcohol onto the subject property that they bought elsewhere. Even though it is private property, the Applicant is not licensed for consumption on premises and the use is a retail outlet rather than a private home.

Mr. Uhle stated that County regulations regarding this point are not particularly clear. One of the reasons he asked the hypothetical questions of Mr. Pavese was to indicate that a number of anomalies could come up that really don't have any bearing in terms of the actual impacts of the proposed use on the surrounding neighborhood.

In response to the Hearing Examiner's questions regarding the conditions, Mr. Uhle stated that the Applicant would like to be able to operate their business in the manner describe earlier with the sale of wine and beer by the glass. They would like to keep bottles of wine in a refrigerator and have kegs of beer. They were not asking for a physical structure or for permission to have outside service.

With regard to Condition 2 the Applicant would like a condition that would basically permit the outdoor seating to take place, not simply within the deck, but in an area with the northern boundary being the southernmost boundary of the deck, and then extending 50 feet to the south of that. The Applicant would not have a problem marking that area off. This was an objective standard and one that could be enforced.

If the Staff believes that Condition 3 is not clear enough as to its applicability to outdoor music, the Applicant did not have a problem limiting the hours from 10:00 a.m. to 10:00 p.m. However, Condition 4, needs to be deleted, in that it is "costing" the Applicant a use that they already have. In response to the Hearing Examiner's question, Mr. Uhle stated that it would be appropriate to add language stating that the subject conditions would not conflict with the conditions of the previous variance approval.

Gerald Crowley, property owner of a cottage located approximately 200 feet from the subject property, stated that he believed the COP would be more suitable than the current way the property operates. Currently, people who buy beer at the premises go over to his yard and throw the empty cans over their head. If the consumption was constricted to the area of purchase, this would not happen.

With regard to the hours for outdoor entertainment, he believed 10:00 p.m. was a bit late. He rents to older couples three to four months out of the year. The County shuts down the beach at sunset. There are signs at the access that state that the beach closes at sunset. Therefore, sunrise to sunset would seem like more suitable hours for live entertainment. The Hearing Examiner stated that the hours of sunrise and sunset would vary on the season, to which Mr. Crowley replied yes. Someone might want to go to bed at 8:00 p.m. when the sun goes down at 5:00 p.m.

The Hearing Examiner asked Mr. Crowley if the people staying at this place had any problem with the noise, to which he replied currently his place is not rented. However, last Sunday he was sitting approximately 200 feet from the band and he could not listen to a football game on his television. He had the volume all the way up and he could not hear it. He never received one of the letters that Mr. Ryffel referenced.

Lonnie Clark, Applicant's partner, stated that they did not want to create any noise problem for any of the neighbors. They would be happy to work with any suggestions to correct any problems. Within the immediate vicinity, including Mr. Crowley's property, all the owners have jet ski businesses. These type of businesses allow for motors to be run on the beach. All of the jet ski businesses create noise situations. He did not believe that the music situation would create any additional problem than what is currently going on. He enjoyed having Mr. Crowley as a neighbor and he would certainly be willing to comply with conditions that would create a situation where everyone would be happy.

Mr. Pavese concurred with Mrs. Houck's previous statement. To Staff's knowledge there is no package store existing at the subject location. The uses at Jimmy B's and the Lani Kai are really not comparable to the use on the subject property; they are totally different. The intensity is also not comparable.

The Hearing Examiner asked Mr. Pavese if he prepared the Staff Report, and if it accurately reflected his position at the time he prepared it, to which Mr. Pavese replied yes. He asked Mr. Pavese if anything he had heard during the hearing would change his mind about his recommended conditions, and Mr. Pavese replied no. This included the live entertainment condition, especially in light of what Mr. Crowley has stated.

Mr. Uhle submitted copies of the Hearing Examiner's Decisions for cases 95-05-101.02S and 95-07-161.02S (Applicant's Exhibits 18 and 19), both of which permit outdoor entertainment, but restrict the hours in a way that is consistent to what has been proposed. The Applicant has also indicated that she would not object to limiting the hours of outdoor entertainment to 8:00 p.m., but not the hours of operation.

He could understand where the Staff was coming from in this case, but he believed they were talking about an abstract regulatory kind of problem rather than a practical problem. As depicted in the photographs, this is an area of very intense uses. He did not think that the Staff's proposed conditions address any significant legal or practical problems that would be created by the use of this location.

Mr. Ryffel stated that he had never had a case where there has been so much neighborhood cooperation. No one objected, and he felt that this spoke for itself. He asked if they could have the Hearing Examiner's Decision in as timely a manner as possible, given the situation at the beach, specifically by December 31, 1995.

The Hearing Examiner stated that he did not see a big distinction between the sale of beer and wine in bulk as opposed to in an individual container. He would, however, visit the site before making his final decision.

Mr. Ryffel noted that the property owner had cleaned up the property considerably since he bought it. He has placed 22 garbage cans, even on property that wasn't his, as a way of keeping the area clean. The owners are very good and competent people. He felt they would cooperate with any problems the neighbors may have and he felt they were an asset to the beach. The Hearing Examiner pointed out, however, that the property owner could sell the property and the next people who come in may not be so nice. This was a consideration since any approval would run with the land.

Mr. Ryffel submitted a copy of his presentation and notes (Applicant's Exhibit's 20) for the record.

VII. PUBLIC PARTICIPATION: The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Matt UHLE, Esquire, c/o Humphrey & Knott, P.A., 1625 Hendry St., Ft. Myers, FL 33901

Testimony: See Section VI. Presentation Summary

ADDITIONAL COUNTY STAFF:

1. Joseph M. MADDEN, Jr., Assistant County Attorney, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

2. Pam HOUCK, Division of Zoning and Development Services, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

FOR:

1. Terry HILL, 1600 Estero Blvd., Ft. Myers Bch., FL 33931
2. ESTERO ISLAND HARDWARE, 1741 Estero Blvd., Ft. Myers Bch., FL 33931
3. H. E. TRACY, 71 Ave. E., Ft. Myers Bch., FL 33931
4. Jeffery M. WILLICH, 4870 Dolphin Ln., Ft. Myers Bch., FL 33931
5. Marc WOODARD, 4265 Bay Beach Ln., Ft. Myers Bch., FL 33931
6. Kenny CATHERS, 1830 Estero Blvd., Ft. Myers Bch., FL 33931
7. SPORTS ADDICTION, 1801 Estero Blvd., Ft. Myers Bch., FL 33931
8. Antonina RIGBY, 307 Fairweather Ln., Ft. Myers Bch., FL 33931
9. GLORIA SHORTLIDGE ESTATE, 70 Ave. E., Ft. Myers Bch., FL 33931
10. FT. MYERS BEACH SCOOTERS, INC., 1698 Estero Blvd., Ft. Myers Bch., FL 33931

AGAINST: NONE

GENERAL:

1. Robert MOFFA, 37728 Lois Dr., Sterling Heights, MI 48310
2. Denise FAIR, c/o Humphrey & Knott, P.A., 1625 Hendry St., Ft. Myers, FL 33901
3. Richard CROWLEY, 808 Sunset Vista Dr., Ft. Myers Bch., FL 33931
Testimony: See Section VI. Presentation Summary.

VIII. LEGAL DESCRIPTION:

Lot 11, Block B, CRESCENT BEACH SUBDIVISION, as recorded in Plat Book 4, Page 45 of the Public Records of Lee County, Florida, lying in Section 19, Township 46 South, Range 24 East, Lee County, Florida.

IX. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, special permits, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the hearing examiner or any county commissioner [or their staff] [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication ... [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the hearing examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

X. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered.

XI. COPIES OF TESTIMONY AND TRANSCRIPTS:

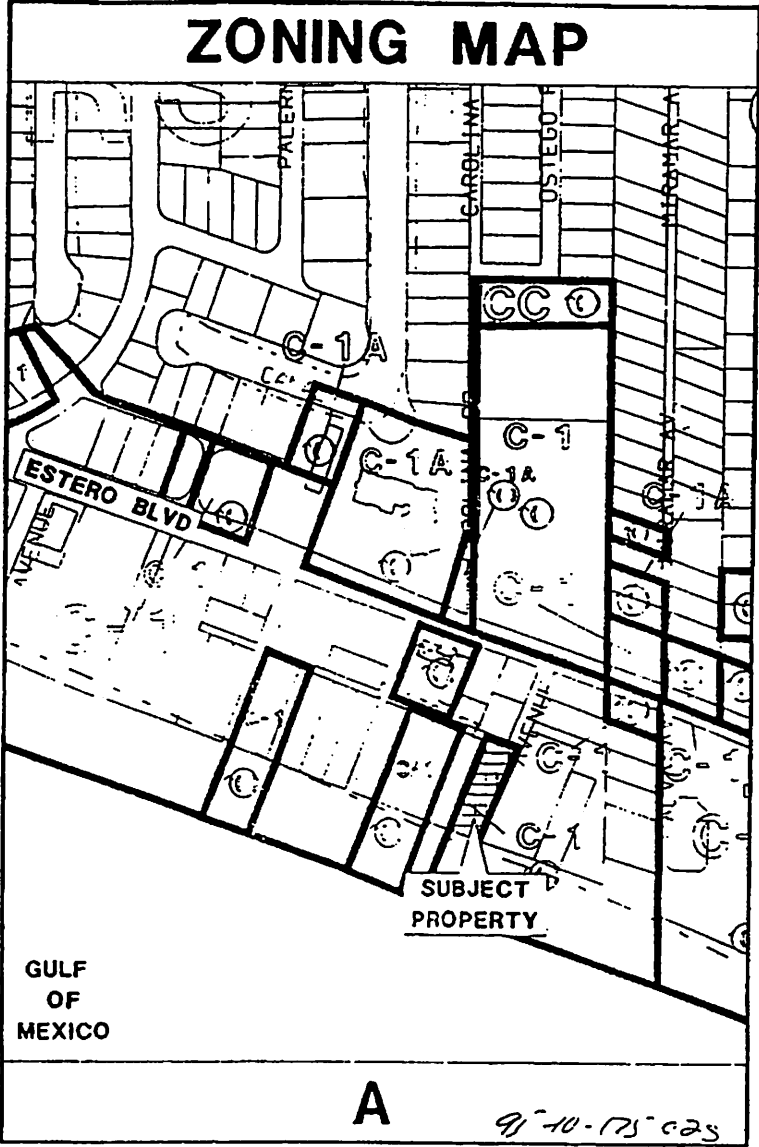
A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center, Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development, 1831 Hendry Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 18th day of December, 1995. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

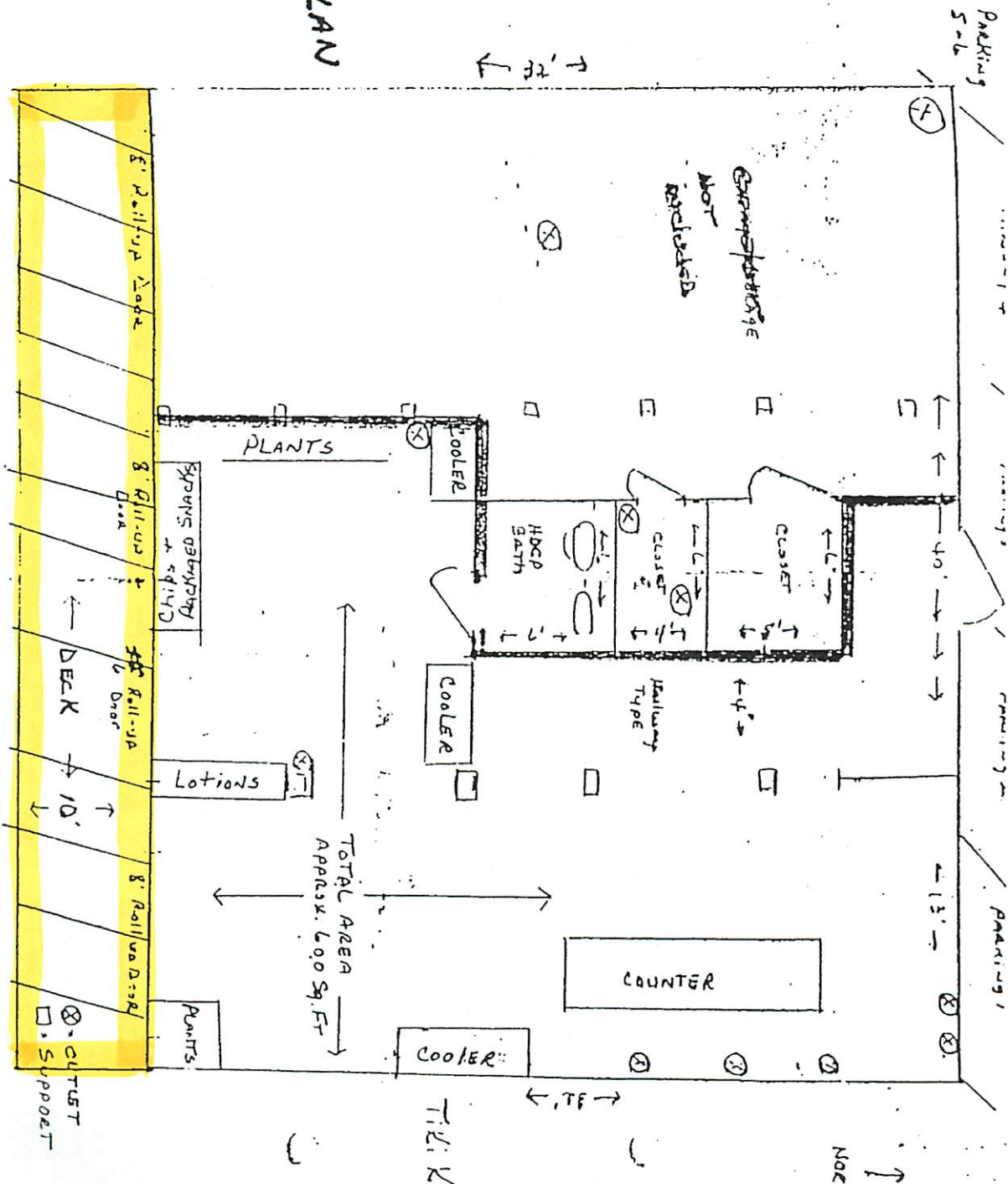


SALVATORE TERRITO
LEE COUNTY HEARING EXAMINER
2269 Bay Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 941/338-3190



SC 01-01-10

GROUND FLOOR FLOOR PLAN



10.50
BILLED

Prepared by:

N. Gluck, Zoning and
Development Review Division
P.O. Box 398
Fort Myers, FL 33901

2568964

RESOLUTION NUMBER BZA-88-339

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

WHEREAS, Murray Carslake has properly filed an application for a variance in the C-1 district from the minimum required 10 parking spaces, to zero (0) parking spaces; and

WHEREAS, the subject property is located at 1668 "I" Street, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lot 11, Block B, Crescent Beach Subdivision, as recorded in Plat Book 4, Page 45, of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 19-46-24-07-0000B.0110; and

WHEREAS, proper authorization has been given to Neale E. Montgomery of Pavese, Garner, Haverfield, et al., The Fowler Company, and Gregory E. Fox of Century 21 - AAIM Realty Group, Inc., by Murray Carslake, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of Zoning Adjustments; and

WHEREAS, in the hearing process the Lee County Board of Zoning Adjustments gave full and complete consideration to the recommendations of the staff, the documents on file with the county, and the testimony of all interested persons.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OR2036

P64731

LEGISLATIVE HISTORY:

Staff recommended approval with conditions. The recommendation is based on the analysis contained in the summary report dated November 21, 1988. The request was found to be consistent with the Lee Plan as it does not conflict with the goals, objectives and policies of the Lee Plan. The Board concurred with staff's recommendations and granted approval with conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF ZONING ADJUSTMENTS that the Board of Zoning Adjustments does hereby APPROVE with conditions a variance in the C-1 district from the minimum required 10 parking spaces, to zero (0) parking spaces; and

This approval is conditioned to the following:

1. The commercial use shall be limited to the retail sales of beach oriented convenience items, including packaged food and beverage and beach recreational rentals; and
2. Public access shall be limited to the beach on Gulf side of the business.

The foregoing Resolution was adopted by the Lee County Board of Zoning Adjustments upon a motion by Board Member Jennie Daniel, and seconded by Board Member Douglas Morgan and, upon being put to a vote, the result was as follows:

Jennie Daniel	Aye
Marjorie Berry	Aye
Ellen Peterson	Aye
Douglas Morgan	Aye
Marie Keohane	Aye

DULY PASSED AND ADOPTED this 21st day of November, A.D., 1988.

APPROVED AS TO FORM

BY:

Paul W. Cloyd
Office of the
County Attorney

BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

BY:

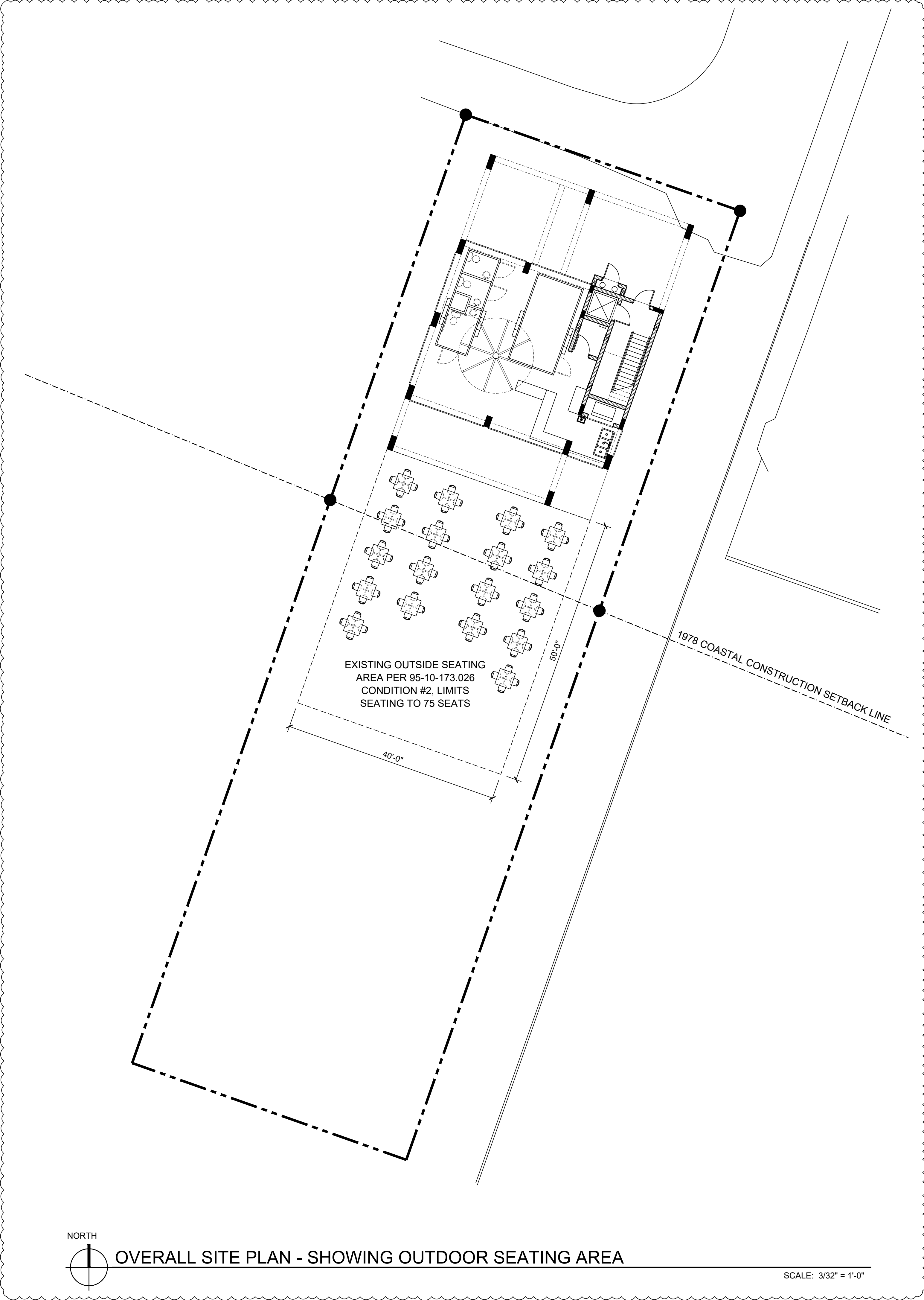
Marie Keohane
Chairman

OR2036

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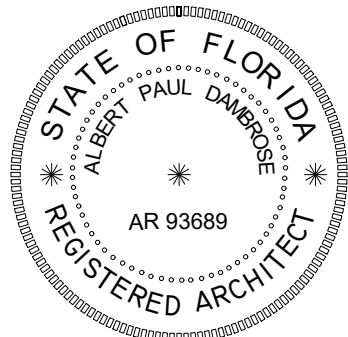
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A NEW BUILDING FOR:
THE BEACH BAR HOUSE

1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

Digitally signed by
Albert Dambrose AR
93689 State of Florida
DN: C=US,
E=apd@studioad.net,
O=Studio A.D.,
CN=Albert Dambrose
AR 93689 State of
Florida
Date: 2024.04.15
10:18:09-0400

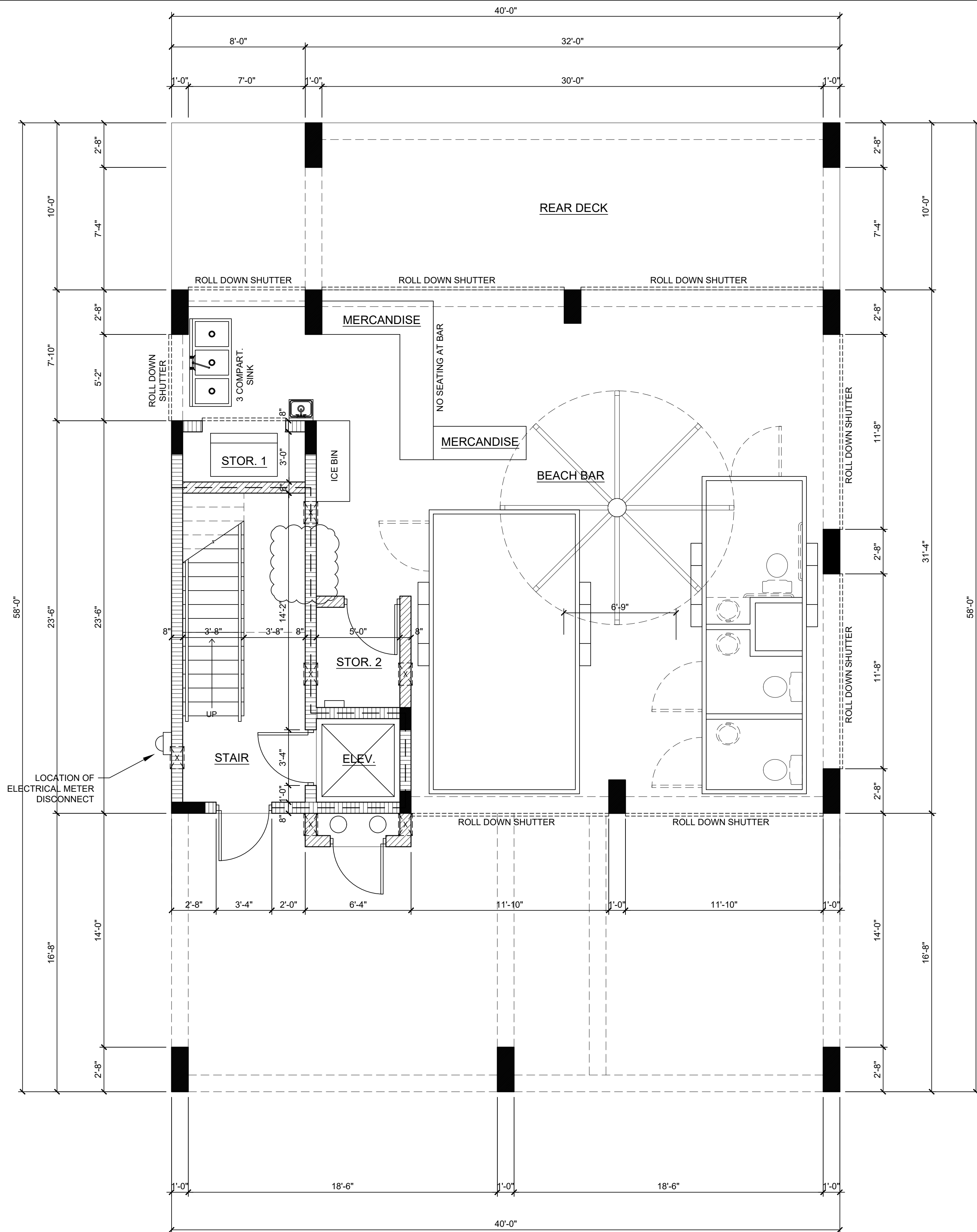
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OF 1



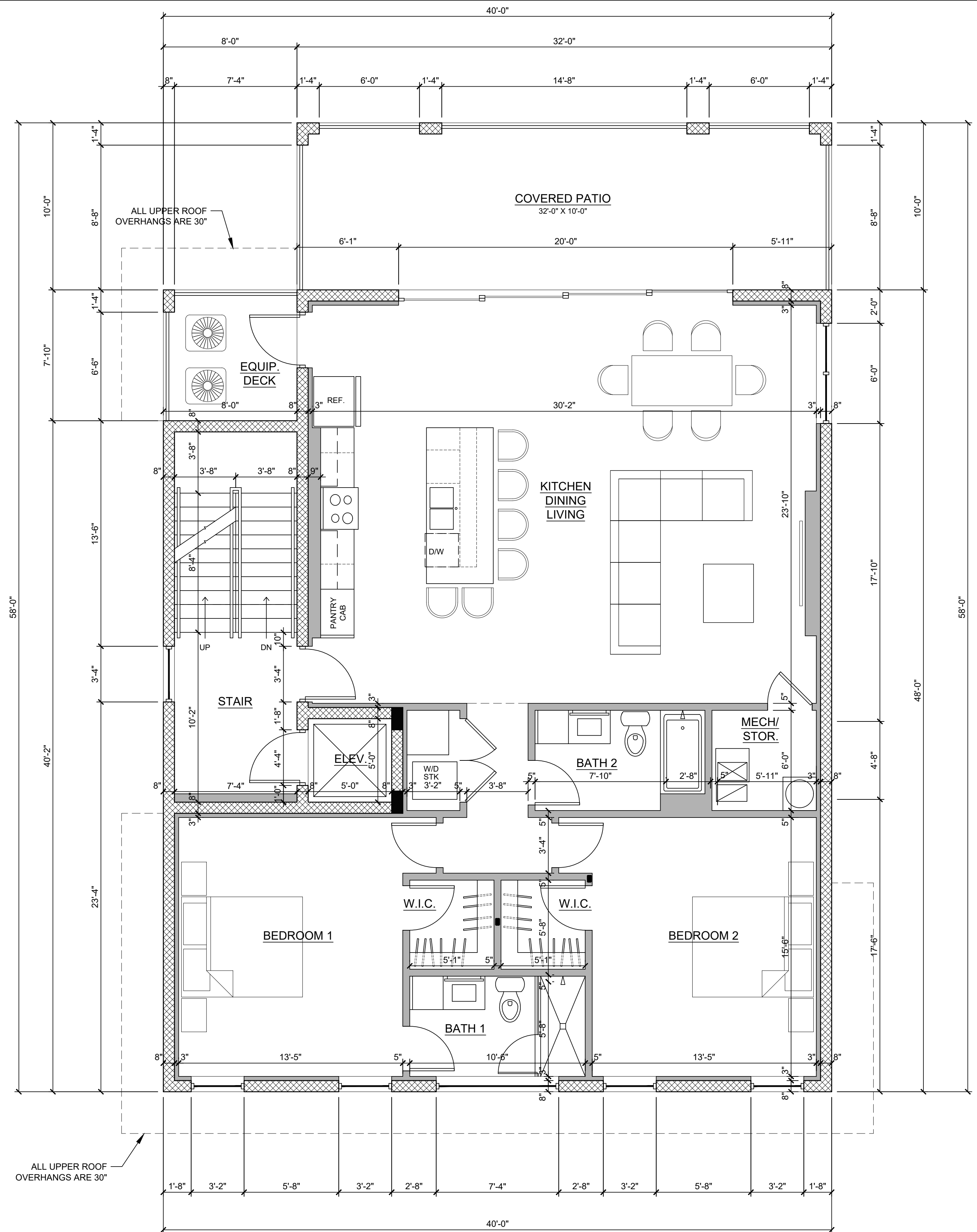
1ST FLOOR SCHEMATIC FLOOR PLAN

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



WALL SYMBOL LEGEND

- 8" BREAK-AWAY CMU WALL STRUCTURE - REFER TO WALL SECTIONS AND STRUCTURAL SHEETS.
- 8" REINFORCED CONCRETE SHEAR WALL STRUCTURE - REFER TO WALL SECTIONS AND STRUCTURAL SHEETS.
- 8" REINFORCED CMU WALL STRUCTURE - REFER TO WALL SECTIONS AND STRUCTURAL SHEETS.
- 8" REINFORCED CMU PERIMETER WALL W/ 3/4" THICK (R-5) EXTRUDED POLYSTYRENE RIGID INSULATION (RUN UP TO TOP OF CMU WALL) W/ 1/2" THICK, LIGHT TEXTURE FINISH, GYPSUM BOARD ON 1-5/8" METAL FURRING. REFER TO WALL SECTIONS.
- INTERIOR 3-5/8" OR 6" METAL STUD FRAME WALL W/ 1/2" THICK, LIGHT TEXTURE FINISH, GYPSUM BOARD. REFER TO WALL SECTIONS.
- INDICATES LOCATION OF TWO HOUR FIRE RATED CMU BLOCK WALL UP TO FIRST CONCRETE DECK - REFER TO TABLE 722.3.2 AT SHEET A5.
- INDICATES CAST-IN PLACE CONCRETE COLUMN - REFER TO STRUCTURAL PLANS.
- INDICATES STRUCTURAL STEEL COLUMN - REFER TO STRUCTURAL PLANS.



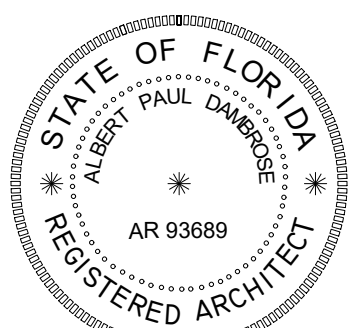
2ND FLOOR SCHEMATIC FLOOR PLAN

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



A NEW BUILDING FOR:
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1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
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DATE ISSUED: 20 FEB 2024

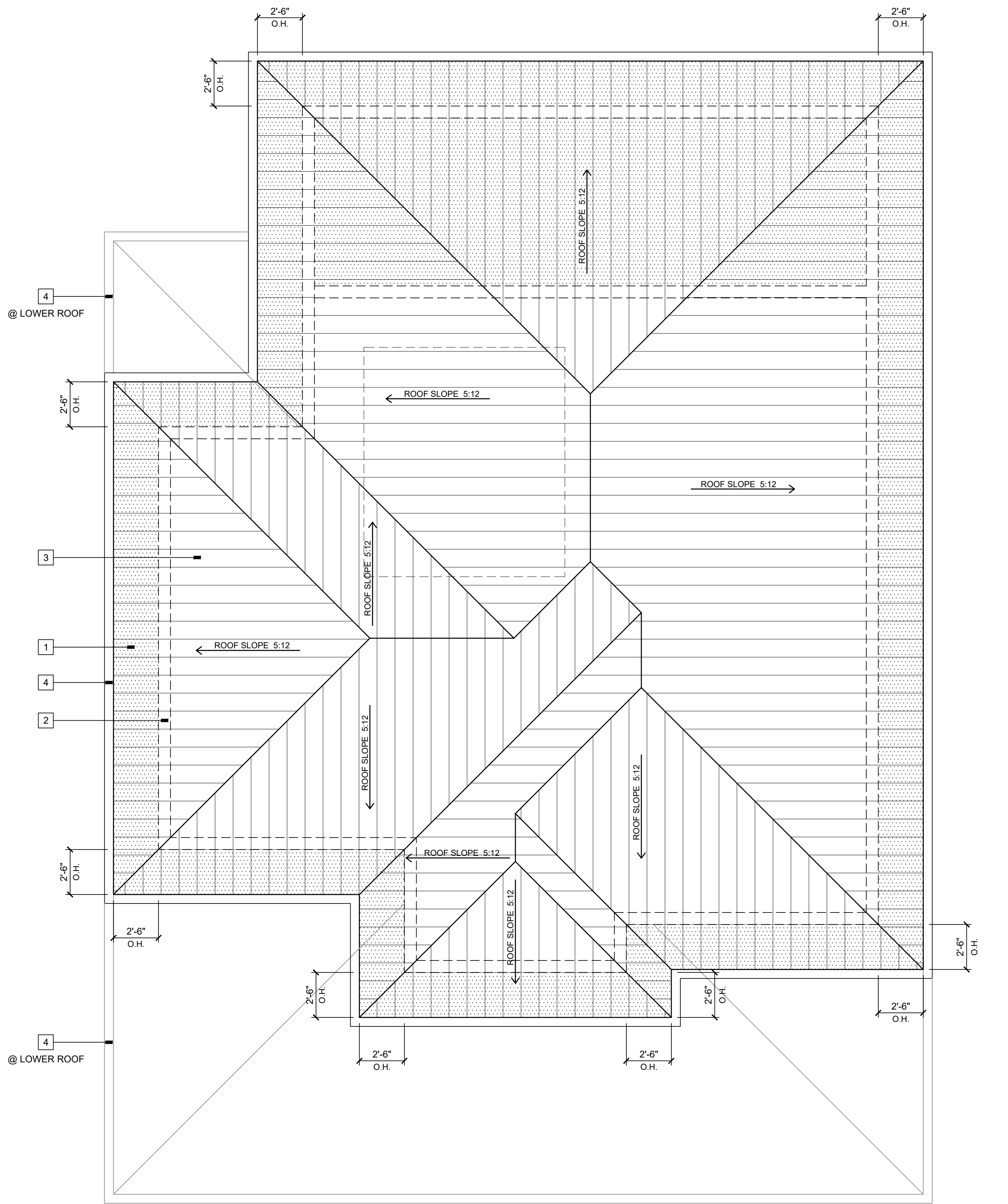
REVISIONS:

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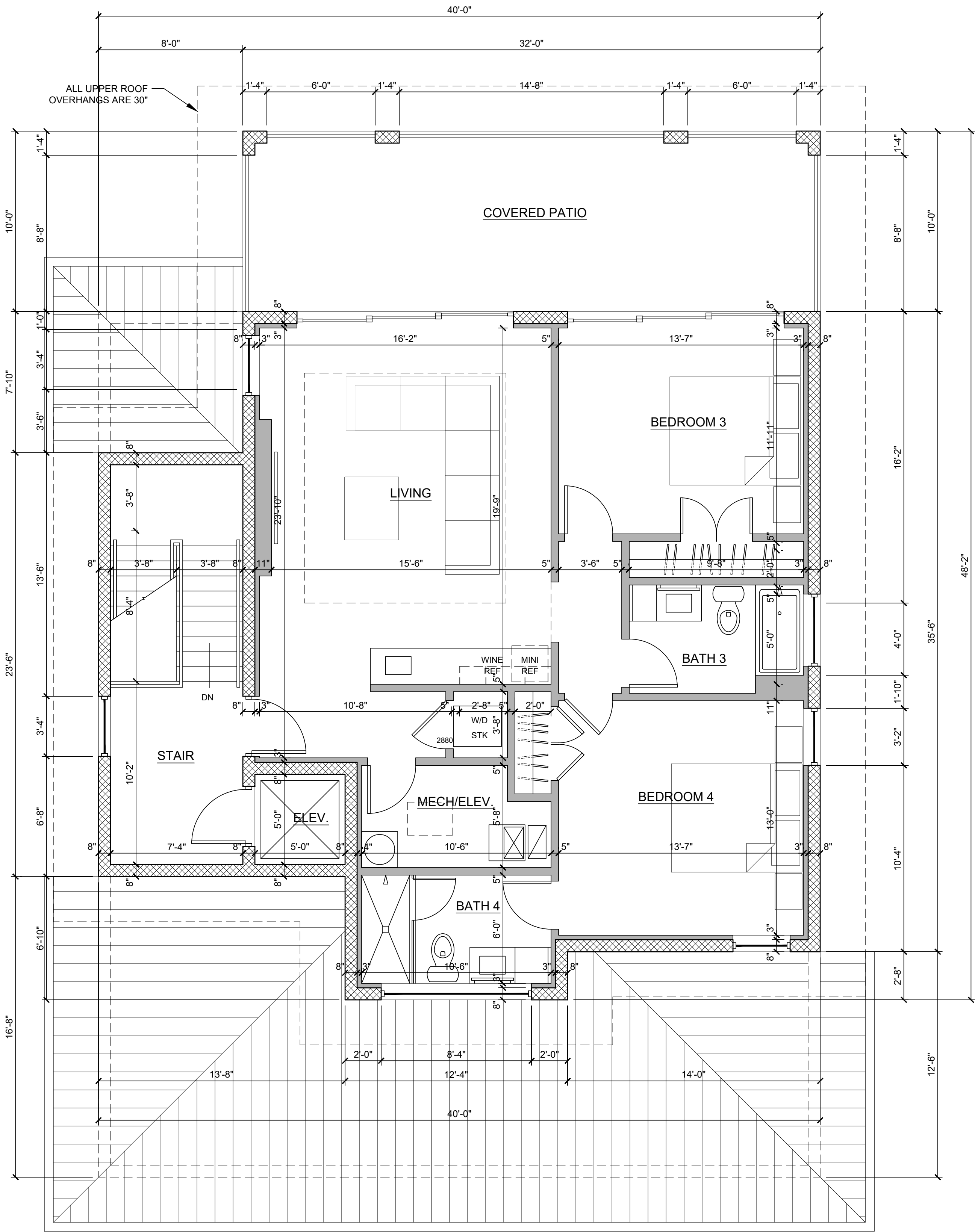
OF 6



SCHEMATIC UPPER ROOF PLAN

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

- KEYNOTES
- 1 INDICATES HARDIE BOYS ELEMENTS STAIN SERIES PVC, V-GROOVE SOFFIT PANELS
 - 2 INDICATES PERIMETER 8" CMU WALL OR CONCRETE BEAM BELOW.
 - 3 PROVIDE & INSTALL STANDING SEAM, ALUMINUM ROOFING PANELS W/ 16" WIDE PANELS.
 - 4 INDICATES PERIMETER ROLLED FORMED ALUMINUM GUTTER AT ALL ROOF EDGES AT ALL LEVELS. ALL TIED INTO STORMWATER SYSTEM DESIGN PER CIVIL ENGINEER.



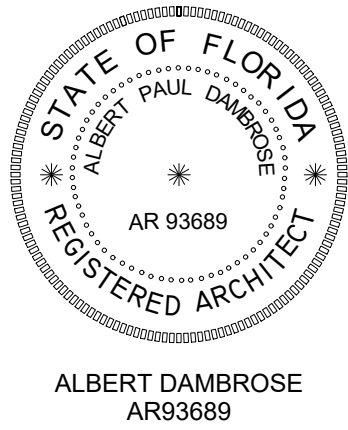
3RD FLOOR SCHEMATIC FLOOR PLAN

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

A NEW BUILDING FOR:
THE BEACH BAR HOUSE

1668 I STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

REVISIONS:

SHEET

A2

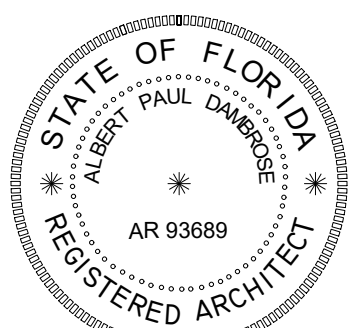
OF

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A NEW BUILDING FOR:
THE BEACH BAR HOUSE

1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

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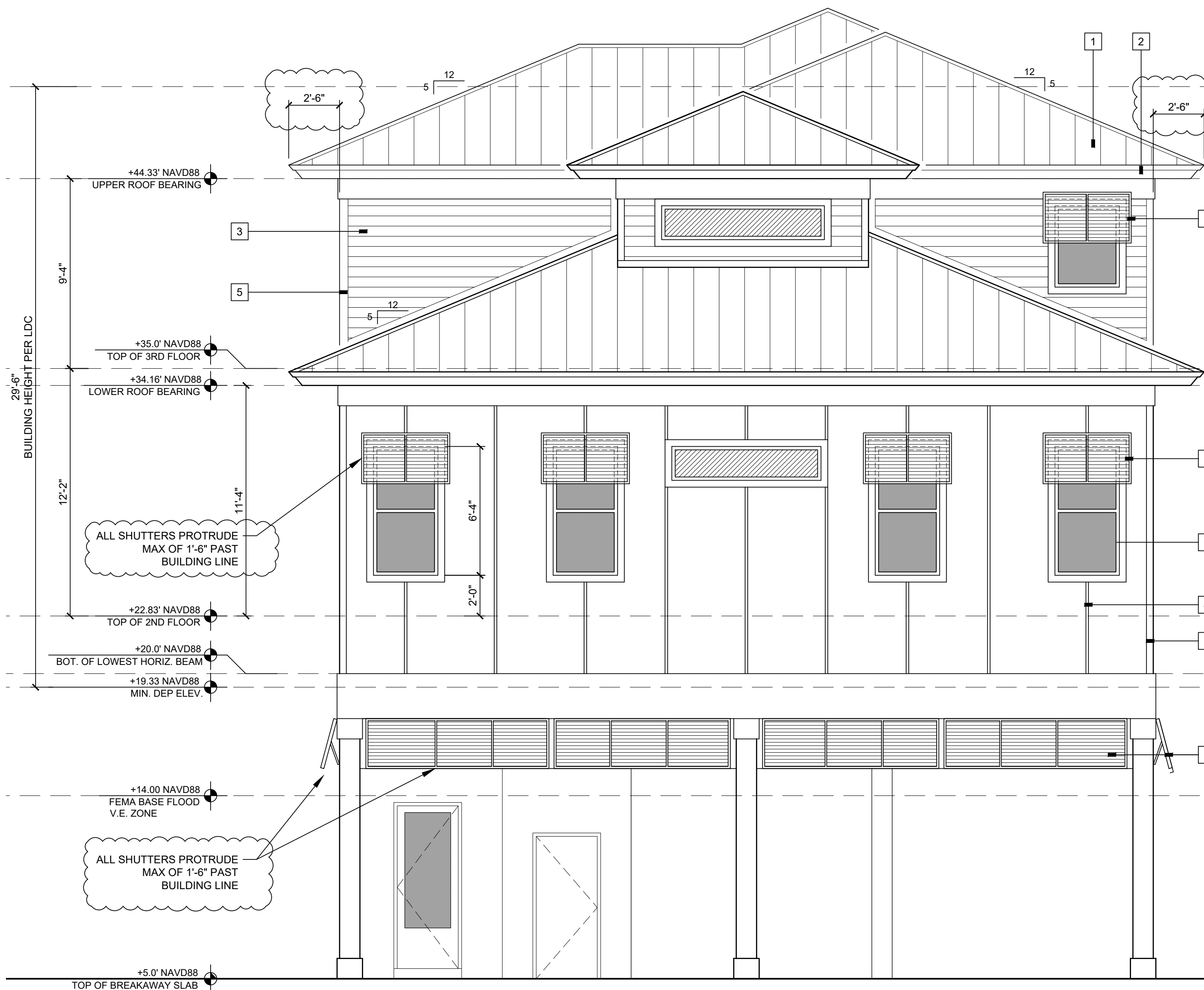
1 9 APRIL 2024

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A3

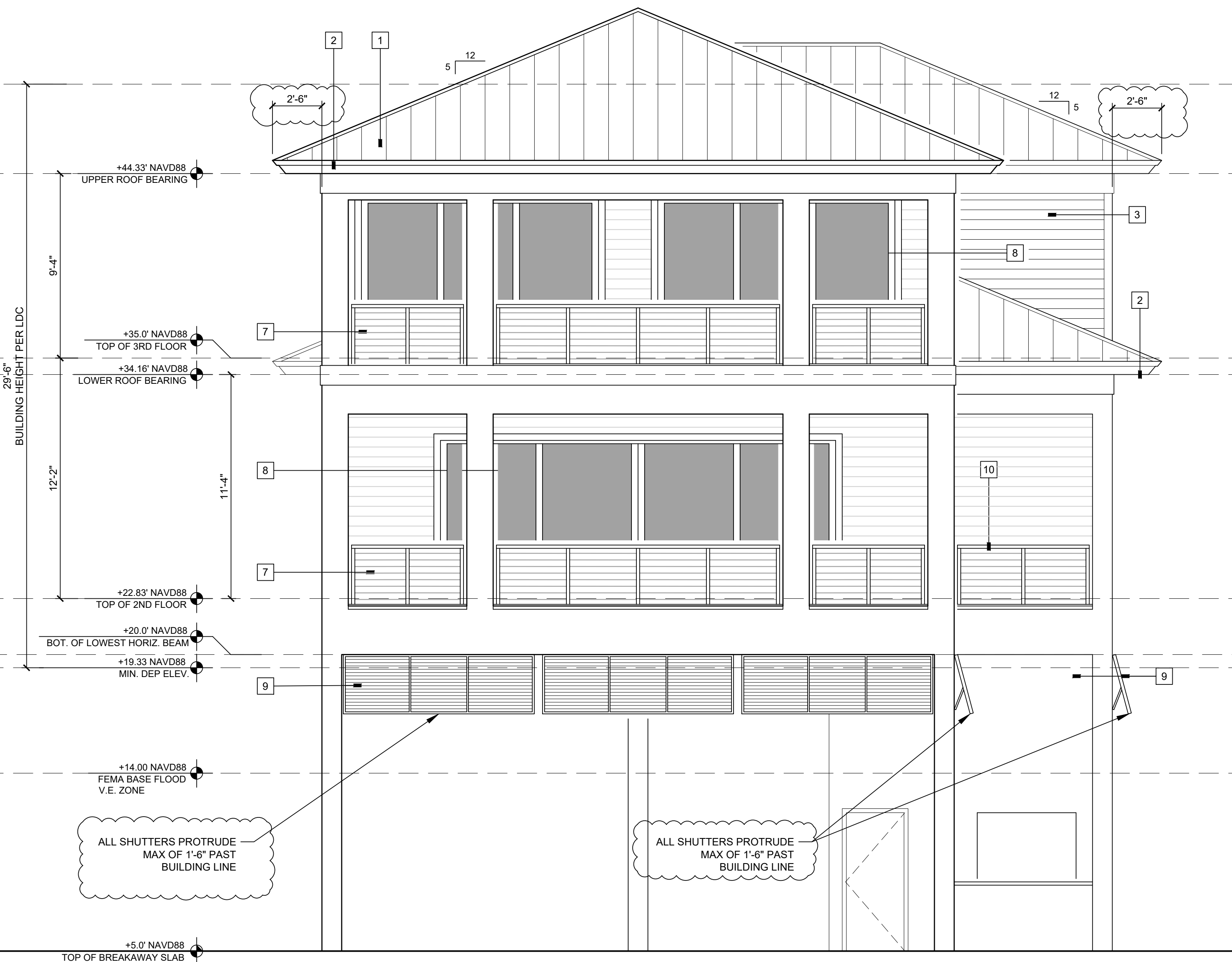
OF

6



FRONT (NORTH EAST) ELEVATION

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



REAR (SOUTH WEST) ELEVATION

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

FLORIDA SEA TURTLE NOTE

ALL NEW WINDOWS/DOORS WITH GLAZING SHALL BE TINTED WITH .45 VISIBLE LIGHT TRANSMITTANCE VALUE OR LESS TO COMPLY WITH THE FLORIDA SEA TURTLE PROTECTION CODE.

KEYNOTES

- 1 PROVIDE & INSTALL OWNER SELECT COLOR, ALUMINUM STANDING SEAM METAL ROOFING PANELS W/ 16" WIDE PANELS.
- 2 CONTINUOUS PRE-PAINTED GALVANIZED STEEL DRIP STRIP ON PAINTED 1 X 8 CEMENTITIOUS FASCIA ON 2X SUB-FASCIA.
- 3 SIMULATED SIDING. STUCCO VENEER ON TOP OF CMU BLOCK WALL.
- 4 SIMULATED BOARD AND BATTEN, STUCCO VENEER ON TOP OF CMU BLOCK WALL.
- 5 4" WIDE THICKENED STUCCO BAND TO SIMULATE CORNER TRIM BOARDS. PROVIDE SAME AROUND WINDOWS AND DOORS.
- 6 IMPACT RESISTANT ALUMINUM WINDOW SYSTEM
- 7 36" HIGH POWDER COATED ALUMINUM GUARDRAIL
- 8 IMPACT RESISTANT ALUMINUM SLIDING GLASS DOOR SYSTEM
- 9 POWDER COATED ALUMINUM BAHAMA SHUTTER
- 10 POWDER COATED ALUMINUM GUARDRAIL W/ LOUVERS TO CONVEAL A/C CONDENSER UNITS.

3/28/24, 5:19 PM

BXUV,J995 | UL Product iQ

Design No. J995

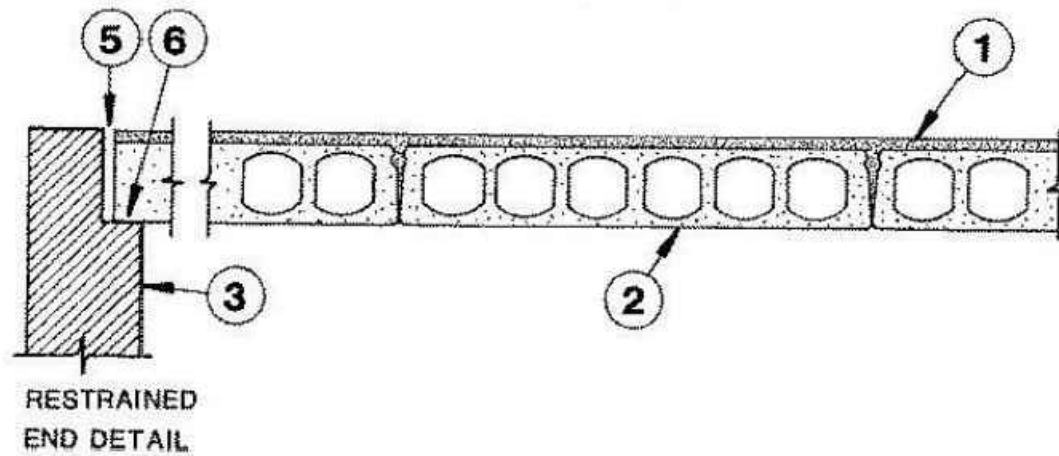
June 8, 2023

Restrained Assembly Ratings — 2, 3 and 4 Hr.

Unrestrained Assembly Rating — 2 Hr.

This design was evaluated using a load design method other than the Limit States Design Method (e.g., Working Stress Design Method). For jurisdictions employing the Limit States Design Method, such as Canada, a load restriction factor shall be used — See Guide BXUV or BXUV7

* Indicates such products shall bear the UL or cUL Certification Mark for jurisdictions employing the UL or cUL Certification (such as Canada), respectively.



UNRESTRAINED END DETAIL

1. Concrete Topping — 3000 psi compressive strength, 110 to 153 pcf unit weight.

Assembly Rating Hr	Min Topping Thkns In.
2	0

<https://iqulprospector.com/en/profile?e=14228>

1/2

3/28/24, 5:19 PM

BXUV,J995 | UL Product iQ

3	1-1/2
4	2-5/8

2. Precast Concrete Units* — Nom 8, 10 or 12 in. deep by 4 ft wide units. Carbonate aggregate, cross-section similar to above illustration.

CORES LAB STRUCTURES INC

COUNTY MATERIALS CORP

GAGE BROS CONCRETE PRODUCTS INC

KERKSTRA PRECAST INC

LARRY E KNIGHT INC

OLDCASTLE PRECAST INC

SAY-CORE INC

3. End Detail — Restrained and Unrestrained.

4. Joint (not shown) — Grouted full length with sand-cement grout unless concrete topping is used.

Note: A 3/8 in. wide lateral expansion joint to be provided the full length and depth of the slabs for each 14 ft of width. Expansion obtained with noncombustible, compressible material, for example 6 sheets of 1/8 in. thick ceramic fiber paper.

5. End Clearance — Clearance for expansion at each end of slab shall be equal to (L/17) x (1/4 +/- 1/16) in. where "L" is equal to length of span in ft.

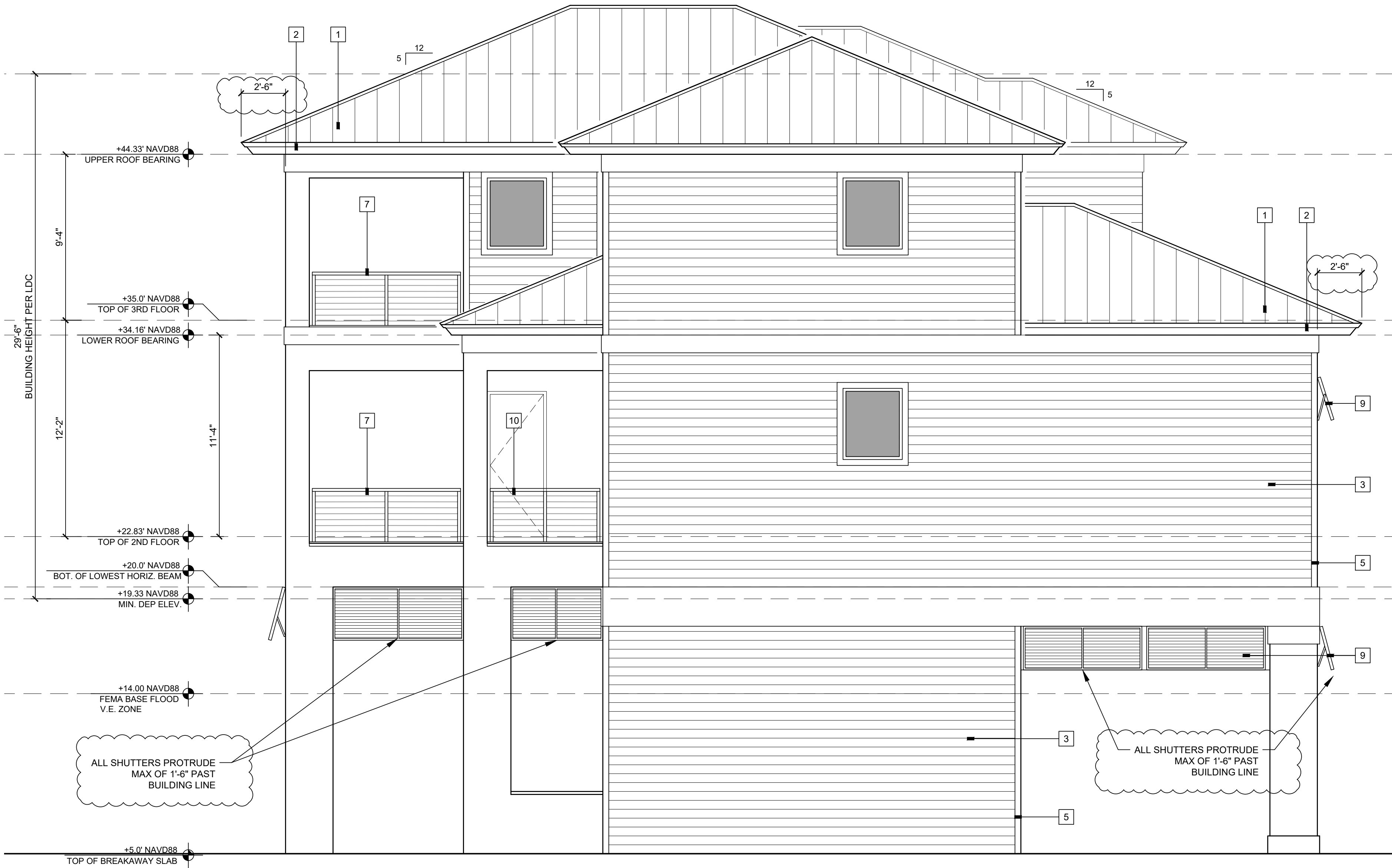
6. Min Bearing — 1-1/2 in. for assembly rating of 3 Hr. or less and 3 in. for assembly rating of 4 Hr.

* Indicates such products shall bear the UL or cUL Certification Mark for jurisdictions employing the UL or cUL Certification (such as Canada), respectively.

Last Updated on 2023-06-08

<https://iqulprospector.com/en/profile?e=14228>

2/2



LEFT (SOUTH EAST) ELEVATION

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

FLORIDA SEA TURTLE NOTE

ALL NEW WINDOWS/DOORS WITH GLAZING SHALL BE TINTED WITH .45 VISIBLE LIGHT TRANSMITTANCE VALUE OR LESS TO COMPLY WITH THE FLORIDA SEA TURTLE PROTECTION CODE.

KEYNOTES

- 1 PROVIDE & INSTALL OWNER SELECT COLOR, ALUMINUM STANDING SEAM METAL ROOFING PANELS W/ 16" WIDE PANELS.
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- 10 POWDER COATED ALUMINUM GUARDRAIL W/ LOUVERS TO CONVEAL A/C CONDENSER UNITS.

STUDIO
AD
ARCHITECT

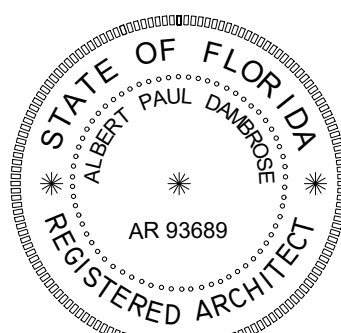
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A NEW BUILDING FOR:
THE BEACH BAR HOUSE
1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

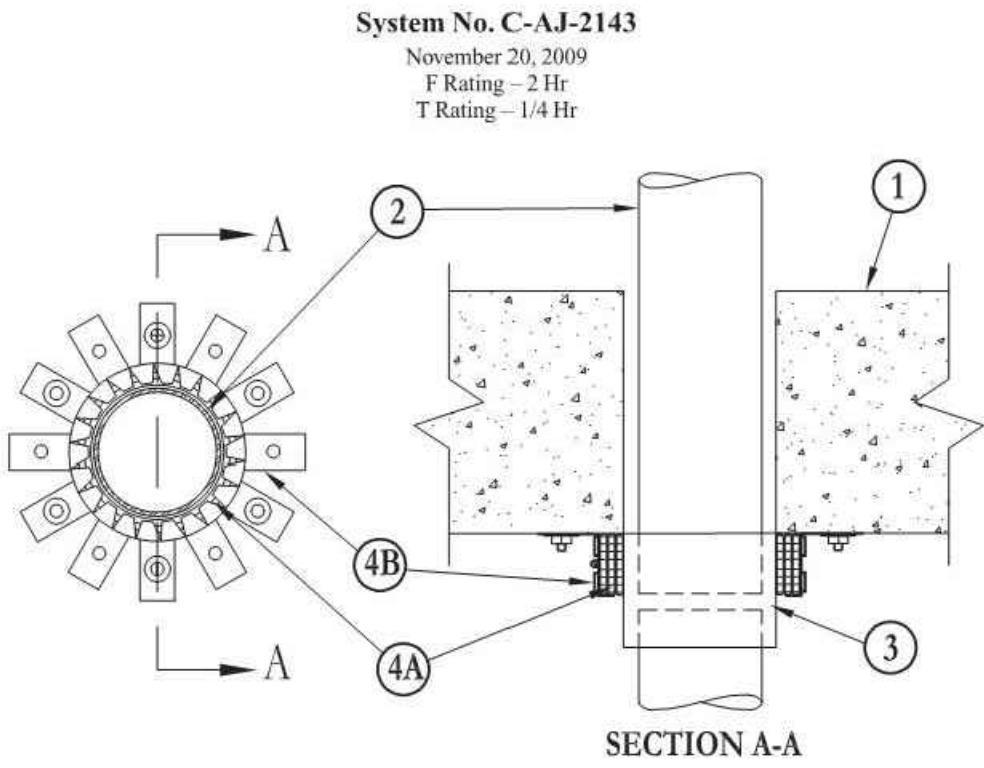
REVISIONS:

1 9 APRIL 2024

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A4

OF 6



- Floor or Wall Assembly** – Min 4-1/2 in. (114 mm) thick lightweight or normal weight (100-150 pcf or 1600 - 2400 kg/m³) concrete. Wall may also be constructed of any UL Classified **Concrete Blocks***. Diam of opening through floor or wall to be 1/2 to 5/8 in. (13 to 16 mm) larger than the outside diam of through-penetrant (Item 2). Max diam of opening is 5 in. (127 mm). See **Concrete Blocks (CAZT)** category in the Fire Resistance Directory for names of manufacturers.
- Through Penetrants** – One nonmetallic pipe or conduit centered in the through opening. Pipe or conduit to be rigidly supported on both sides of floor or wall assembly. The following types and sizes of nonmetallic pipes or conduits may be used.
 - Polyvinyl Chloride (PVC) Pipe** – Nom 4 in. (102 mm) diam (or smaller) Schedule 40 solid core PVC pipe for use in closed (process or supply) or vented (drain, waste or vent) piping system.
 - Rigid Nonmetallic Conduit** – Nom 4 in. (102 mm) diam (or smaller) Schedule 40 PVC conduit installed in accordance with Article 347 of the National Electrical Code (NEC, No. 70).
 - Chlorinated Polyvinyl Chloride (CPVC) Pipe** – Nom 4 in. (102 mm) diam (or smaller) SDR13.5 CPVC pipe for use in closed (process or supply) piping systems.
- Nonmetallic Pipe Coupling** – Nom 4 in. (102 mm) diam (or smaller) Schedule 40 PVC pipe coupling or nom 4 in. (102 mm) diam (or smaller) SDR13.5 CPVC pipe coupling installed such that the top of the coupling is flush with the bottom surface of the floor assembly or flush with either side of the wall assembly and extending outward.
- Firestop System** – The details of the firestop system shall be as follows:
 - Fill, Void or Cavity Materials* - Wrap Strip** – Nom 1/4 in. (6 mm) thick intumescent elastomeric material faced on one side with aluminum foil, supplied in 2 in. (51 mm) wide strips. Min four layers of wrap strips tightly wrapped around nonmetallic pipe coupling (foil side exposed) with the top edges butted against the underside of the floor. In wall assemblies, a min four layers of wrap strips tightly wrapped around nonmetallic pipe coupling (foil side exposed) and butted tightly against outer surface of wall. For the pipe or conduit on the side of the wall opposite the pipe coupling, the wrap strips shall be wrapped tightly around the pipe or conduit and butted tightly against outer surface of wall. For nom 1/2 in. (13 mm) to nom 1-1/2 in. (38 mm) diam pipes or conduits, a min of one layer of wrap strip is required. For nom 2, 2-1/2 and 3 in. (51, 64 and 76 mm) diam pipes or conduits, a min of two layers of wrap strip is required. For nom 3-1/2 and 4 in. (89 and 102 mm) diam pipes or conduits, a min of three layers of wrap strip is required. Each layer of wrap strip to be installed with butted seams, with butted seams in successive layers staggered. Wrap strip layers temporarily held in position using aluminum foil tape, steel wire tie or equivalent.
 - 3M COMPANY** – FS-195+
 - Steel Collar** – Nom 2 in. (51 mm) deep collar with 1-1/4 in. (32 mm) wide by 2 in. (51 mm) long anchor tabs and min 1/2 in. (13 mm) long tabs to retain wrap strip. Coils of precut min 0.016 in. (0.41 mm) thick (28 gauge) galv sheet steel available from wrap strip manufacturer. As an alternate, collar may be field-fabricated from min 0.016 in. (0.41 mm) thick (28 gauge) galv sheet steel in accordance with instruction sheet supplied by wrap strip manufacturer. Collar, with anchor tabs bent outward 90 degrees, wrapped tightly around wrap strip with min 1 in. (25 mm) overlap at seam and compressed around wrap strip(s) using a min 1/2 in. (13 mm) wide by min 0.028 in. (0.71 mm) thick stainless steel band at the collar midheight. Collar anchor tabs pressed tightly against floor or wall surface(s) and secured to floor or wall surface(s) with 1/4 in. (6 mm) diam by min 1-1/2 in. (38 mm) long steel expansion bolts or equivalent in conjunction with steel nuts and min 1-1/4 in. (32 mm) diam steel fender washers. Min of five anchor bolts used for collar installed around pipe coupling. For the collars installed around pipes or conduits in wall assemblies on the side opposite the pipe coupling, a min of two anchor bolts are required for nom 1/2 to 2 in. (13 to 51 mm) pipes or conduits, a min of three anchor bolts for nom 2-1/2 and 3 in. (64 and 76 mm) pipes or conduits and a min of four anchor bolts for nom 3-1/2 and 4 in. (89 and 102 mm) pipes or conduits, symmetrically located. Retainer tabs bent 90 degrees toward pipe to lock wrap strip(s) in position.

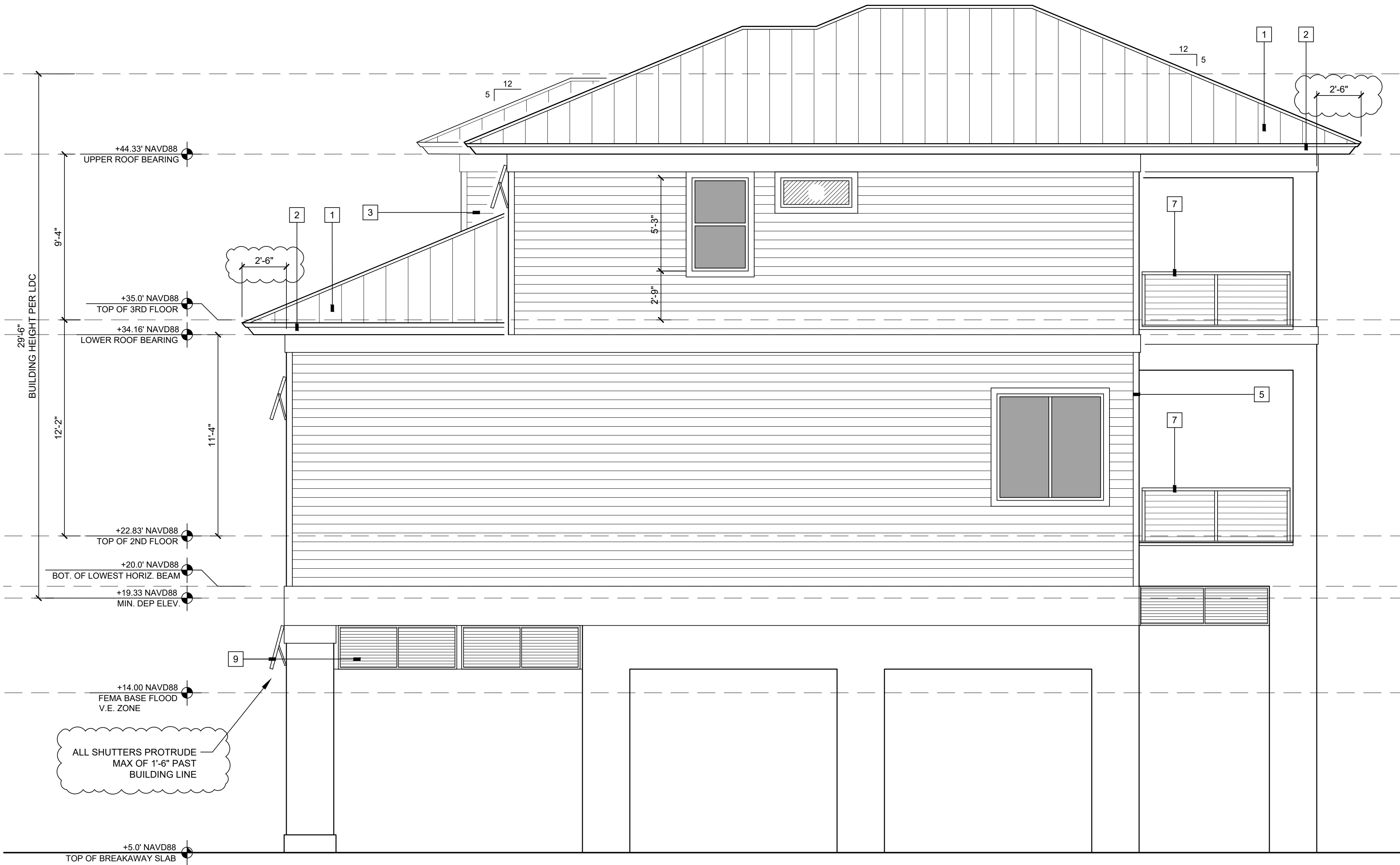
3M Fire Protection Products
www.3m.com/firestop

C-AJ-2143 • 1 of 2

Product Support Line
1-800-328-1687

System No. C-AJ-2143 continued

- Fill, Void or Cavity Materials* - Caulk, Sealant or Putty** (Optional, not required) – Bead of caulk or putty may be applied to outer perimeter of steel collar at its interface with floor or wall surface(s). In floor assemblies, a bead of caulk may be used within the annular space on the top side of the floor.
3M COMPANY – CP-WB+ caulk, FB-3000 WT sealant, MP+ Stix putty, IC 15WB+ caulk or FireDam 150+ caulk.
(Note: CP 25WB+ and FireDam 150+ not suitable for use with CPVC pipes.)
- *Bearing the UL Classification Marking
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RIGHT (NORTH WEST) ELEVATION

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

FLORIDA SEA TURTLE NOTE

ALL NEW WINDOWS/DOORS WITH GLAZING SHALL BE TINTED WITH .45 VISIBLE LIGHT TRANSMITTANCE VALUE OR LESS TO COMPLY WITH THE FLORIDA SEA TURTLE PROTECTION CODE.

KEYNOTES

- PROVIDE & INSTALL OWNER SELECT COLOR, ALUMINUM STANDING SEAM METAL ROOFING PANELS W/ 16" WIDE PANELS.
- CONTINUOUS PRE-PAINTED GALVANIZED STEEL DRIP STRIP ON PAINTED 1 X 8 CEMENTITIOUS FASCIA ON 2X SUB-FASCIA.
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TABLE 722.3.2
MINIMUM EQUIVALENT THICKNESS (inches) OF BEARING OR NONBEARING CONCRETE MASONRY WALLS^{1a,d}

TYPE OF AGGREGATE	FIRE-RESISTANCE RATING (hours)															
	1/2	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/4	2 1/2	3	3 1/4	3 1/2	3 3/4	4		
Pumice or expanded slag	1.5	1.9	2.1	2.5	2.7	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.4	4.5	4.7	
Expanded shale, clay or slate	1.8	2.2	2.6	2.9	3.3	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	4.9	5.1	
Limestone, cinders or unexpanded slag	1.9	2.3	2.7	3.1	3.4	3.7	4.0	4.3	4.5	4.8	5.0	5.2	5.5	5.7	5.9	
Calcareous or siliceous gravel	2.0	2.4	2.8	3.2	3.6	3.9	4.2	4.5	4.8	5.0	5.3	5.5	5.8	6.0	6.2	

For ST: 1 inch = 25.4 mm.
a. Values between those shown in the table can be determined by direct interpolation.
b. Where combustible members are framed into the wall, the thickness of solid material between the end of each member and the opposite face of the wall, or between members set in from opposite sides, shall not be less than 95 percent of the thickness shown in the table.
c. Requirements of ASTM C 55, ASTM C 73, ASTM C 90 or ASTM C 744 shall apply.
d. Minimum required equivalent thickness corresponding to the hourly fire-resistance rating for units with a combination of aggregate shall be determined by linear interpolation based on the percent by volume of each aggregate used in manufacture.

3M Fire Protection Products
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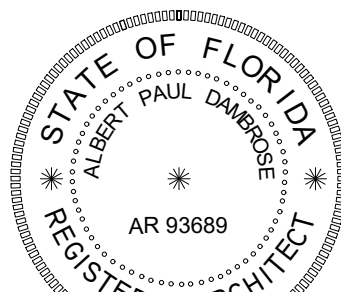
C-AJ-2143 • 2 of 2

Product Support Line
1-800-328-1687

A NEW BUILDING FOR:
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1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

REVISIONS:

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A5

OF

6

Through Penetrations

Metallic Pipes

1000 Series

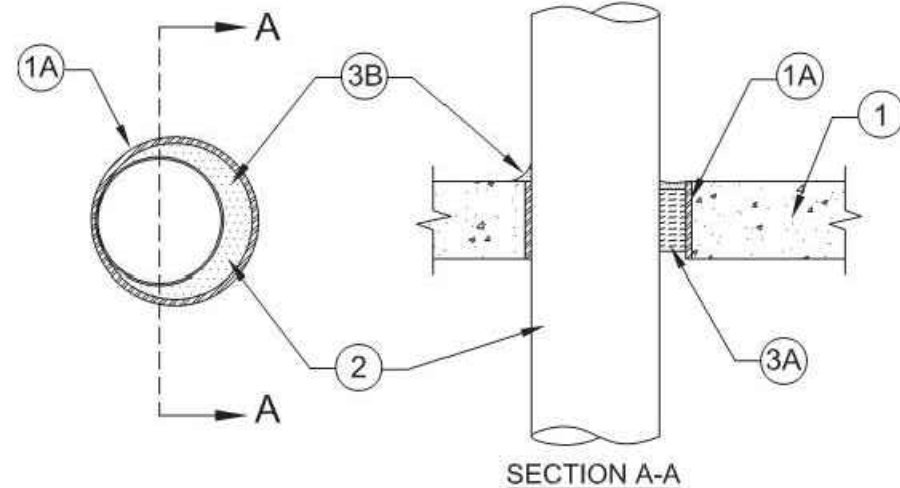
Concrete

CAJ

60

System No. C-AJ-1427

March 05, 2007
F Rating - 3 Hr
T Rating - 0 Hr
W Rating - Class I (See Item 3)



- Floor or Wall Assembly** - Min 2-1/2 in. (64 mm) thick reinforced lightweight or normal weight (100-150 pcf or 1600 - 2400 kg/m³) concrete floors or min 3 in. (76 mm) thick reinforced lightweight or normal weight concrete walls. Floor assembly may also be constructed of any min 6 in. (152 mm) thick UL Classified hollow-core **Precast Concrete Units***. Wall may also be constructed of any UL Classified **Concrete Blocks***. Max diam of opening 12-3/4 in. (324 mm). Max diam of opening in floors constructed of hollow-core concrete is 7 in. (78 mm). See **Concrete Blocks (CAZT)** and **Precast Concrete Units (CFTV)** categories in Fire Resistance Directory for names of manufacturers.
- Steel Sleeve** - (Optional) - Nom 12 in. (305 mm) diam (or smaller) Schedule 10 (or heavier) steel sleeve cast or grouted into floor or wall assembly. Steel sleeve may be installed flush or may project max 2 in. (51 mm) beyond the floor or wall surfaces. As an alternate, nom 12 in. (305 mm) diam (or smaller) sleeve fabricated from nom 0.019 in. (0.48 mm) thick galv steel cast or grouted into floor or wall assembly flush with floor or wall surfaces.
- Through Penetrant** - One metallic pipe, conduit, tubing or flexible metal piping installed concentrically or eccentrically within opening. Annular space between penetrant and periphery of opening or sleeve shall be min of 0 in. (0 mm) (point contact) to max 2 in. (51 mm). Penetrant to be rigidly supported on both sides of floor or wall assembly. The following types and sizes of penetrants may be used:
 - Steel Pipe** - Nom 10 in. (254 mm) diam (or smaller) Schedule 10 (or heavier) steel pipe.
 - Iron Pipe** - Nom 10 in. (254 mm) diam (or smaller) cast or ductile iron pipe.
 - Conduit** - Nom 6 in. (152 mm) diam (or smaller) steel conduit or nom 4 in. (102 mm) diam (or smaller) steel electrical metallic tubing.
 - Copper Tubing** - Nom 4 in. (102 mm) diam (or smaller) Type L (or heavier) copper tubing.
 - Copper Pipe** - Nom 4 in. (102 mm) diam (or smaller) Regular (or heavier) copper pipe.
 - Through Penetrating Product*** - **Flexible Metal Piping** - The following types of steel flexible metal gas piping may be used:
 - Nom 2 in. (51 mm) diam (or smaller) steel flexible metal gas piping. Plastic covering on piping may or may not be removed on both sides of floor or wall assembly.
OMEGA FLEX INC
 - Nom 1 in. (25 mm) diam (or smaller) steel flexible metal gas piping. Plastic covering on piping may or may not be removed on both sides of floor or wall assembly.
GASTITE, DIV OF TITFLEX
 - Nom 1 in. (25 mm) diam (or smaller) steel flexible metal gas piping. Plastic covering on piping may or may not be removed on both sides of floor or wall assembly.
WARD MFG INC
- Firestop System** - The details of the firestop system shall be as follows:
 - Packing Material** - Min 2 in. (51 mm) thickness of min 4 pcf (64 kg/m³) mineral wool batt insulation firmly packed into opening as a permanent form. Packing material to be recessed from top surface of floor or top edge of sleeve or from both surfaces of wall or both ends of sleeve as required to accommodate the required thickness of fill material. In floors constructed of hollow-core concrete, packing material to be recessed from top and bottom surfaces of floor or sleeve as required to accommodate the required thickness of fill material.
 - Fill, Void or Cavity Materials*** - **Caulk or Sealant** - Min 1/2 in. (13 mm) thickness of caulk applied within the annulus, flush with top surface of floor or top edge of sleeve or with both surfaces of wall or both ends of sleeves. In floors constructed of hollow-core concrete, min 1/2 in. (13 mm) thickness of caulk applied within the annulus, flush with top and bottom surfaces of floor or sleeve. Min 1/4 in. (6 mm) diam bead of caulk applied to the penetrant/concrete or penetrant/sleeve interface at the point contact location on the top surface of floor or both surfaces of wall or hollow-core.

3M COMPANY - IC 15WB+, CP 25WB+ caulk or FB-3000 WT sealant
(Note: W Rating applies only when FB-3000 WT is used.)

*Bearing the UL Classification Mark.

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3M Fire Protection Products
www.3m.com/firestop

C-AJ-1427 • 1 of 1

Product Support Line: 1-800-328-1687
Choose option 4 for FAX ON DEMAND



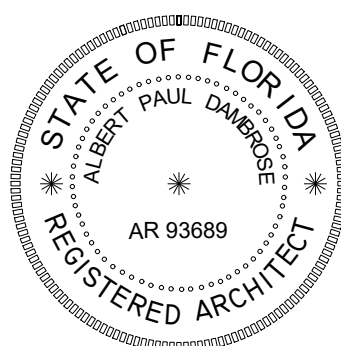
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A NEW BUILDING FOR:
THE BEACH BAR HOUSE
1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:



ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

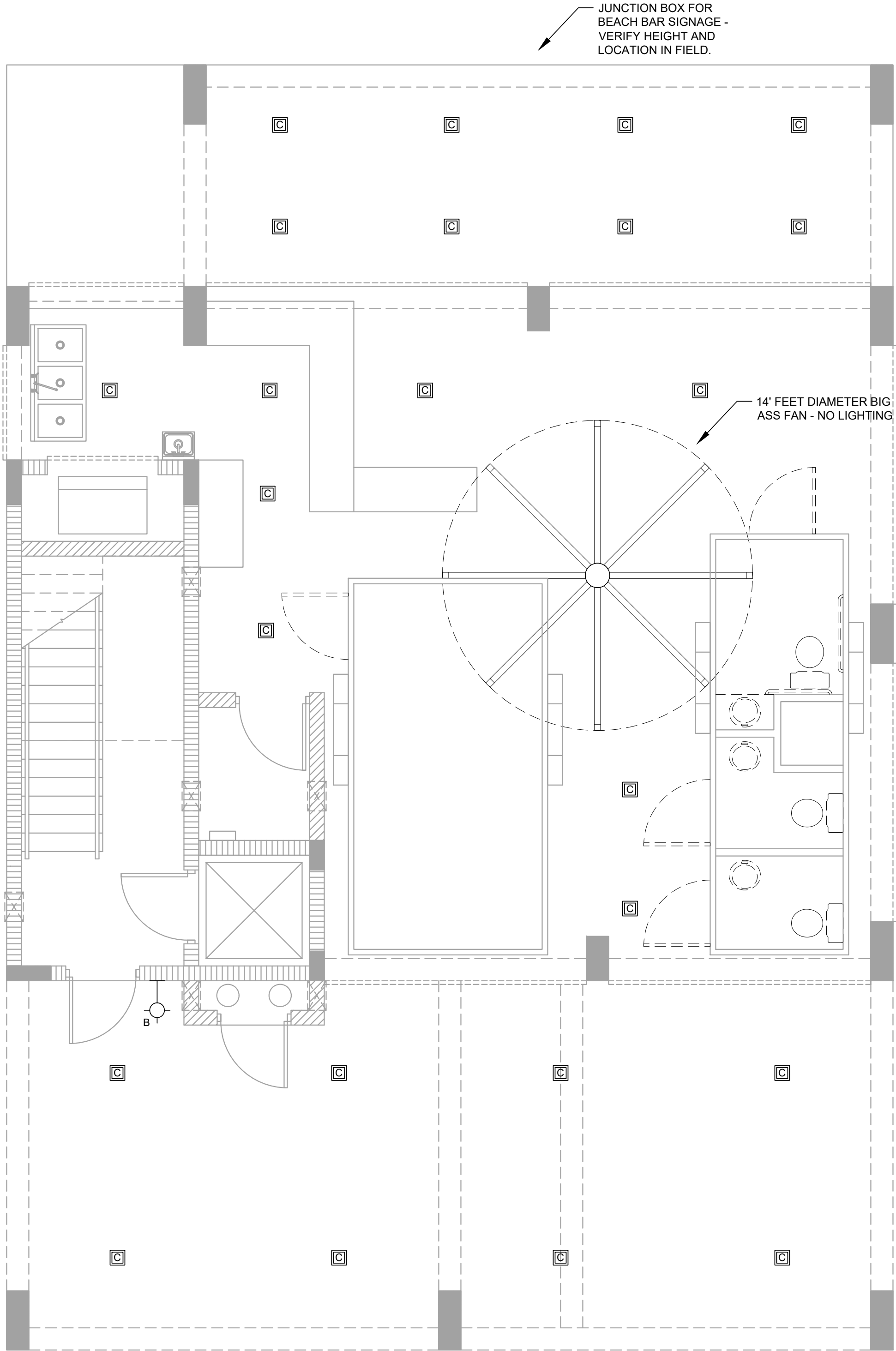
REVISIONS:

1 9 APRIL 2024

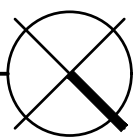
SHEET

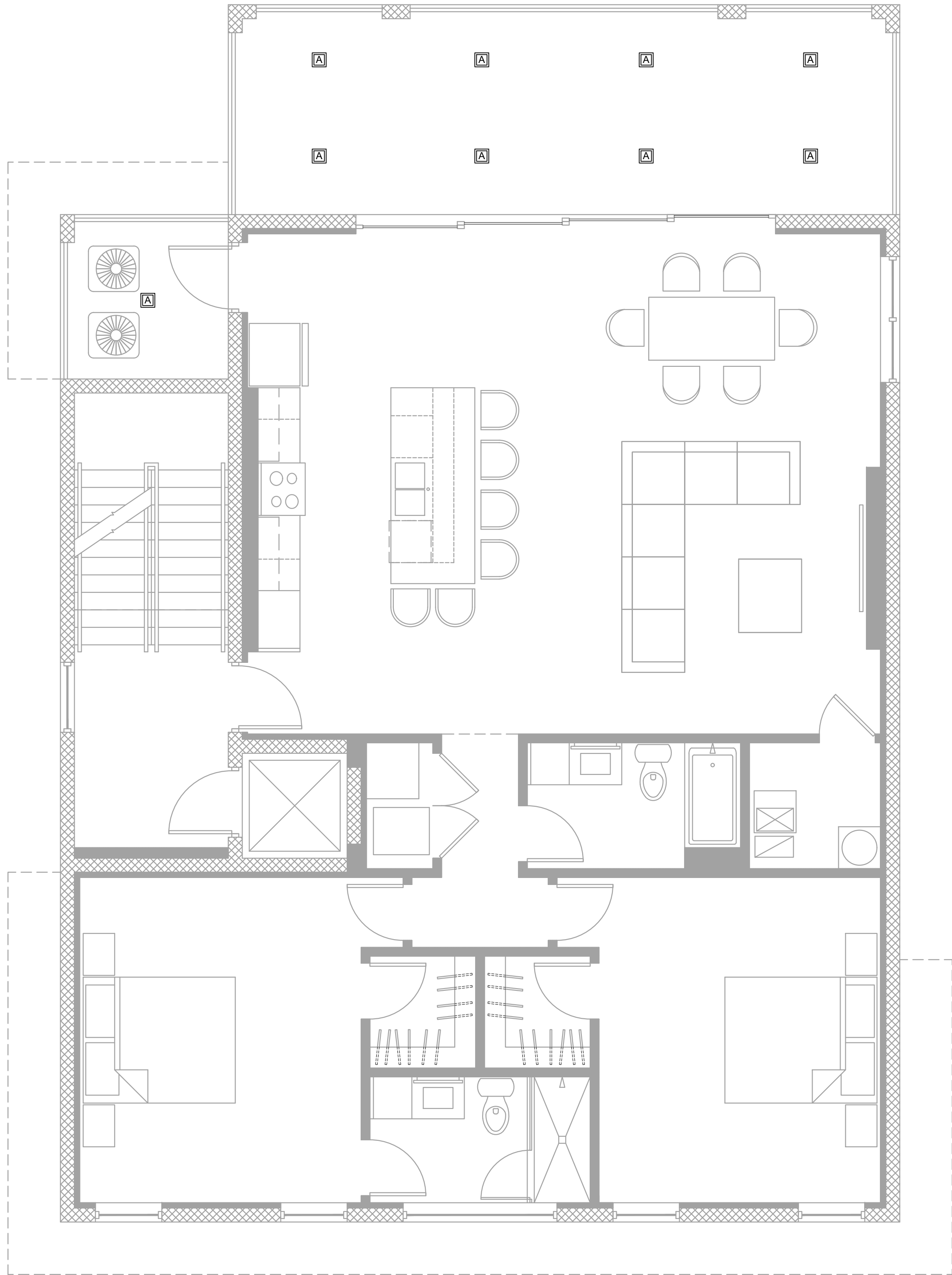
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OF 6

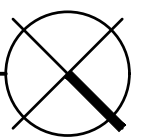


1ST FLOOR ELECTRICAL EXTERIOR LIGHTING PLAN

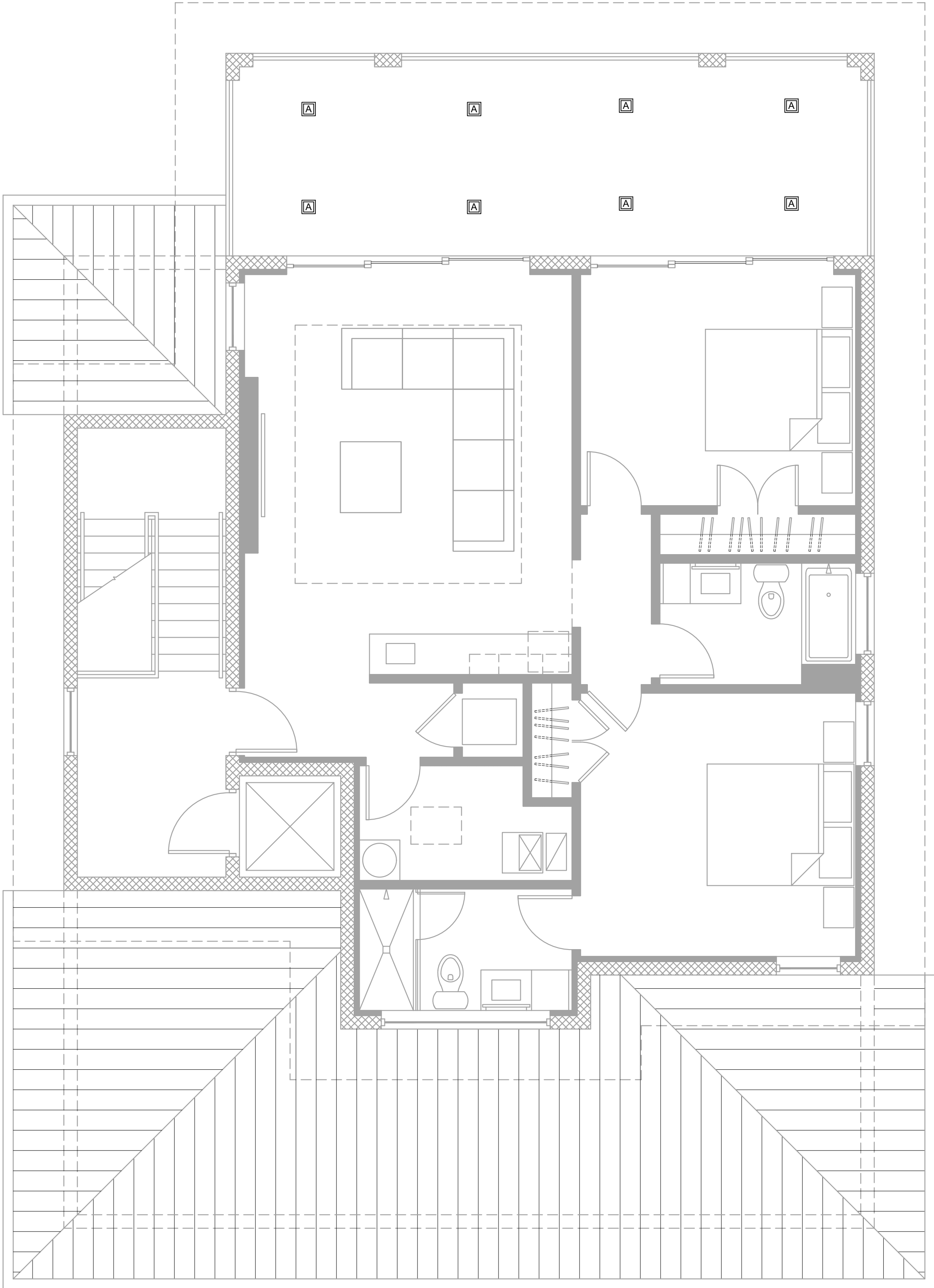
SCALE: 1/4" = 1'-0"  NORTH



2ND FLOOR ELECTRICAL EXTERIOR LIGHTING PLAN

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

ELECTRICAL SYMBOL LEGEND	
	4" SQUARE RECESSED LED CEILING LIGHT BY BEVELED LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.
	6" DIA. WALL SCONCE LED LIGHT BY LUMINIS LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.
	8" ROUND SURFACE MOUNTED CYLINDER LED CEILING LIGHT BY LUMINIS LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.



3RD FLOOR ELECTRICAL EXTERIOR LIGHTING PLAN

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

ELECTRICAL SYMBOL LEGEND

- A** 4" SQUARE RECESSED LED CEILING LIGHT BY BEVELED LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.
- B** 6" DIA. WALL SCONCE LED LIGHT BY LUMINIS LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.
- C** 8" ROUND SURFACE MOUNTED CYLINDER LED CEILING LIGHT BY LUMINIS LIGHTING (AMBER LED DOWNLIGHT) - REFER TO SPECIFICATIONS AT SHEET E3.

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A NEW BUILDING FOR:
THE BEACH BAR HOUSE

1668 1 STREET
FORT MYERS BEACH, FLORIDA

CONSULTANT:

STATE OF FLORIDA
ALBERT PAUL DAMBROSE
AR 93689
REGISTERED ARCHITECT

ALBERT DAMBROSE
AR93689

DATE ISSUED: 20 FEB 2024

REVISIONS:
1 9 APRIL 2024

SHEET
E2
OF 3

BeveLED[®] COLORS - AMBER



PROJECT INFORMATION

PROJECT: Beach Bar

DATE: December 2023
TYPE: Fixture 'A'

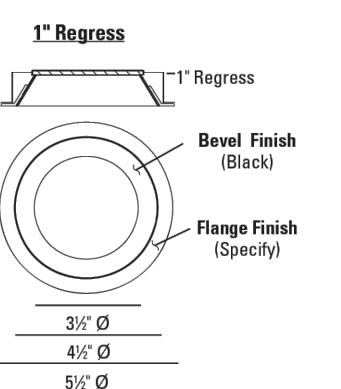
DOWNLIGHT 302A



BeveLED Colors - Amber Recessed Downlight - USAI Lighting's sea turtle-safe lighting series is designed to promote and preserve existing nesting and hatching patterns of endangered sea turtles on the North American coastline. The light output is specifically selected to have minimal impact on the sea turtle's vision in a dark environment, ensuring that the ocean will always be the brightest sight in their field of view. Specify these products to meet Florida Fish and Wildlife Conservation sea turtle lighting requirements and give baby sea turtles their best chance of survival.

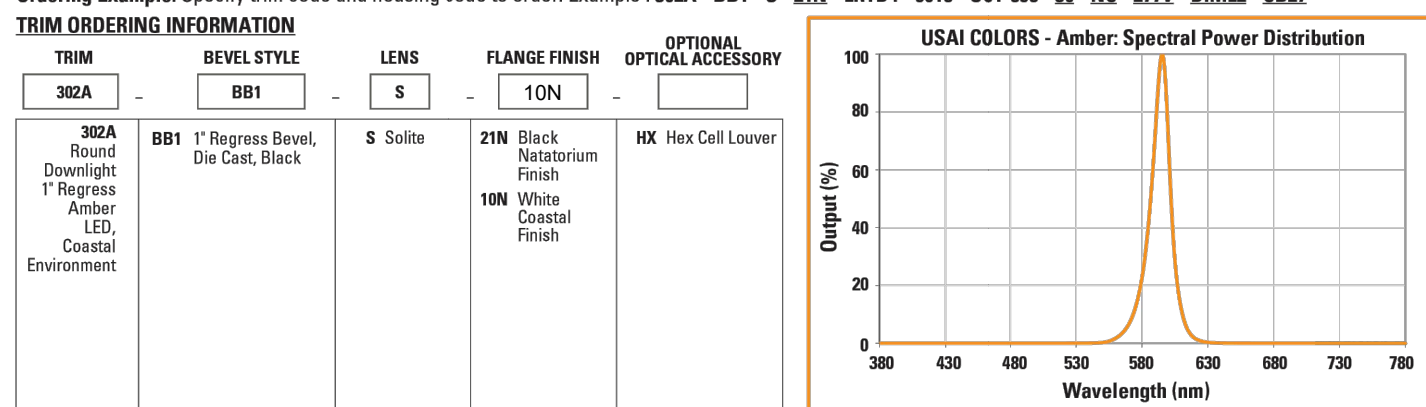
DELIVERED PERFORMANCE

BeveLED COLORS AMBER DOWNLIGHT	15 Watts
Lumens per Watt	32
Source Lumens	800
Delivered Lumens	475



HOW TO SPECIFY

Ordering Example: Specify trim code and housing code to order: Example: 302A - BB1 - S - 21N - LRTD4 - 9015 - UC1-595 - 30 - NC - 277V - DIML2 - CB27



HOUSING CODE	WATTAGE	ENGINE CODE	REFLECTOR	HOUSING TYPE	VOLTAGE	DIMMING DRIVER	ACCESSORIES
LRTD4	9015	UC1-595	50	NC	120V	DIML2	CB27
LRTD4	9015	15W LED	UC1-595 Monochromatic 900nm Amber Light Engine	NC New Construction FT Flat Housing New Construction	120V 277V	DIML2 0-10V dim, 10% (provided standard) DIML5A 0-10V/10-1% logarithmic/Lutron controls DIML6 0-10V/10-1% logarithmic/Lutron controls DIML7 0-10V/10-1% logarithmic/Lutron controls DIML8 0-10V/10-1% logarithmic/Lutron controls DIML9 0-10V/10-1% logarithmic/Lutron controls DIML10 0-10V/10-1% logarithmic/Lutron controls DIML11 0-10V/10-1% logarithmic/Lutron controls DIML12 0-10V/10-1% logarithmic/Lutron controls DIML13 0-10V/10-1% logarithmic/Lutron controls DIML14 0-10V/10-1% logarithmic/Lutron controls DIML15 0-10V/10-1% logarithmic/Lutron controls DIML16 0-10V/10-1% logarithmic/Lutron controls DIML17 0-10V/10-1% logarithmic/Lutron controls DIML18 0-10V/10-1% logarithmic/Lutron controls DIML19 0-10V/10-1% logarithmic/Lutron controls DIML20 0-10V/10-1% logarithmic/Lutron controls DIML21 0-10V/10-1% logarithmic/Lutron controls DIML22 0-10V/10-1% 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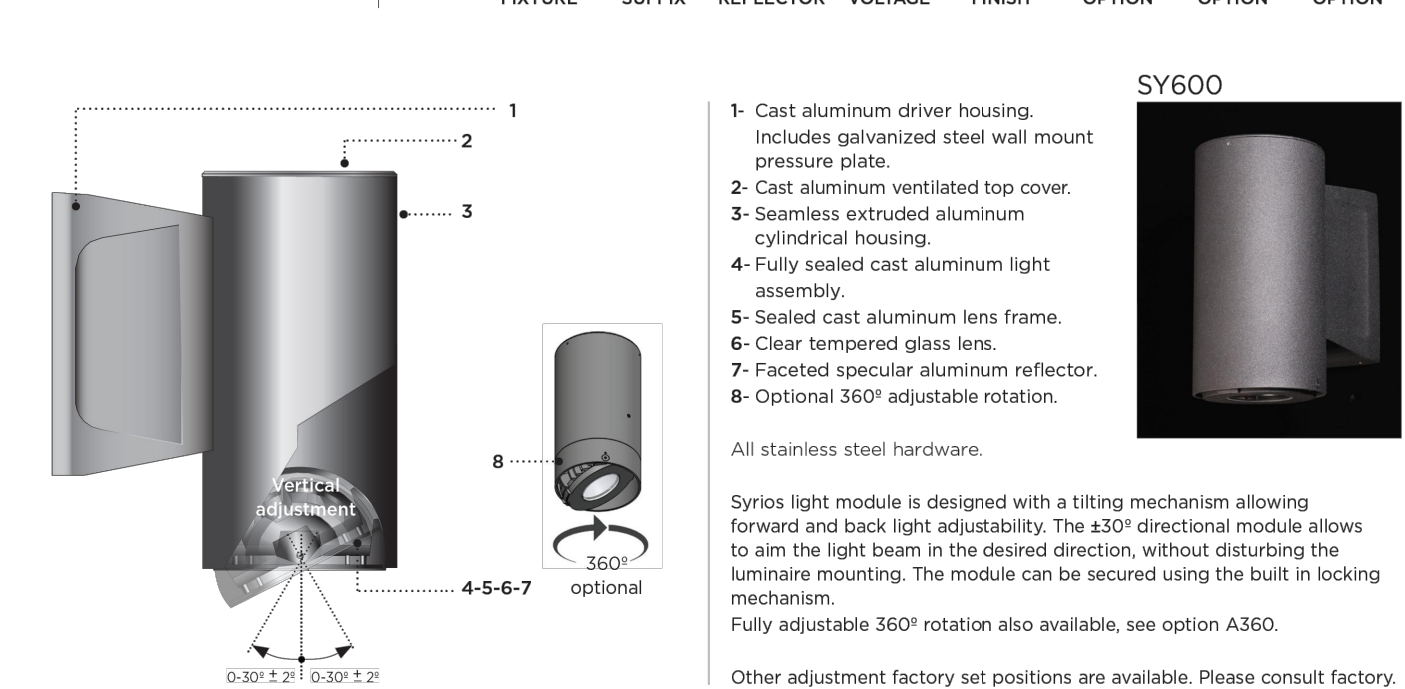
Beach Bar

December 2023
Fixture 'B'

SY600 SERIES SYRIOS

8" WALL UP OR DOWN LIGHT

TYPE:	QUANTITY:	PROJECT:
CATALOG NUMBER:	SY600	L1L3K2A
FIXTURE SUFFIX:	R30	120V
REFLECTOR VOLTAGE:	GRT-MG	OPTION
FINISH:	OPTION	OPTION
OPTION:	OPTION	OPTION



MATERIALS
Syrios is made of corrosion resistant 356 aluminum alloy with a copper (CU) content of less than 0.1%. The main housing is made of seamless extruded aluminum, with an integrally sealed LED light module designed for optimal heat dissipation, and lighting performance. Syrios is standard with a unique proprietary design allowing the sealed LED module to tilt within the cylindrical housing. The top cast aluminum cover includes ventilation slots allowing air circulation and cooling of assembly. Syrios SY600 series is standard with 30° optic. See options section for alternate selection.

ELECTRICAL DRIVER
Standard driver is 0-10V dimming-ready (dms to 10%) with: 120-277 multi-volt compatibility (50-60Hz), operating temperature range of -40°C/-40°F to 55°C/131°F, output over voltage protection, output over current protection and output short circuit protection with auto-recovery.
LED
Standard 4000K/80CRI. Optional 2700K, 3000K & 3500K. Optional Amber LED for turtle sensitive areas. Wavelengths: 584.5nm to 597nm.

LIFE
60,000hrs L₇₀ (based on IESNA TM-21 Test Method and LM-80 data). Up to 70,000hrs L₇₀ (calculated projection from LM-80 data).
FINISH
Five-stage preparation process including preheating of cast aluminum parts for air extraction, and an environmentally friendly alloy sealant. Polyester powder coating is applied through an electrostatic process and oven cured for long term finish.

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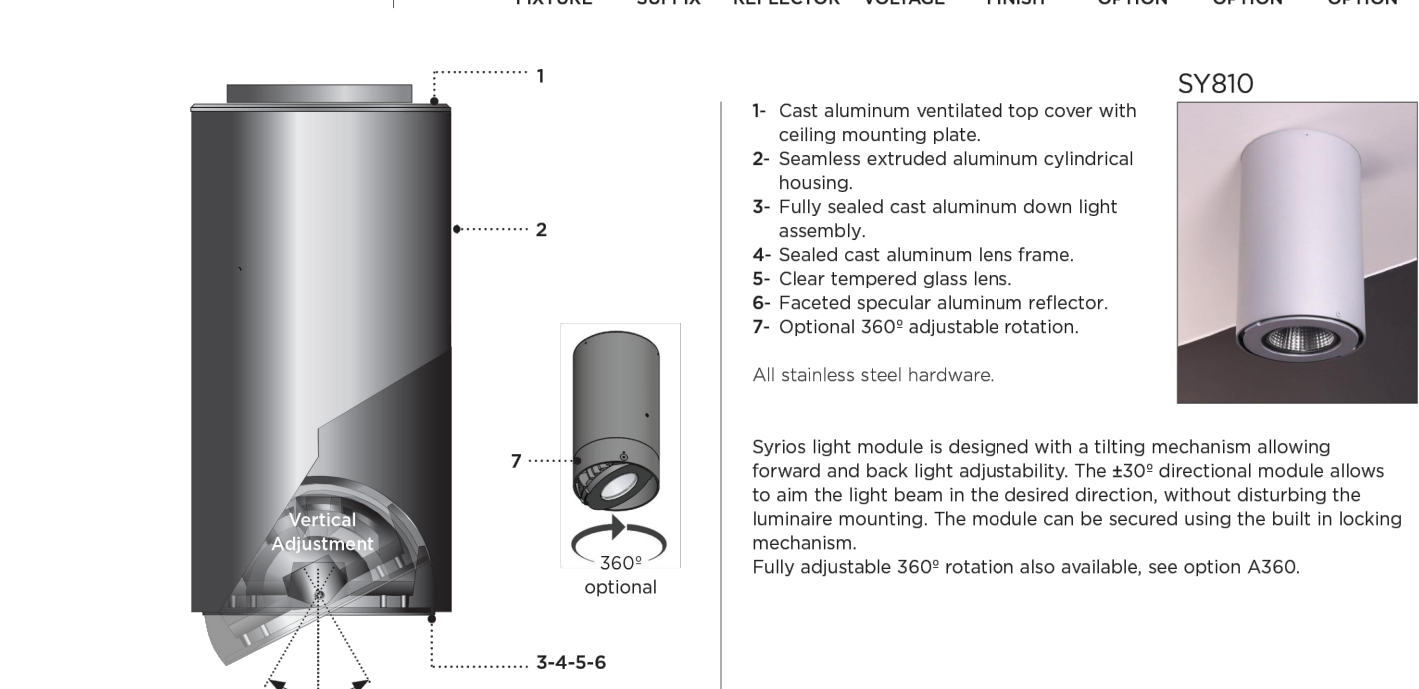
Beach Bar

December 2023
Fixture 'C'

SY810 SERIES SYRIOS

8" SURFACE CEILING DOWN LIGHT

TYPE:	QUANTITY:	PROJECT:
CATALOG NUMBER:	SY810	L1L3K2A
FIXTURE SUFFIX:	R30	120V
REFLECTOR VOLTAGE:	GRT-MG	OPTION
FINISH:	OPTION	OPTION
OPTION:	OPTION	OPTION



MATERIALS
Syrios is made of corrosion resistant 356 aluminum alloy with a copper (CU) content of less than 0.1%. The main housing is made of seamless extruded aluminum, with an integrally sealed LED light module designed for optimal heat dissipation, and lighting performance. Syrios is standard with a unique proprietary design allowing the sealed LED module to tilt within the cylindrical housing. The top cast aluminum cover includes ventilation slots allowing air circulation and cooling of assembly. Syrios SY810 series is standard with 28° optic. See options section for alternate selection.

ELECTRICAL DRIVER
Standard driver is 0-10V dimming-ready (dms to 10%) with: 120-277 multi-volt compatibility (50-60Hz), operating temperature range of -40°C/-40°F to 55°C/131°F, output over voltage protection, output over current protection and output short circuit protection with auto-recovery.
LED
Standard 4000K/80CRI. Optional 2700K, 3000K & 3500K. Optional Amber LED for turtle sensitive areas. Wavelengths: 584.5nm to 597nm.

LIFE
60,000hrs L₇₀ (based on IESNA TM-21 Test Method and LM-80 data). Up to 70,000hrs L₇₀ (calculated projection from LM-80 data).
FINISH
Five-stage preparation process including preheating of cast aluminum parts for air extraction, and an environmentally friendly alloy sealant. Polyester powder coating is applied through an electrostatic process and oven cured for long term finish.

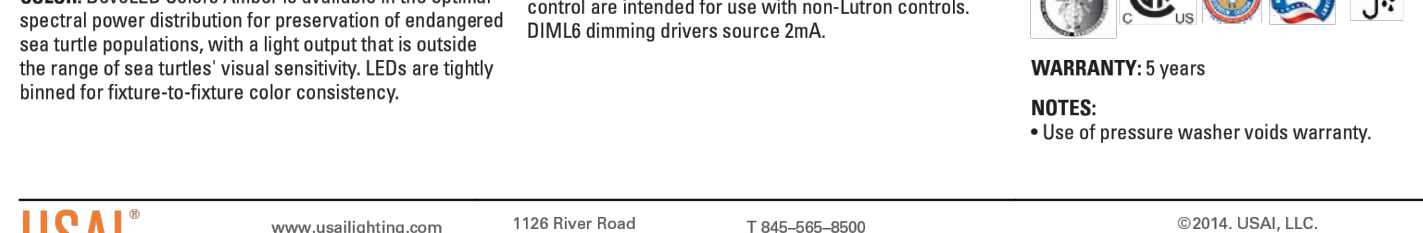
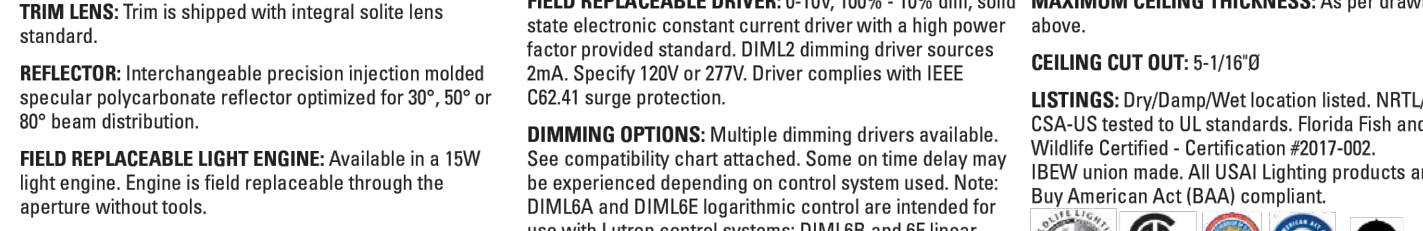
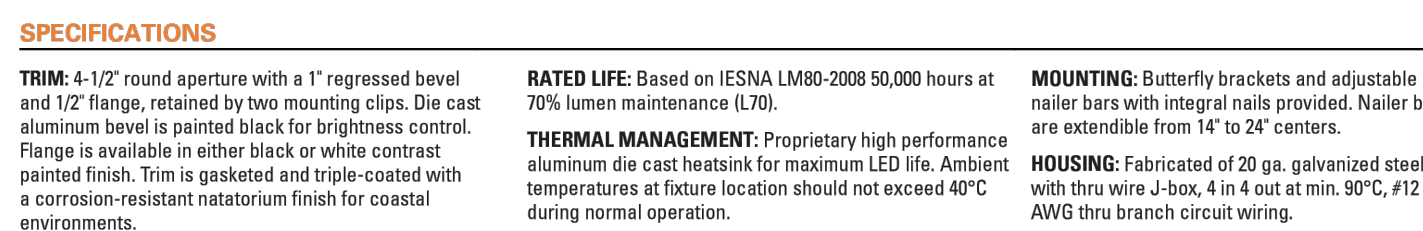
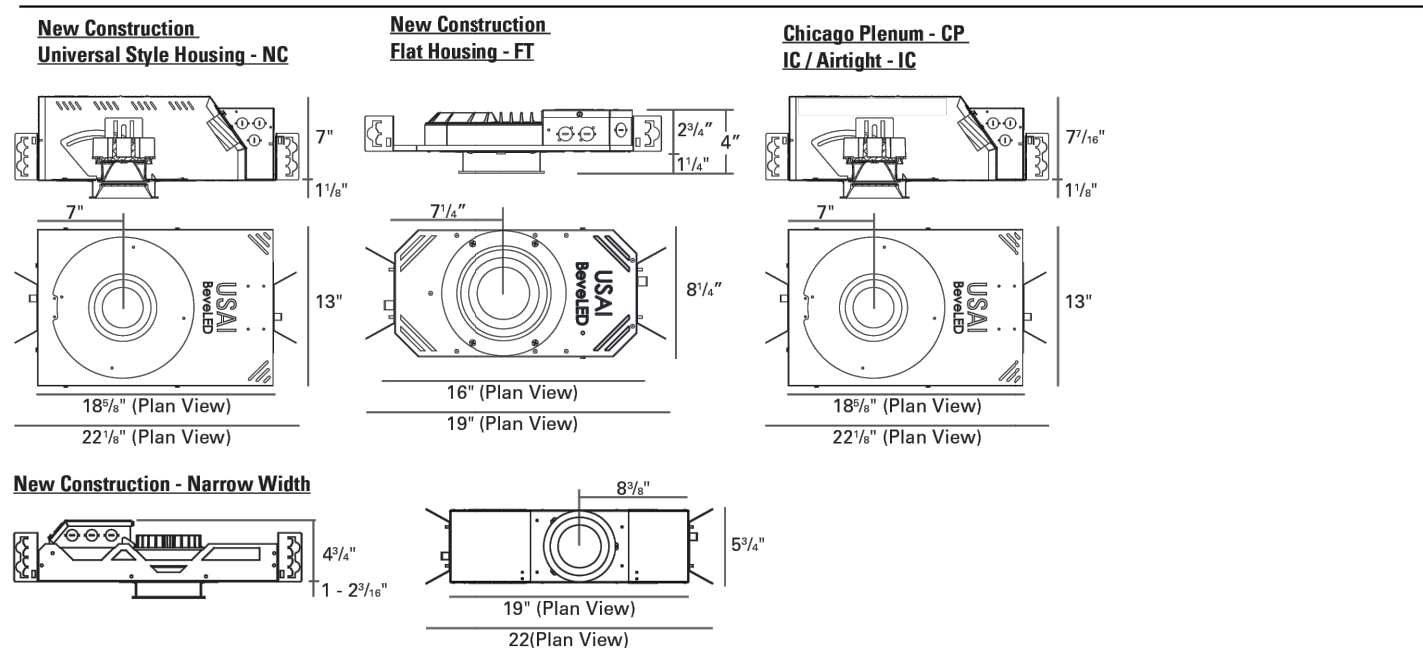
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BeveLED[®] COLORS - AMBER

HOUSING INFORMATION



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Revised 10/12/2022

LUMINAIRE SELECTION

① MODEL#	② LED LIGHT SELECTION	③ REFLECTORS*	④ VOLTAGE	⑤ FINISH																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
 □ SY600	<table><tr><th>SUFFIX</th><th>DELIVERED LUMENS</th><th>INPUT WATTS</th><th>CRI</th><th>CCT K</th></tr><tr><td>□ L1L15</td><td>1599</td><td>15W</td><td>80</td><td>4000</td></tr><tr><td>□ L1L25</td><td>2545</td><td>25W</td><td>80</td><td>4000</td></tr><tr><td>□ L1L40</td><td>4102</td><td>48W</td><td>80</td><td>4000</td></tr></table> <table><tr><th>AMBER LED</th><th></th><th></th><th></th><th></th></tr><tr><td>□ L1L3K2A</td><td>263</td><td>11W</td><td>AMBER</td><td></td></tr></table>	SUFFIX	DELIVERED LUMENS	INPUT WATTS	CRI	CCT K	□ L1L15	1599	15W	80	4000	□ L1L25	2545	25W	80	4000	□ L1L40	4102	48W	80	4000	AMBER LED					□ L1L3K2A	263	11W	AMBER		<table><tr><td>□ R15</td><td>Narrow optics 15°</td></tr><tr><td>□ R30</td><td>Flood optics 30°</td></tr><tr><td>□ R36</td><td>Flood optics 36°</td></tr><tr><td>□ R55</td><td>Wide flood optics 52°</td></tr></table> * Depending on direction fixture is installed side (1) the opposite or 2, the downlight is on the left for all reflectors listed above. (see R55S in S21 reflector) <table><tr><td>□ R9</td><td>Very narrow optics 9°</td></tr><tr><td>□ R18</td><td>Very narrow optics 18°</td></tr><tr><td>□ R39</td><td>Very narrow optics 39°</td></tr><tr><td>□ R45</td><td>Very narrow optics 45°</td></tr><tr><td>□ R51</td><td>Very narrow optics 51°</td></tr><tr><td>□ R57</td><td>Very narrow optics 57°</td></tr><tr><td>□ R63</td><td>Very narrow optics 63°</td></tr><tr><td>□ R69</td><td>Very narrow optics 69°</td></tr><tr><td>□ R75</td><td>Very narrow optics 75°</td></tr><tr><td>□ R81</td><td>Very narrow optics 81°</td></tr><tr><td>□ R87</td><td>Very narrow optics 87°</td></tr><tr><td>□ R93</td><td>Very narrow optics 93°</td></tr><tr><td>□ R99</td><td>Very narrow optics 99°</td></tr><tr><td>□ R105</td><td>Very narrow optics 105°</td></tr><tr><td>□ R111</td><td>Very narrow optics 111°</td></tr><tr><td>□ R117</td><td>Very narrow optics 117°</td></tr><tr><td>□ R123</td><td>Very narrow optics 123°</td></tr><tr><td>□ R129</td><td>Very narrow optics 129°</td></tr><tr><td>□ R135</td><td>Very narrow optics 135°</td></tr><tr><td>□ R141</td><td>Very narrow optics 141°</td></tr><tr><td>□ R147</td><td>Very narrow optics 147°</td></tr><tr><td>□ R153</td><td>Very narrow optics 153°</td></tr><tr><td>□ R159</td><td>Very narrow optics 159°</td></tr><tr><td>□ R165</td><td>Very narrow optics 165°</td></tr><tr><td>□ R171</td><td>Very narrow optics 171°</td></tr><tr><td>□ R177</td><td>Very narrow optics 177°</td></tr><tr><td>□ R183</td><td>Very narrow optics 183°</td></tr><tr><td>□ R189</td><td>Very narrow optics 189°</td></tr><tr><td>□ R195</td><td>Very narrow optics 195°</td></tr><tr><td>□ R201</td><td>Very narrow optics 201°</td></tr><tr><td>□ R207</td><td>Very narrow optics 207°</td></tr><tr><td>□ R213</td><td>Very narrow optics 213°</td></tr><tr><td>□ R219</td><td>Very narrow optics 219°</td></tr><tr><td>□ R225</td><td>Very narrow optics 225°</td></tr><tr><td>□ R231</td><td>Very narrow optics 231°</td></tr><tr><td>□ R237</td><td>Very narrow optics 237°</td></tr><tr><td>□ R243</td><td>Very narrow optics 243°</td></tr><tr><td>□ R249</td><td>Very narrow optics 249°</td></tr><tr><td>□ R255</td><td>Very narrow optics 255°</td></tr><tr><td>□ R261</td><td>Very narrow optics 261°</td></tr><tr><td>□ R267</td><td>Very narrow optics 267°</td></tr><tr><td>□ R273</td><td>Very narrow optics 273°</td></tr><tr><td>□ R279</td><td>Very narrow optics 279°</td></tr><tr><td>□ R285</td><td>Very narrow optics 285°</td></tr><tr><td>□ R291</td><td>Very narrow optics 291°</td></tr><tr><td>□ R297</td><td>Very narrow optics 297°</td></tr><tr><td>□ R303</td><td>Very narrow optics 303°</td></tr><tr><td>□ R309</td><td>Very narrow optics 309°</td></tr><tr><td>□ R315</td><td>Very narrow optics 315°</td></tr><tr><td>□ R321</td><td>Very narrow optics 321°</td></tr><tr><td>□ R327</td><td>Very narrow optics 327°</td></tr><tr><td>□ R333</td><td>Very narrow optics 333°</td></tr><tr><td>□ R339</td><td>Very narrow optics 339°</td></tr><tr><td>□ R345</td><td>Very narrow optics 345°</td></tr><tr><td>□ R351</td><td>Very narrow optics 351°</td></tr><tr><td>□ R357</td><td>Very narrow optics 357°</td></tr><tr><td>□ R363</td><td>Very narrow optics 363°</td></tr><tr><td>□ R369</td><td>Very narrow optics 369°</td></tr><tr><td>□ R375</td><td>Very narrow optics 375°</td></tr><tr><td>□ R381</td><td>Very narrow optics 381°</td></tr><tr><td>□ R387</td><td>Very narrow optics 387°</td></tr><tr><td>□ R393</td><td>Very narrow optics 393°</td></tr><tr><td>□ R399</td><td>Very narrow optics 399°</td></tr><tr><td>□ R405</td><td>Very narrow optics 405°</td></tr><tr><td>□ R411</td><td>Very narrow optics 411°</td></tr><tr><td>□ R417</td><td>Very narrow optics 417°</td></tr><tr><td>□ R423</td><td>Very narrow optics 423°</td></tr><tr><td>□ R429</td><td>Very narrow optics 429°</td></tr><tr><td>□ R435</td><td>Very narrow optics 435°</td></tr><tr><td>□ R441</td><td>Very narrow optics 441°</td></tr><tr><td>□ R447</td><td>Very narrow optics 447°</td></tr><tr><td>□ R453</td><td>Very narrow optics 453°</td></tr><tr><td>□ R459</td><td>Very narrow optics 459°</td></tr><tr><td>□ R465</td><td>Very narrow optics 465°</td></tr><tr><td>□ R471</td><td>Very narrow optics 471°</td></tr><tr><td>□ R477</td><td>Very narrow optics 477°</td></tr><tr><td>□ R483</td><td>Very narrow optics 483°</td></tr><tr><td>□ R489</td><td>Very narrow optics 489°</td></tr><tr><td>□ R495</td><td>Very narrow optics 495°</td></tr><tr><td>□ R501</td><td>Very narrow optics 501°</td></tr><tr><td>□ R507</td><td>Very narrow optics 507°</td></tr><tr><td>□ R513</td><td>Very narrow optics 513°</td></tr><tr><td>□ R519</td><td>Very narrow optics 519°</td></tr><tr><td>□ R525</td><td>Very narrow optics 525°</td></tr><tr><td>□ R531</td><td>Very narrow optics 531°</td></tr><tr><td>□ R537</td><td>Very narrow optics 537°</td></tr><tr><td>□ R543</td><td>Very narrow optics 543°</td></tr><tr><td>□ R549</td><td>Very narrow optics 549°</td></tr><tr><td>□ R555</td><td>Very narrow optics 555°</td></tr><tr><td>□ R561</td><td>Very narrow optics 561°</td></tr><tr><td>□ R567</td><td>Very narrow optics 567°</td></tr><tr><td>□ R573</td><td>Very narrow optics 573°</td></tr><tr><td>□ R579</td><td>Very narrow optics 579°</td></tr><tr><td>□ R585</td><td>Very narrow optics 585°</td></tr><tr><td>□ R591</td><td>Very narrow optics 591°</td></tr><tr><td>□ R597</td><td>Very narrow optics 597°</td></tr><tr><td>□ R603</td><td>Very narrow optics 603°</td></tr><tr><td>□ R609</td><td>Very narrow optics 609°</td></tr><tr><td>□ R615</td><td>Very narrow optics 615°</td></tr><tr><td>□ R621</td><td>Very narrow optics 621°</td></tr><tr><td>□ R627</td><td>Very narrow optics 627°</td></tr><tr><td>□ R633</td><td>Very narrow optics 633°</td></tr><tr><td>□ R639</td><td>Very narrow optics 639°</td></tr><tr><td>□ R645</td><td>Very narrow optics 645°</td></tr><tr><td>□ R651</td><td>Very narrow optics 651°</td></tr><tr><td>□ R657</td><td>Very narrow optics 657°</td></tr><tr><td>□ R663</td><td>Very narrow 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1999°</td></tr></table>	□ R15	Narrow optics 15°	□ R30	Flood optics 30°	□ R36	Flood optics 36°	□ R55	Wide flood optics 52°	□ R9	Very narrow optics 9°	□ R18	Very narrow optics 18°	□ R39	Very narrow optics 39°	□ R45	Very narrow optics 45°	□ R51	Very narrow optics 51°	□ R57	Very narrow optics 57°	□ R63	Very narrow optics 63°	□ R69	Very narrow optics 69°	□ R75	Very narrow optics 75°	□ R81	Very narrow optics 81°	□ R87	Very narrow optics 87°	□ R93	Very narrow optics 93°	□ R99	Very narrow optics 99°	□ R105	Very narrow optics 105°	□ R111	Very narrow optics 111°	□ R117	Very narrow optics 117°	□ R123	Very narrow optics 123°	□ R129	Very narrow optics 129°	□ R135	Very narrow optics 135°	□ R141	Very narrow optics 141°	□ R147	Very narrow optics 147°	□ R153	Very narrow optics 153°	□ R159	Very narrow optics 159°	□ R165	Very narrow optics 165°	□ R171	Very narrow optics 171°	□ R177	Very narrow optics 177°	□ R183	Very narrow optics 183°	□ R189	Very narrow optics 189°	□ R195	Very narrow optics 195°	□ R201	Very narrow optics 201°	□ R207	Very narrow optics 207°	□ R213	Very narrow optics 213°	□ R219	Very narrow optics 219°	□ R225	Very narrow optics 225°	□ R231	Very narrow optics 231°	□ R237	Very narrow optics 237°	□ R243	Very narrow optics 243°	□ R249	Very narrow optics 249°	□ R255	Very narrow optics 255°	□ R261	Very narrow optics 261°	□ R267	Very narrow optics 267°	□ R273	Very narrow optics 273°	□ R279	Very narrow optics 279°	□ R285	Very narrow optics 285°	□ R291	Very narrow optics 291°	□ R297	Very narrow optics 297°	□ R303	Very narrow optics 303°	□ R309	Very narrow optics 309°	□ R315	Very narrow optics 315°	□ R321	Very narrow optics 321°	□ R327	Very narrow optics 327°	□ R333	Very narrow optics 333°	□ R339	Very narrow optics 339°	□ R345	Very narrow optics 345°	□ R351	Very narrow optics 351°	□ R357	Very narrow optics 357°	□ R363	Very narrow optics 363°	□ R369	Very narrow optics 369°	□ R375	Very narrow optics 375°	□ R381	Very narrow optics 381°	□ R387	Very narrow optics 387°	□ R393	Very narrow optics 393°	□ R399	Very narrow optics 399°	□ R405	Very narrow optics 405°	□ R411	Very narrow optics 411°	□ R417	Very narrow optics 417°	□ R423	Very narrow optics 423°	□ R429	Very narrow optics 429°	□ R435	Very narrow optics 435°	□ R441	Very narrow optics 441°	□ R447	Very narrow optics 447°	□ R453	Very narrow optics 453°	□ R459	Very narrow optics 459°	□ R465	Very narrow optics 465°	□ R471	Very narrow optics 471°	□ R477	Very narrow optics 477°	□ R483	Very narrow optics 483°	□ R489	Very narrow optics 489°	□ R495	Very narrow optics 495°	□ R501	Very narrow optics 501°	□ R507	Very narrow optics 507°	□ R513	Very narrow optics 513°	□ R519	Very narrow optics 519°	□ R525	Very narrow optics 525°	□ R531	Very narrow optics 531°	□ R537	Very narrow optics 537°	□ R543	Very narrow optics 543°	□ R549	Very narrow optics 549°	□ R555	Very narrow optics 555°	□ R561	Very narrow optics 561°	□ R567	Very narrow optics 567°	□ R573	Very narrow optics 573°	□ R579	Very narrow optics 579°	□ R585	Very narrow optics 585°	□ R591	Very narrow optics 591°	□ R597	Very narrow optics 597°	□ R603	Very narrow optics 603°	□ R609	Very narrow optics 609°	□ R615	Very narrow optics 615°	□ R621	Very narrow optics 621°	□ R627	Very narrow optics 627°	□ R633	Very narrow optics 633°	□ R639	Very narrow optics 639°	□ R645	Very narrow optics 645°	□ R651	Very narrow optics 651°	□ R657	Very narrow optics 657°	□ R663	Very narrow optics 663°	□ R669	Very narrow optics 669°	□ R675	Very narrow optics 675°	□ R681	Very narrow optics 681°	□ R687	Very narrow optics 687°	□ R693	Very narrow optics 693°	□ R699	Very narrow optics 699°	□ R705	Very narrow optics 705°	□ R711	Very narrow optics 711°	□ R717	Very narrow optics 717°	□ R723	Very narrow optics 723°	□ R729	Very narrow optics 729°	□ R735	Very narrow optics 735°	□ R741	Very narrow optics 741°	□ R747	Very narrow optics 747°	□ R753	Very narrow optics 753°	□ R759	Very narrow optics 759°	□ R765	Very narrow optics 765°	□ R771	Very narrow optics 771°	□ R777	Very narrow optics 777°	□ R783	Very narrow optics 783°	□ R789	Very narrow optics 789°	□ R795	Very narrow optics 795°	□ R801	Very narrow optics 801°	□ R807	Very narrow optics 807°	□ R813	Very narrow optics 813°	□ R819	Very narrow optics 819°	□ R825	Very narrow optics 825°	□ R831	Very narrow optics 831°	□ R837	Very narrow optics 837°	□ R843	Very narrow optics 843°	□ R849	Very narrow optics 849°	□ R855	Very narrow optics 855°	□ R861	Very narrow optics 861°	□ R867	Very narrow optics 867°	□ R873	Very narrow optics 873°	□ R879	Very narrow optics 879°	□ R885	Very narrow optics 885°	□ R891	Very narrow optics 891°	□ R897	Very narrow optics 897°	□ R903	Very narrow optics 903°	□ R909	Very narrow optics 909°	□ R915	Very narrow optics 915°	□ R921	Very narrow optics 921°	□ R927	Very narrow optics 927°	□ R933	Very narrow optics 933°	□ R939	Very narrow optics 939°	□ R945	Very narrow optics 945°	□ R951	Very narrow optics 951°	□ R957	Very narrow optics 957°	□ R963	Very narrow optics 963°	□ R969	Very narrow optics 969°	□ R975	Very narrow optics 975°	□ R981	Very narrow optics 981°	□ R987	Very narrow optics 987°	□ R993	Very narrow optics 993°	□ R999	Very narrow optics 999°	□ R1005	Very narrow optics 1005°	□ R1011	Very narrow optics 1011°	□ R1017	Very narrow optics 1017°	□ R1023	Very narrow optics 1023°	□ R1029	Very narrow optics 1029°	□ R1035	Very narrow optics 1035°	□ R1041	Very narrow optics 1041°	□ R1047	Very narrow optics 1047°	□ R1053	Very narrow optics 1053°	□ R1059	Very narrow optics 1059°	□ R1065	Very narrow optics 1065°	□ R1071	Very narrow optics 1071°	□ R1077	Very narrow optics 1077°	□ R1083	Very narrow optics 1083°	□ R1089	Very narrow optics 1089°	□ R1095	Very narrow optics 1095°	□ R1101	Very narrow optics 1101°	□ R1107	Very narrow optics 1107°	□ R1113	Very narrow optics 1113°	□ R1119	Very narrow optics 1119°	□ R1125	Very narrow optics 1125°	□ R1131	Very narrow optics 1131°	□ R1137	Very narrow optics 1137°	□ R1143	Very narrow optics 1143°	□ R1149	Very narrow optics 1149°	□ R1155	Very narrow optics 1155°	□ R1161	Very narrow optics 1161°	□ R1167	Very narrow optics 1167°	□ R1173	Very narrow optics 1173°	□ R1179	Very narrow optics 1179°	□ R1185	Very narrow optics 1185°	□ R1191	Very narrow optics 1191°	□ R1197	Very narrow optics 1197°	□ R1203	Very narrow optics 1203°	□ R1209	Very narrow optics 1209°	□ R1215	Very narrow optics 1215°	□ R1221	Very narrow optics 1221°	□ R1227	Very narrow optics 1227°	□ R1233	Very narrow optics 1233°	□ R1239	Very narrow optics 1239°	□ R1245	Very narrow optics 1245°	□ R1251	Very narrow optics 1251°	□ R1257	Very narrow optics 1257°	□ R1263	Very narrow optics 1263°	□ R1269	Very narrow optics 1269°	□ R1275	Very narrow optics 1275°	□ R1281	Very narrow optics 1281°	□ R1287	Very narrow optics 1287°	□ R1293	Very narrow optics 1293°	□ R1299	Very narrow optics 1299°	□ R1305	Very narrow optics 1305°	□ R1311	Very narrow optics 1311°	□ R1317	Very narrow optics 1317°	□ R1323	Very narrow optics 1323°	□ R1329	Very narrow optics 1329°	□ R1335	Very narrow optics 1335°	□ R1341	Very narrow optics 1341°	□ R1347	Very narrow optics 1347°	□ R1353	Very narrow optics 1353°	□ R1359	Very narrow optics 1359°	□ R1365	Very narrow optics 1365°	□ R1371	Very narrow optics 1371°	□ R1377	Very narrow optics 1377°	□ R1383	Very narrow optics 1383°	□ R1389	Very narrow optics 1389°	□ R1395	Very narrow optics 1395°	□ R1401	Very narrow optics 1401°	□ R1407	Very narrow optics 1407°	□ R1413	Very narrow optics 1413°	□ R1419	Very narrow optics 1419°	□ R1425	Very narrow optics 1425°	□ R1431	Very narrow optics 1431°	□ R1437	Very narrow optics 1437°	□ R1443	Very narrow optics 1443°	□ R1449	Very narrow optics 1449°	□ R1455	Very narrow optics 1455°	□ R1461	Very narrow optics 1461°	□ R1467	Very narrow optics 1467°	□ R1473	Very narrow optics 1473°	□ R1479	Very narrow optics 1479°	□ R1485	Very narrow optics 1485°	□ R1491	Very narrow optics 1491°	□ R1497	Very narrow optics 1497°	□ R1503	Very narrow optics 1503°	□ R1509	Very narrow optics 1509°	□ R1515	Very narrow optics 1515°	□ R1521	Very narrow optics 1521°	□ R1527	Very narrow optics 1527°	□ R1533	Very narrow optics 1533°	□ R1539	Very narrow optics 1539°	□ R1545	Very narrow optics 1545°	□ R1551	Very narrow optics 1551°	□ R1557	Very narrow optics 1557°	□ R1563	Very narrow optics 1563°	□ R1569	Very narrow optics 1569°	□ R1575	Very narrow optics 1575°	□ R1581	Very narrow optics 1581°	□ R1587	Very narrow optics 1587°	□ R1593	Very narrow optics 1593°	□ R1599	Very narrow optics 1599°	□ R1605	Very narrow optics 1605°	□ R1611	Very narrow optics 1611°	□ R1617	Very narrow optics 1617°	□ R1623	Very narrow optics 1623°	□ R1629	Very narrow optics 1629°	□ R1635	Very narrow optics 1635°	□ R1641	Very narrow optics 1641°	□ R1647	Very narrow optics 1647°	□ R1653	Very narrow optics 1653°	□ R1659	Very narrow optics 1659°	□ R1665	Very narrow optics 1665°	□ R1671	Very narrow optics 1671°	□ R1677	Very narrow optics 1677°	□ R1683	Very narrow optics 1683°	□ R1689	Very narrow optics 1689°	□ R1695	Very 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MST</td><td>Matte silver</td></tr><tr><td>□ GST</td><td>Titanium gray</td></tr><tr><td>□ DOT</td><td>Gun metal</td></tr><tr><td>□ CHT</td><td>Champagne</td></tr><tr><td>□ SHG</td><td>Steel gray</td></tr><tr><td>□ BGT</td><td>English cream</td></tr></table> <table><tr><th>OPTIONAL COLORS</th></tr><tr><td>□ CS</td><td>Custom color</td></tr><tr><td>□ RAL</td><td>RAL color</td></tr></table> <table><tr><th>ENVIRONMENT</th></tr><tr><td>□ MS</td><td>Marine grade*</td></tr><tr><td>□ NT</td><td>Natalium</td></tr></table> * Refer to color chart	STANDARD COLORS*	□ BHT	Snow white	□ WKT	Jet black	□ GRT	Gun metal	□ MST	Matte silver	□ GST	Titanium gray	□ DOT	Gun metal	□ CHT	Champagne	□ SHG	Steel gray	□ BGT	English cream	OPTIONAL COLORS	□ CS	Custom color	□ RAL	RAL color	ENVIRONMENT	□ MS	Marine grade*	□ NT	Natalium
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R459	Very narrow optics 459°	□ R465	Very narrow optics 465°	□ R471	Very narrow optics 471°	□ R477	Very narrow optics 477°	□ R483	Very narrow optics 483°	□ R489	Very narrow optics 489°	□ R495	Very narrow optics 495°	□ R501	Very narrow optics 501°	□ R507	Very narrow optics 507°	□ R513	Very narrow optics 513																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 1668 I Street
STRAP Number: 19-46-24-W4-0070B.0110
Applicant: B&B Properties of Fort Myers Phone: _____
Contact Name: Greg Boyd Phone: (845) 234-5006
Email: beachbeerboyd@gmail.com Fax: _____
Current Zoning District: Downtown
Future Land Use Map (FLUM) Category: Pedestrian Commercial
FLUM Density Range: FAR 2.5 Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: B&B Properties of Fort Myers Phone: (845) 234-5006
**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: 21050 Saint Peters Drive, Fort Myers Beach, FL 33931
Email: beachbeerboyd@gmail.com Fax: _____
Contact Name: Greg Boyd Phone: (845) 234-5006



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: James Ink c/o Ink Engineering Inc Phone: (239) 940-2504
Address: 2055 West First Street, Ft Myers FL 33901
Email: jink@inkengineeringinc.net Fax: _____

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: 34-212(6) Description: Requested
waiver for Traffic Impact Statement

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

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

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

Signature [Signature]

Printed Name Gregory J. Boyd

STATE OF Florida COUNTY OF Lee

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

presence OR ☐ online notarization, this 16th day of MAY, 2024, by

Gregory J. Boyd ☐ who is personally known to me OR ☒ who has produced

Drivers License as identification.



LEROY LEWIS
Notary Public
State of Florida
Comm# HH366302
Expires 2/26/2027

[Signature]
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

Gregory Boyd, 21050 St Peters Dr, Ft Myers Beach, FL 33931

Madeline Boyd, 604 Hudson St #2, Hoboken, NJ 07030

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

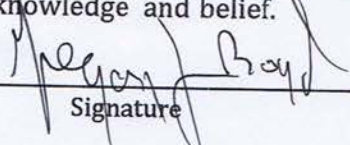
Date of Contract: 5/16/24

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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


Signature

Gregory S. Boyd
Printed Name

AFFIDAVIT

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

I, Greg Boyd (name), as Manager (title)
of B + B Properties of Fort Myers Beach, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

B + B Properties of Fort Myers Beach, LLC

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

Signature

Gregory Boyd

Typed or Printed Name

Manager

Title

Date

5/17/24

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this 17th day of MAY, 2024, by Gregory S. Boyd ☐ who is personally known to me OR ☒ who has produced Drivers License as identification.

Seal



LEROY LEWIS
Notary Public
State of Florida
Comm# HH366302
Expires 2/26/2027

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0070B.0110

Property Address: 1668 I Street

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

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

☒ Yes. Property identified in subdivision: Crescent Beach

Book: 4 Page: 45 Unit: _____ Block: B Lot(s): 11

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 54 feet
Depth (please provide an average width if irregular in shape) 186 feet
Frontage on street: 54 feet. Frontage on waterbody: 54 feet
Total land area: 0.23 ☒ acres ☐ square feet

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

South on Estero Blvd, Right of Avenue E, subject property as intersection
of Avenue E and I Street fronting the Gulf of Mexico

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

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

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

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

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



THE BEACH BAR

AMENDMENT #1 FOR DESIGN AND PERMITTING

Summary

This document is an agreement amendment for professional services for providing entitlement services for the design and permitting site and building layout at 1668 I Street, Fort Myers Beach, FL 33931



INK ENGINEERING INC.
CONSULTING ENGINEERS • PLANNING

2055 WEST FIRST STREET
FORT MYERS, FL 33901
JINK@INKENGINEERINGINC.NET

Project Intent:

This document is to serve as an amendment to the existing development agreement for the design and permitting for the site and proposed building at the subject site. The included concept plan includes, but not limited to consistency with the following:

- Town of Fort Myers Beach Comprehensive Plan
- Town of Fort Myers Beach Land Development Code
- Florida Department of Environmental Protection, Coastal Construction Control Line Program
- FEMA Technical Bulletins on construction in a coastal zone.

This work will include application, support and representation for a Commercial Planned Development rezoning action.

Client:

Name: B & B Properties of Fort Myers, LLC
Address: 21050 Sanit Peters Drive
Fort Myers Beach, FL 33931

Parcel Information:

Lot 11, Block B Crescent Beach Subdivision as recorded in Plat Book 4 Page 45 of the official records of Lee County, FL

Strap 19-46-24-W4-0070B.0110

Scope:

The scope of work is to petition the Town of Fort Myers Beach for rezoning the subject property from Downtown to a commercial planned development to increase the allowable Floor Area Ratio from 1.0 to 1.4. This will require a deviation to omit the ground floor parking from the FAR calculations.

Tasks:

The scope of work includes the following tasks:

Task Four – Outside Documents **\$3,500 TM**

- Obtain an Attorney Title Opinion per Fort Myers Beach Land Development Code for rezoning requests.
- Update existing boundary survey to reference Attorney Title Opinion.

Task Five – Commerical Planned Development Application **\$5,000 FF**

- Prepare application for a rezoning application from Downtown to Commercial Planned Development. Application to include:
 - Application
 - CPD Supplemental application
 - Compliance with Comprehensive Plan Narrative
 - Compliance with Design Standards Narrative
 - Compliance with Decision making standards Narrative.
 - Schedule of Deviations and justification Narrative
 - Traffic Impact Statement Waiver request
 - Coordination of other required documents
 - Upload to Town permit portal.

Task Six – Support Application for Sufficiency **\$1,500 FF**

- Prepare documents as required to respond to staff comments to reach sufficiency. Sufficiency is where all information as required by staff has been submitted to prepare a staff report and schedule public hearings.

Task Seven – Public Hearing LPA **\$1,500 FF.**

- Prepare and present petition before the LPA. Note the LPA meets only the third Tuesday of each month. LPA will recommend their findings to Town Council.

Task Eight – Public Hearing Town Council **\$2,000 FF.**

- Prepare and present petition before Town Council for case determination. This is up to two public hearings. Note the Town Council meets only the first and third Monday of each month and not in July.

FF = Fixed Fee, adjusted for allowance reductions
TM = Time and Materials, not to exceed without written authorization

○ **Fee Schedule for additional services, if required and approved**

○ Professional Engineer	\$320.00 per hour
○ Planner	\$250.00 per hour
○ Design Manager	\$200.00 per hour
○ CADD/Project Management	\$175.00 per hour
○ Clerical	\$75.00 per hour
○ Materials	Cost plus 10%

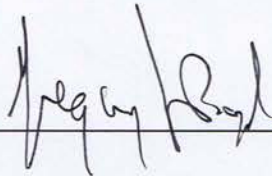
THE ABOVE AGREEMENT HAS BEEN READ AND UNDERSTOOD AND I HEREBY AUTHORIZE the performance of the services as described herein and agrees to pay the charges resulting thereby as identified above. I warrant and represent that I am authorized to enter this agreement.

Accepted this 16 day of May, 2024.

CLIENT –

CONSULTANT – Ink Engineering, Inc

Sign: _____



Name
Title

Sign: _____



Name James Ink P.E.
Title – President

Terms and Conditions

The following standard contractual paragraphs are provided and shall form a basis of this agreement.

Work not specified.

Work not specified in the above proposal items will not be performed without your prior knowledge and written approval. We will provide a fixed fee for additional services, if required. INK ENGINEERING, INC has no control over regulatory changes. Proposal is based on regulations and codes at time of agreement execution unless noted in agreement. You will be notified as soon as it becomes know of any regulatory changes which affect our ability to perform our services at the agreed upon fees. Should this occur, we would negotiate any additional costs that may occur.

Liability

INK ENGINEERING, INC maintains professional liability insurance in the course of business activities. Any damages suffered by the claimant are solely economic in nature and do not include personal injuries or damage to property that is not subject to this contract.

PER FLORIDA STATUTE INDIVIDUAL EMPLOYEE OR AGENTS' MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

Permit Application/ Submittal Fees

The above stated fees do not include the payment of the listed governmental agency submittal or processing fees. Additional fees may be required and will be provided by owner. Details of application fees will be included in task one findings.

Termination

The Client and consultant jointly reserve the right to terminate or suspend this agreement without cause by giving the other party fifteen (15) days written notice. The Client will pay the Consultant for terminated or suspended services through the date of termination or suspension including the cost to terminate or suspend services provided by others.

Sub-consultant Services

The Consultant will rely on this agreement to obtain services of others and make commitments within the Consultant's office to meet the provisions of this agreement. These services may include but not limited to Surveying Services, Environmental Consultants, Traffic Engineering, Landscape Architecture, and other engineering consultants as required performing services. Any additional Services that are not included and may be required that require sub-consultant services will be added to this agreement at direct costs plus 10% upon written approval from Client.

Reimbursable Expenses

The work as defined above will require the reproduction of numerous documents. These costs are included in this agreement. All travel expenses within Lee County shall be included in this agreement. Owner will approve any other travel.

Invoicing and Payment

Work will be invoiced monthly at completion of tasks, on approximately the 25th day of each month based upon a proration of work completed to date, or at time of completion of the project or a task of the work efforts performed. Payment is expected by the 10th of the following month. If payment is not received within 30 days of the invoice date, a late charge may be added to the invoice in an amount not to exceed 1½% per month of the outstanding balance. Accounts over 60 days' delinquent from date of oldest invoice will have services suspended until entire balance is current.

Retainer

No retainer is required with this agreement.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

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

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

Project Name: Beach Bar CPD
Authorized Applicant: B&B Properties of Fort Myers
STRAP Number(s): 19-46-24-W4-0070B.0110

Current Property Status: Commercial Bar
Current Zoning: Downtown
Future Land Use Map (FLUM) Category: Pedestrian Commercial
Platted Overlay? ☐ yes, ☒ no FLUM Density Range:

Requested Action:

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

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☒	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)



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

D. Design Standards Compliance

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

[illegible]



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

[illegible]

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

[illegible]



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

[illegible]

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

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

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



Beach Bar CPD Supplement PH-D Narrative

The following narrative is information requested in the Additional Required Information for a Planned Development Application.

C: Comprehensive Plan Compliance:

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

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

Unfortunately, on September 28, 2022, Hurricane Ian swept ashore with a large storm surge that caused catastrophic damage to the island. In one day, beach structures were significantly damaged or destroyed. The Beach Bar CPD is proposed to build back like the pre-Ian uses, retaining commercial uses, and replacing a two-unit residential area with a single-family residential use. Due to the location and town induced property area restrictions this application requests an increase in FAR from 1.0 to 1.4. The 1.4 FAR is consistent with surrounding properties. The increase does not impact any lower density land use.

POLICY 4-B-6 "PEDESTRIAN COMMERCIAL" A primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villas Santini Plaza..... Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marina prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

Pedestrian Commercial allows for all intended uses.

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



The proposed FAR increase to 1.4 from the allowable 1.0 remains an exceptionally low level from the allowable 2.5 in Pedestrian Commercial Future Land Use.

D: Design Standards Compliance

The Architectural Plans submitted are the same plan set that has been provided with a development order application and have been reviewed with no outstanding comments relating to design standards as required in 34-991 – 34-1010 Land Development Code of the Town of Fort Myers Beach

E: Decision-making compliance

Guidelines for decision-making is found in LDC Section 34-85

The application shall consist of sufficient documentation, plans, and reports such that Town staff can find the application sufficient and prepare a recommendation to the boards having jurisdiction. The application will be heard before the Local Planning Agency to review and determine a recommendation to the Town Council considering substantial competent evidence presented by applicant, staff and public. Town Council will hold two public hearings to hear and consider submitted substantial competent evidence presented by applicant, staff and public. A determination will be issued at the close of the second hearing. Section 34-85 FMBLDC addresses the following requirements. Commentary of compliance is provided.

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

Any errors or ambiguities will be resolved during staff review, LPA hearing and recommendations, and during Town Council public hearings.

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

Hurricane Ian drastically changed the conditions on the island. Prior to the storm the subject property was a two-unit residential structure above a ground level open commercial activity with a bar use per previous entitlement approvals. The rebuilding of the subject property will be a single-family two-story home above the commercial activity use as a walk-up bar. The commercial activity will be same after as pre storm function.

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

Beach Bar CPD is consistent with the Purpose of the zoning chapter by providing needs of the Town and providing safe, healthy, convenient, prosperity and welfare of the citizens of the Town of Fort Myers Beach.

(4) The testimony of the applicant

The applicant will provide a professional presentation at LPA and Town council to present the facts of the case. There will be substantial competent evidence and testimony that will be introduced into the record during the review and public hearing process that will be without question.

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

The application and public hearing testimony of applicant, staff and public will be considered in the recommendations provided by staff and LPA.

(6) The testimony of the public

The public will be afforded an opportunity to comment in the public hearings to voice their opinions. This testimony will be considered, as appropriate, to the request in the decisions and recommendations of the Council and LPA.

(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 rebuilding of the Beach Bar is like the pre-Ian use with only a change from two unit residential to single family use. As presented in Section C of this narrative, commentary has been provided of how the proposed application is consistent with the Comprehensive Plan subject to the adoption of the companion Comprehensive Plan Map amendment.

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

Beach Bar CPD is a rebuild of the commercial bar with a larger single-family use to replace the two-family residential use that existed before Hurricane Ian.

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

Public providers of services of Potable Water, Sanitary Sewer, Solid Waste, Public Transportation, Fire, EMS, and Sheriff have serviced the site for many years.

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

Development is like pre-Ian condition and all structures are within Downtown zoning uplands.



(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.

Beach Bar is the same use that has existed for years.

(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 service requirement is the same as pre-Ian levels and will not change with the proposed CPD. The site has existing services in place to service the site.

(13) For Planned Development rezonings See 34-216 for additional considerations.

The analysis for this section is included in 34-216(2) as follows:

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

The Schedule of Uses are listed in a specific section of this application narrative. These uses exist in the downtown district.

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

Special Conditions are already restricted by the two previous zoning documents that are to remain.

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

Special Conditions are already restricted by the two previous zoning documents that are to remain.

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

The schedule of uses is the same as existing and the proposed use is the same as pre-Ian. The only proposed change is to increase the FAR to be consistent with the location of property in an intense area of the Pedestrian Commercial Future Land Use.



F: Schedule of Deviations and written Justification

The requested deviation for FAR per 34-675 is attached as a separate document.



Beach Bar CPD Deviation Request and Justification

Deviation Request #1:

Request to deviate from 34-675(c)3 that states, "Floor area ration (FAR). Floor area ratios (see 34-633) of the chapter) shall not exceed: (3) 1.0 for all other properties in the Downtown District" to allow an FAR of 1.4 consistent with properties fronting Estero Blvd per 34-675(c)(2).

Justification:

The subject property was developed as a two unit elevated single story residential structure with a commercial bar facility on the ground level operating under a Lee County Resolution Number BZA-88-339 and Hearing Examiner Case 95-10-173.02s. These entitlements were established before incorporation of the Town of Fort Myers Beach on December 31, 1995. Prior the town incorporating, Lee County did not use Floor Area Ratios to determine density and intensities. The subject property was bound for development by density, setbacks, and heights. The Town adopted their Comprehensive Plan on January 1, 1999. The plan developed Future Land Use categories for determining use and development of the parcels consistent with the Comprehensive Plan. The plan splits the subject property into two future land use categories. They are Pedestrian Commercial and Recreation. Pedestrian Commercial has a maximum Floor Area Ration of 2.5 and Recreation does not allow development. The Town further restricted the use of the subject property with the adoption of the town's Land Development Code setting an allowable FAR of 1.0 on the subject property. These actions changed development rights from development based on density, height, and setbacks to a highly restrictive FAR in a Future Land Use category that is the highest allowable in the Comprehensive Plan. There is only one zoning district (Santos) that allows residential with a FAR of less than the subject property. Santos zoning district is a transitional community that is a buffer between high intensities on Estero Blvd and low-density residential portions of Venetian Gardens Subdivision. The subject property and all lots along Alva Drive and I Street do not provide any transition to a lower density neighborhood. If fact this area is in the heart of Gulf front properties that could support much higher FAR's. This poor planning perspective is further supported in the apparent lack of the town to enforcement of the restrictive FAR at 1560 I Street and 61 Alva Drive.



Beach Bar CPD

Development Regulations and Schedule of Uses

SETBACKS:

Front build to line:	0 to 5 feet
Side setback	5 feet
Rear setback	Not seaward of 1978 CCCL
Waterbody	Not Applicable

FAR (max) 1.4

BUILDING COVERAGE: Not Applicable

HEIGHT:

40 feet above design flood elevation (DFE) and no taller than three stories

SCHEDULE OF USES:

The allowable uses shall be the same as the Downtown zoning district as shown in Table 34-2 Use Sub-Groups Permitted in Each Zoning District and 34-1, Land Uses Assigned to Use Groups



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

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

Waiver is requested for items required for:

Public Hearing

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

Administrative Action

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

Name of Project: Beach Bar CPD

Applicant: B&B Properties of Fort Myers

Strap Number: 19-46-24-W4-0070B.0110

Street Address: 1668 I Street

Phone Number: 239-940-2504

Email: jink@nkengineeringinc.net



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

Section Number	Requirement
34-212(6)	Traffic Impact Statement

Scope of project and reasons for request

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

The existing use before Hurricane Ian was a commercial bar with restrictions and a two unit residential use. Hurricane Ian destroyed the structures. The proposed use is a commercial bar with the same restrictions as pre-Ian and only one single family use. This reduction from two residential uses to one use is a reduction of generated trips and therefore a reduction of intensity to the original pre-Ian use. A TIS would add an unreasonable financial impact to a proposed use that is less than pre-Ian

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

Signature

Date

Director's Decision ☐ Approved ☐ Denied

Comments:

Signature

Date

Revised 1/6/2017

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

Page 2 of 2

SUBMIT

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

Yellow Sheet Number: **2024-101**

1. Request:

Meeting Date: June 11, 2024

A review and update of the LPA Policies and Procedures

Why the action is necessary:

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Resolution

5. Background:

The policies and procedures were last approved in 2009.

Attachments:

1. J McLean PnP suggestions
2. 2009-21, LPA PNP amended 9.29.09

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Amy Baker, Town Clerk

Date: June 07, 2024

nancy stuparich, Town Attorney

Date: June 07, 2024

Amy Baker, Town Clerk

Date: June 07, 2024

1. Introduction

This Local Planning Agency (LPA) Policies and Procedures Manual is for the purpose of helping the LPA Members in the discharge of their duties. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of the LPA will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of the LPA also may develop common expectations on proper conduct of LPA meetings, dealings with the public, and the way it interacts with Town staff.

This manual should be used in conjunction with the Town Charter, Comprehensive Plan, Land Development Code (LDC) and other applicable laws, as necessary.

2. Local Planning Agency Mission and Job Description

Mission: To further the welfare of the citizens of the Town by helping to promote a better, more helpful, convenient, efficient, healthy, safe community and attractive environment. To insure by strategic planning that the unique and natural characteristics of the island are preserved.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as may be needed to fulfill its duties under Town ordinance and Comprehensive Plan.
- Review and interpret the Land Development Code and conduct public hearings as may be needed to fulfill its duties under LDC, Town ordinance and Comprehensive Plan.
- In an advisory capacity to the Town Council, either at Town Manager's, Town Council's, or its own initiation, conduct hearings to fulfill its duties regarding zoning matters.
- Review the Capital Improvement Budget for consistency with the Comprehensive Plan and make recommendations to the Town Council.
- Serve as the Historic Preservation Board for the Town. - ?
- Establish sub-committees as needed.
- Elect a chair and vice chair for the LPA.
- Elect a chair and vice chair for the Historic Preservation Board - ?
- Perform any other duties that lawfully may be assigned to it by the Town Council and/or Town Manager.

strategic plan when available

LPA Member Requirements:

- Be a resident or property owner in the Town of Fort Myers Beach
- File a Statement of Financial Interests (Form 1) with the Lee County Supervisor of Elections every year.
- Complete and file Form 1F – Final Statement of Financial Interest, within 60 days of leaving office.

Desired LPA Member Qualities:

- Analytical – ability to research and analyze information and data
- Decisive
- Knowledgeable – Such as, the Town Charter, Comprehensive Plan, Land Development Code, Sunshine Laws, Ethics Laws, Parliamentary Procedure
- Communication – Listening, Speaking, Writing
- Proactive – identify and seek solutions
- Ethical - open, sincere and truthful

- Ability to work in a team environment
- Ability to work with and listen to people having diverse interests
- Fair with no strong allegiance to any individual or group
- Common sense
- Time to do the job effectively

3. Training Materials and First Meeting

Training Materials

Each new member of the Local Planning Agency will be provided copies of:

- Town Charter
- Comprehensive Plan
- Land Development Code
- Florida Code of Ethics
- Florida Sunshine Laws
- Policy and Procedures Manual
- Other materials as determined by the LPA Attorney, Community Development Director and LPA members

Strat Plan (Same as Charter?)

Town?

who is this?

Election of Officers

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a chair and vice chair will be chosen. Each LPA member may nominate a person for each of these positions. A second is not required. A vote is taken in the order that a candidate was nominated. The positions are filled by a majority vote. If a majority is not received on the first ballot, a second ballot is taken for the two candidates receiving the most votes from the first ballot.

stalemate procedures?

Sunshine Issues

Members of Town advisory committees, boards, and agencies are subject to the Sunshine Law (F.S. 286.011). The same Sunshine rules that apply to Town Council apply to the members of the LPA and other Town advisory committees, boards and agencies.

I believe it also applies to communication between TC/LPA members

This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action to be taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

4. Historic Preservation Board - *Applicability?*

The LPA also functions as the Historic Preservation Board (HPB) for the Town of Fort Myers Beach. The Historic Preservation Board has the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, and architectural resources in the Town as set forth in LDC section 22-74. For any quasi-judicial or legislative hearings that come before the HPB, the hearing process shall conform to those outlined in Section 7 of this manual.

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a meeting of the HPB will be convened and a chair and vice chair will be chosen using the same methodology as LPA chair and vice chair election.

Also at that meeting, a sub-committee, the Historic Advisory Committee (HAC), comprised of an approximately equal number of LPA members and Estero Island Historic Society members is established. Members of the Estero Island Historic Society interested in being on the Historic Advisory Committee must submit a statement of interest to the Town Clerk prior to the first annual meeting of the LPA. This sub-committee comprised of a total of six or seven members shall be selected by the HPB.

The HAC sub-committee will meet as needed to discuss and make recommendations to be brought before the Historic Preservation Board for consideration. Recommendations will be consistent with the requirements of the Comprehensive Plan and Land Development Code. At its first meeting after re-formation, the HAC shall select a chair, vice chair and secretary.

5. Ad Hoc Sub-Committees and Interaction with Other Advisory Committees

The LPA has the authority to form other ad hoc sub-committees requesting participation by volunteers. The objectives of a sub-committee, expected products, membership and timelines should be clearly stated and agreed to by the LPA. One LPA member will be asked to chair the ad hoc sub-committee. The intent would be to minimize participation and action items directed at Staff.

A standing ad hoc sub-committee named the Historic Advisory Committee was established by Resolution 2006-03 (Appendix B).

During discussions arising from land use cases, long-range planning and capital improvement discussions, the LPA will proactively communicate to other appropriate advisory committees while keeping Town Council informed. These interactions could result in the development of joint resolutions.

6. Meeting Preparation and Planning

Meeting Schedule

Section 34-118 of the Land Development Code (LDC) states: "The local planning agency shall meet at least 8 times per year and shall meet no less often than bimonthly..." *or for clarity, at least once every other month.* (This statement was included in the LDC to emphasize that the LPA should meet regularly to conduct required Town business. Thus, as a minimum, the LPA must meet at least 8 times per year. } *redundant statement.*

Regularly planned meetings of the Local Planning Agency (LPA) are scheduled by mutual agreement between the LPA, LPA Attorney and Community Development Director. Special, continued or rescheduled meetings will be determined by consensus of the LPA members, the Director of the Department of Community Development and the LPA attorney.

Length of Agenda Items

In order to set reasonable LPA agendas, the Community Development Director will use best efforts to establish the time needed for presentations, public comment and subsequent discussions of agenda items by the LPA. Any person submitting Administrative topics to the Community Development Director will provide an estimate of the time needed. If the time needed for a hearing, legislative matter or administrative topic exceeds the allotted time by more than 15 minutes, the Chair may table the item until later in the meeting or continue the item until a subsequent meeting.

Public Notice of LPA Quasi-Judicial Hearings

Except as specifically addressed in the Town Land Development Code, Town Clerk shall advertise all LPA quasi-judicial hearings so that a legal notice will appear at least seven (7) calendar days prior to the LPA hearing date, to enable all interested parties to have notice and the ability to attend. The Community Development Director or designee will enter the *News-Press* Affidavit of Publication into the record at the beginning of the hearing. In the absence of the Affidavit of Publication, the Community Development Director or designee will enter a copy of the actual advertisement as run by the *News-Press* into the record at the beginning of the hearing after being sworn in. The affidavit, or actual advertisement, as the case may be, will be attached to the LPA Resolution following the hearing.

Continued Hearings and Legislative Issues

It is the goal of the LPA to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any LPA member who missed the initial hearing should review the audio and/or videotapes prior to participating in the continued hearing or legislative discussion and resolution.

If the applicant submits new information or modification(s) to previously submitted information at the hearing, or immediately prior to the hearing, the LPA shall consult with the Director of the Department of Community Development and the LPA Attorney to determine if a continuance of the hearing is appropriate and proceed accordingly. Nothing contained in this section shall be construed to limit the Director's discretion to defer or continue the public hearing as set forth in LDC Section 34-213(3).

Meeting Preparation

Any LPA member, the Community Development Director, the LPA attorney, Town Council and Town Manager can submit meeting agenda topics for the LPA to the Community Development Director. Topics should be submitted at least fourteen (14) days prior to a planned meeting. The Director of the Department of Community Development and LPA attorney are responsible for scheduling hearings. Potential dates for hearings should be communicated to all participating parties as far in advance of the planned meeting as possible. All staff reports should be complete before a hearing is scheduled. Except in the case of an emergency, cancellation of a planned meeting should be at least 14 days in advance. Only under serious, extenuating circumstances should a hearing be cancelled after it has been publicly noticed.

The goal is to have finalized agenda and supporting material seven (7) days prior to a planned and

noticed meeting. However, meeting materials will be placed in the LPA members' mailboxes no later than noon of the Friday prior to the scheduled Tuesday meeting. The Community Development Director or assistant will send an email to the LPA members when the packets are available.

The LPA members' packets should include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.) A sincere effort is made to see that LPA packets are complete. As a general rule, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall. Copies of the agenda are available to the public.

Occasionally an item comes up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions are kept to an absolute minimum so as not to burden the LPA or the public with items not receiving sufficient advance notice. Important, potentially controversial items are not made as "add on items" except in extreme emergencies.

Attendance Policy

Section 34-115(3) of the Land Development Code (LDC) states: "A Local Planning Agency member shall forfeit office if the member is absent from three (3) regular local planning agency meetings per year without being excused by the local planning agency." This statement was included in the LDC to recognize that because of the significant pre-hearing preparation required by staff, applicants and other supporting personnel it is imperative that a quorum of the Local Planning Agency (LPA) members be present for all noticed meetings.

The LPA should be notified of a planned absence as soon as known. It is important that the LPA know that it will have a quorum of its members as soon as possible prior to an LPA meeting. The LDC implies that the LPA has the discretion to define what will be an "excused" absence. The policy of the LPA is that if an absence is reported at least fourteen (14) days prior to a planned meeting the absence will automatically be considered an excused absence. This will allow sufficient time for a planned meeting to be rescheduled if it appears that a quorum will be questionable.

Absence notification less than 14 days prior to a planned meeting is considered an "emergency." If an excused absence is desired in less than 14 days, a request must be forwarded to the Community Development Director with an explanation of the nature of the emergency. The Local Planning Agency will decide whether the request will be considered an excused absence. If the LPA or Community Development Director receives no request for an excused absence, the absence is counted as an unexcused absence.

Three unexcused absences for regularly scheduled LPA meetings will result in automatic forfeiture of office.

"Chronic" absence is defined as missing three consecutive regularly scheduled meetings or four of the last six meetings of the LPA, regardless of whether the absence is excused or unexcused. If a chronic absence occurs, the Community Development Director will be asked to send a letter to the LPA member requesting an explanation of the reasons for the chronic absence. A copy of the letter will be sent to the Town Manager and Town Council. The LPA member will be asked to forward to the Community Development Director a statement of whether the LPA member wishes to remain on the LPA. Failure to reply will automatically make all absences unexcused and grounds for forfeiture of office.

In order to provide a diverse representation, it is important that the LPA strive to have as full representation as possible when conducting the Town's business.

Meetings and Communication between LPA and Town Council

As agreed at a workshop between LPA and Town Council members in September of 2009, efforts should be made to improve communications between the Local Planning Agency and Town Council. Previous means and those adopted at the above meeting shall be:

- The LPA shall appoint and send a representative to Town council public hearings on land use and proposed ordinances which have been acted upon by the LPA. This representative shall submit brief testimony (Council should have LPA resolution and meeting minutes, unless minutes approval waived by LPA) regarding the LPA hearings on the matter.
- The LPA "Action List" as updated subsequent to LPA meetings shall be submitted to the Director of Community Development, who shall in turn transmit to each Town Council member and the Town Manager and include this list in the next LPA meeting packet.
- A quarterly meeting to be attended by the Town Manager, Town Mayor and Local Planning Agency Chairperson shall take place at 1:00 PM on the third Wednesday of each of the following months; October, January, April and July. The purpose of this meeting will be to discuss current activities of the LPA and assure these are in accordance with direction from Town Staff and Town Council, as well as convey information to Staff and Council regarding the complexities or related issues of those activities.
- Routine workshops (informational meetings) to discuss current LPA activities and Town Council understanding of those activities shall be held between all LPA members, Town Council members, Town Manager, Community Development Director and Town and LPA Attorney starting at 9:00 AM and lasting no later than noon on the first regularly scheduled LPA meeting day of April and September.

7. Meeting Procedures

LPA Code of Conduct

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Local Planning Agency pledges to adhere to the following CODE OF CONDUCT.

1. Regularly attend all scheduled meetings of the LPA as well as special or called meetings relevant to the office.
2. Prepare for each meeting.
3. Create a positive environment in meetings of the LPA.
4. Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
5. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meeting of the LPA.
6. Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff.

7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Respect all local, state and federal laws, rules and other regulations.
9. Submit completed financial disclosure forms to the Lee County Supervisor of Elections by the specified deadline.
10. Publicly acknowledge the adopted position when asked about a decision of the LPA.

LPA Code of Ethics

Members shall ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the citizens served by the Local Planning Agency and by promoting public confidence in the integrity, independence, ability and impartiality of the LPA.

1. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.
2. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the LPA and shall not attempt to use their office to influence or sway the professional staff recommendation.
3. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with LPA business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
4. Members shall avoid creating the appearance of impropriety by following the requirements of the Land Development Code with regard to ex parte about specific upcoming LPA quasi-judicial hearings. If a Member receives a private written or electronic communication about an upcoming LPA quasi-judicial hearing, the Member will promptly forward the information to the Town Clerk, with a copy to the Director of the Community Development Department and the LPA Attorney so that it may be shared with all other Members as part of the agenda packet for that hearing. Members shall refrain from any private discussion of LPA business with other Members if required by Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
5. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Members during LPA proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child, relative or business partner of the Member.
6. Members should refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A Member whose personal, employment or business relationship with a person or entity that is subject to a recommendation of the LPA shall seek the advice and counsel of the LPA Attorney, if such relationship could conceivably influence the Member's impartiality during the LPA's discussion of the subject. The provisions of Chapter 112, Florida Statutes, and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.
7. Members shall remain vigilant against deviations from LPA policies and mission statement.

As a legislative and quasi-judicial body, the LPA must be ever cognizant of the important legal requirements of due process and equal protection. These principles are derived from the United States Constitution, the Constitution of the State of Florida, and Florida Statutes, and apply to legislative and quasi-judicial actions.

The legal requirement for due process is separated into two prongs: substantive due process and procedural due process. The principle of substantive due process requires the benefits of a given

regulation be within the scope of governmental authority, i.e., health, safety, morals, or general welfare, and that the regulations be accomplished in a rational manner, i.e., not be arbitrary or capricious. This is a principle of fundamental fairness in the substance of a given regulatory scheme or provision.

The other due process prong, procedural due process, requires a fair method of adjudicating the rights of property owners, requiring notice and an opportunity to be heard by an impartial decision maker. In legislative matters, this requirement is derived from Florida Statutes, which provide the type and period of notice depending on the nature of the property interest subject to regulation at a public hearing. Quasi-judicial decisions have an underlying Constitutional requirement for procedural due process.

Equal protection limits governmental regulation from establishing irrational classifications, protects the rights of suspect and quasi-suspect classes, and assures against the exercise of fundamental or important rights of persons in ways different from others.

Key overarching principles to keep in mind is that every person must be treated equally and reasonably by the quasi-judicial or legislative substance and process and that decisions and recommendations be deliberated in an open process with adequate notice and allowance for participation of affected parties. Reasonable, consistent, and timely notifications in quasi-judicial matters to be heard by the LPA provide an applicant and other parties potentially affected by a requested decision these fundamental protections.

Order of Agenda Items

The general order of the agenda will proceed as follows. However, the procedures will differ depending on what type of hearings is being held.

1. Call To Order – Identify for the record the committee that is meeting, the date of the meeting and who is present.
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes – Requires a motion and vote.
5. Public Hearings – Public Comment will be included as part of the hearing
6. Administrative Agenda – Topics submitted by LPA members, staff, LPA Attorney or items from previous agendas
7. Adjourn as LPA; Reconvene as Historic Preservation Board (HPB) } *Relevance?*
8. Adjourn as HPB; Reconvene as LPA
9. LPA Members Items and Reports
10. LPA Attorney Items
11. Community Development Director Items
12. Action List Review
13. Public Comment
14. Adjournment – Requires a motion and vote. A privileged motion allowing no discussion before vote.

Invocation

The Chair of the LPA has the discretion of deciding how the Invocation at the beginning of an LPA meeting is handled. However, there is a tradition that has been followed by many LPA's. At the first LPA meeting on April 9, 1996, Chair John Mulholland read an invocation that he had written while Commander of the Power Squadron. Betty Simpson, who was Vice Chair at that time, has carried John's invocation to each subsequent LPA. The Chair has either read the invocation or different LPA members have been asked or volunteered to read the invocation. The invocation reads as follows:

Heavenly Father, we ask that you bless us with your presence here today. }
Grant to us the wisdom to see all things in true perspective. }

Grant to us the patience to hear one another with open minds and hearts.
Grant us the strength to meet all present challenges.
May all that we do this day, bring honor to you and credit to ourselves. Amen.

Conduct of LPA Meetings

The Chair will conduct the LPA meetings, and in the Chair's absence by the Vice Chair.

Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of the LPA meetings when not in conflict with the Town Charter or Florida Statutes. It is not intended that LPA meetings be unnecessarily formalistic, but rather that parliamentary procedure be invoked only when necessary for orderly conduct of the meeting.

The approval of the minutes is intended for LPA members to accurately document the proceedings of the Agency. Before moving approval the minutes should be amended, if necessary, to more accurately portray what occurred at the LPA meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what actually was done. Audiotapes of the proceedings become the official record of what transpired during a meeting.

When the Chair recognizes a speaker during public comment, they will advance to the podium and state their name for the public record. Public comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by majority vote of the LPA. If a special interest group would prefer to have one person speak for a group of individuals in attendance their allotted times can be combined up to a maximum of 15 minutes. This process could save meeting time if the content of what each person of a special interest group intends to say is similar. It could also allow more time for a presentation containing detailed facts and data. If a special interest group chooses to have a spokesperson represent them, request cards having the names and addresses of all individuals present must be provided prior to the meeting. The public comment times are intended as opportunities for interested parties to present their viewpoints to the LPA members; they are not intended as question-and-answer sessions or as dialog with the LPA.

After a proper motion, discussion by the LPA members shall be limited to agenda items. No member will speak twice on the item until all others who want to speak have spoken.

The time period for LPA members' comments is intended as an opportunity for LPA members to share their viewpoints with each other. Since this opportunity does not exist outside of LPA meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Community Development Director or Town Attorney which could be obtained outside of the LPA meeting. While there is no time limit or censorship on comments, LPA members should take into consideration the total time available in the meeting for the published agenda.

Legislative Hearing Procedures

1. The Chair opens the hearing on.....
2. Staff presents Affidavit of Publication or copy of the legal advertisement from the Newspaper of Record which shall become an exhibit to the Hearing's resulting Resolution.
3. The Chair or the LPA Attorney reads the ordinance caption.
4. Staff and/or the LPA attorney present(s) a brief overview of the ordinance.
5. Public input is taken.
6. Public input is closed.
7. LPA members ask questions, if any, of staff/LPA attorney.
8. LPA members discuss ordinance, including changes, deletions, etc.

9. A Motion is made and seconded to either move the Ordinance forward to Town Council as-is or with modifications, or to take some other action. The LPA's recommendation is set forth in an LPA Resolution which is provided to Town Council at the time of Council's consideration of the Ordinance.
10. The Motion is discussed and voted upon. If successful, the Chair declares the hearing on the ordinance to be concluded. If not successful, further motions(s) are made until one passes.

Notes:

- There is no ex parte disclosure requirement for legislative hearings.
- Members of the public are not sworn in.
- Generally there is no discussion between the LPA and public.

Procedure for Quasi-Judicial Land Use Hearing

1. The Chair opens the hearing on
2. The LPA Attorney swears in all witnesses.
3. Staff presents Affidavit of Publication or copy of the legal advertisement from the Newspaper of Record which shall become an exhibit to the Hearing's resulting Resolution.
4. The Chair asks if any LPA member has had an ex parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record.
5. The applicant presents its case and LPA asks questions. *Switch Order?*
6. Staff presents its case and LPA asks questions.
7. Public comment/testimony is opened.
 - After public testimony/comment is concluded, the Chair closes public comment/testimony.
8. Applicant presents rebuttal, if any.
9. Staff presents rebuttal, if any.
10. The testimony portion of the hearing is closed.
11. LPA discussion.
12. Request for a motion on the resolution.
13. LPA votes on a resolution regarding the application.

Voting Conflicts

Florida Statute has very specific rules regarding voting conflicts and municipal advisory committees, boards and agencies. These rules are different from the rules that apply to the Council.

If an LPA member has a voting conflict, he/she must ^{disclosed} disclose that conflict in writing to Town staff prior to the meeting in question and this disclosure must be publicly ~~read~~. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. The committee member is permitted to participate in the discussion ~~and vote~~ on the subject. The specific rules are set out in F.S. 112.3145(4), quoted below:

(4) No **appointed** public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the

special private gain or loss of a relative or business associate of the public officer, **without first disclosing the nature of his or her interest in the matter.**

(a) Such disclosure, indication the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, **prior to the meeting** in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally **at the meeting** when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term “participate” means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.

Perceived conflicts of interest can be as detrimental to public trust as real conflicts. In an attempt to aid LPA members’ manage such perceptions, the LPA Attorney has prepared advice regarding frequent situations in which LPA members find themselves. These are found in Appendix G.

NOTE: F.S. 112.3143(b) defines “relative” as follows: “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

8. LPA Meeting Output

The primary responsibility of the LPA is to provide recommendations to the Town Council regarding comprehensive planning policies, land development code regulations, zoning matters and make decisions regarding historic preservation opportunities.

LPA output to the Town Council will include the following at the discretion of the LPA:

A. Quasi-Judicial Hearing:

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. LPA approved minutes providing a summary of:
 - a. Testimony by applicants, their attorneys, Town and/or County staff, the LPA attorney, witnesses and people who offer public comment, and
 - b. Issues raised by LPA members with subsequent discussion content including clarifications, conclusions and agreements, and Motions and votes by LPA.
3. One or more members of the LPA will attend the Town Council meeting in order to provide clarification on their recommendations and to answer inquiries.

~ We only do this for important or controversial items

B. Legislative Hearing:

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. LPA approved minutes.

3. One or more members of the LPA will use best efforts to attend the Town Council meeting in order to provide clarification on their recommendations and to answer inquiries. *— same as above*
These LPA outputs must be available before the first Town Council hearing on an issue. However, at the discretion of the LPA exceptions may be made in emergency situations. Minutes from hearings will normally be approved at the subsequent LPA meeting. A “fast-tracked” hearing may have the minutes waived for the Town Council hearing at the discretion of the LPA.

It is noted that audio and /or video recordings of LPA meetings may be available for public, LPA, or Town Council review should clarification, additional understanding of discussions, or for finding errors or omissions.

On a regular basis, as often as monthly, the LPA will submit to the Town Council a synopsis of accomplishments and any issues that might be of interest. As needed, a request will be made to address Town Council. *— Who does this?*

9. LPA’s Role in Initiating Legislative Changes to the Land Development Code

In the course of performing its duties, the LPA is made aware of legislative issues that could be considered as amendments to the Land Development Code. Before initiating a request for support from Town Staff, the LPA attorney and/or our Planning Consultant to pursue potential LDC amendments, a resolution will be sent to Council requesting their approval to proceed. The format to be used is included in Appendix A and can be modified without re-approving the Policies and Procedure Manual.

The Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual was adopted on February 27, 2007. Revised May 15, 2007. Revised March 18, 2008. Revised September 9, 2008. Revised January 27, 2009. Revised June 23, 2009, Revised September 17, 2009, Revised September 29, 2009.

Appendix A – Sample Resolution Requesting to Proceed with an LDC Change
FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 20__ - __

WHEREAS, the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA is statutorily responsible for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council as to the consistency of such proposals with the adopted Comprehensive Plan (Plan); and

WHEREAS, Section 34-120(4) of the Town Land Development Code (LDC) states that the LPA will review proposed LDC amendments and make recommendations to the Town Council regarding their consistency with the Plan, and

WHEREAS, Section 34-120 (12) of the LDC states that the LPA will aid Town officials charged with the direction of projects or improvements embraced within the Plan and generally promote the realization of the Plan; and

WHEREAS, Section 34-120 (14) of the LDC states that the LPA will perform any other duties which lawfully may be assigned to it by Town Council; and

WHEREAS, the Town Council determined at its meeting of October 9, 2006, that prior to the LPA's initiation of any proposed LDC changes, the LPA must inquire of the Town Council whether the Town Council wished to have such legislative changes initiated by the LPA.

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

1. At its regularly scheduled meeting(s) of _____, 20__, the LPA determined that it wishes to initiate legislation on the following subject(s): _____

2. The LPA hereby requests direction from the Town Council as to whether the Town Council wishes to have the LPA initiate legislative changes to the LDC on such subjects.

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

Name _____	Name _____
Name _____	Name _____
Name _____	Name _____
Name _____	Name _____

DULY PASSED AND ADOPTED THIS ____ day of _____, 20__.

LPA of the Town of Fort Myers Beach

By: _____
Name, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Name, Esquire, LPA Attorney

By: _____
Name, Town Clerk

Appendix B - Resolution HPB 2006-03 Establishing the Historic Advisory Committee

**RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2006-03**

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources, evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC, increase awareness of historic preservation and its community benefits by promoting public education programs, and administer programs aimed at the proper recognition of designated historic resources pursuant to Section 22-74 of the LDC; and

WHEREAS, the HPB has the power to create an advisory committee to assist the HPB with historic preservation matters and to charge such committee with various and sundry duties; and

WHEREAS, this advisory committee will have no quasi-judicial or legislative powers but rather will function in an informal advisory capacity to the HPB; and

WHEREAS, the advisory committee will be subject to the Sunshine and Public Records Laws of the State of Florida.

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

The Historic Preservation Board does hereby create the Fort Myers Beach Historical Advisory Committee (FMBHAC), with the following restrictions:

1. The FMBHAC shall be subject to the Sunshine and Public Records Laws of the State of Florida.
2. The FMBHAC will be comprised of seven (7) members appointed by the HPB, all of whom shall be residents, business owners, or property owners within the Town of Fort Myers Beach.
3. Three (3) members of FMBHAC shall be current members of the HPB and four (4) members shall be appointed by the HPB after due consideration of recommendations by the Estero Island Historic Society.

4. The FMBHAC shall meet on an as-needed basis, keep its own minutes, and hold all meetings at Town Hall.
5. The HPB shall appoint all initial members of FMBHAC no later than the first meeting of the HPB in October, 2006. Thereafter, commencing with June, 2007, the HPB shall appoint all members of FMBHAC on an annual basis at the first meeting of the HPB in June.

The foregoing Resolution was adopted by the Historic Preservation Board upon a vote following motion by Board member Tom Babcock and second by Board member Bob Raymond, the result of which was as follows:

Tom Babcock	aye
Randy Brown	aye
Rochelle Kay	absent
Larry Kiker	aye
Alan Mandel	aye
Bob Raymond	aye
Bob Simon	absent

DULY PASSED AND ADOPTED THIS 12th day of September, 2006.

HISTORIC PRESERVATION BOARD OF THE
TOWN OF FORT MYERS BEACH

By: _____
Larry Kiker, Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
HPB/LPA Attorney

By: _____
Michelle Mayer, Town Clerk

Appendix C – Recognition Resolutions

The following Resolution format has been used to recognize past members of the LPA.

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 2007-04

WHEREAS, the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA was established in accordance with the requirements of the Town of Fort Myers Beach Land Development Code section 34-111 et seq.; and

WHEREAS, Section 34-113 sets forth the requirements for membership on the LPA; and

WHEREAS, Randy Brown has been a member of the LPA from April 2006 to April, 2007; and

WHEREAS, during his membership on the LPA, Randy Brown has provided exemplary service to the Town of Fort Myers Beach.

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

RANDY BROWN IS RECOGNIZED FOR HIS HARD WORK AND DEDICATED SERVICE TO THE TOWN OF FORT MYERS BEACH. HE CREATED A POSITIVE ENVIRONMENT FOR THE LOCAL PLANNING AGENCY WHILE MAINTAINING AN ATTITUDE OF COURTESY TOWARD COLLEAGUES, CITIZENS AND STAFF DURING ALL DISCUSSIONS AND DELIBERATIONS. HE DISCHARGED HIS DUTIES WITHOUT FAVOR OR PREJUDICE WHILE RESPECTING ALL LAWS, RULES AND REGULATIONS. HIS CONTRIBUTIONS INSURE THAT THE UNIQUE AND NATURAL CHARACTERISTICS OF THE TOWN OF FORT MYERS BEACH WILL BE PRESERVED.

The foregoing Resolution was adopted upon a motion by LPA Member Simon and seconded by LPA Member Mandel. Upon being put to a vote, the result was as follows:

Tom Babcock aye
Evie Barnes aye
Rochelle Kay aye
Bob Simon aye

Alan Mandel aye
Bob Raymond aye
Bob Simon aye

Dennis Weimer aye

DULY ADOPTED THIS 10TH day of APRIL 2007.
LPA of the Town of Fort Myers Beach

BY: _____
Tom Babcock, LPA Chair

Approved as to legal sufficiency:

By: _____
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: _____
Michelle D. Mayher, Town Clerk

Appendix D - Historic Sign Criteria and Integrity Evaluation

The following is the a form for use by the LPA to evaluate the criteria and integrity of historic sign applications. Staff has documents that were approved by the LPA to be made available to applicants for historic signs that will explain the intent of the Comprehensive Plan and clarify for documentation that would be useful when filing an application.

Historic Sign Criteria and Integrity Evaluation Town of Fort Myers Beach

Eligibility Criteria (select one): ___ Building ___ District ___ Site ___ Structure ___ Object

INTEGRITY CONSIDERATIONS (Review all)	Quality of Significance Criteria (Select one)				
	Events	Persons	Distinctive Characterisitcs	Historical Information	Overall District Significance
Location					
Design					
Setting					
Materials					
Workmanship					
Feeling					
Association					

Eligibility Criteria

Building. A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Structure. A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Object. An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

District. A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Quality of Significance Criteria

Events. It was associated with events that significantly contributed to broad patterns of our history.

Persons. It was associated with the lives of persons significant in our past.

Distinctive Characteristics. It embodies the distinctive characteristics of a type period, or method of construction, or possesses high artistic values, or represents a significant distinguishable entity whose components may lack individual distinction.

Historical Information. It has yielded (or may yield) information important to prehistory or history.

Integrity Considerations

Location is the place where significant activities took place. This quality requires that to a large extent the boundaries remain intact.

Design is the composition of elements comprising the form, plan, and spatial organization. Design may have resulted from conscious planning decisions set forth in the historic plat, project specifications, building contracts or deed restrictions, or it may be the result of the personal tastes and individual efforts of homeowners to shape their domestic environment. Integrity of design can be affected by changes. Small-scale additions may not detract in a major way from the historic character. Large-scale additions, however, alter the spatial relationship and generally threaten integrity of design.

Setting is the physical environment within and surrounding the resource. Integrity of setting requires that a strong sense of historical setting be maintained within the boundaries. This relies to a large extent on the retention of built resources, street plantings, parks and open space. Elements of design greatly affect integrity of setting, and those consistent with the historic character or dating from the period of significance add to integrity. Small-scale elements such as plantings, gateposts, fences, swimming pools, playground equipment, and parking lots detract from the integrity of setting unless they date to the period of significance.

Materials include the construction materials of dwellings, garages, roadways, walkways, fences, curbing, and other structures, as well as vegetation planted as lawns, shrubs, trees, and gardens. The presence of particular building materials (e.g., stone, stucco, brick, or horizontal siding) may be important indicators of architectural style and methods of construction that give some neighborhoods a cohesive historic character. Integrity of materials requires that the resource retains the key exterior materials that marked its identity during the historic period. The retention of original materials in individual dwellings may be less important in assessing the integrity of a neighborhood significant for its plan or landscape design. Original plant materials may enhance the integrity, but their loss does not necessarily destroy it. Vegetation similar in historic species, scale, type and visual effect will generally convey integrity of setting although integrity of materials may be lost.

Workmanship is evident in the ways materials have been fashioned for functional and decorative purposes to create houses, other buildings and structures, and a landscaped setting. This includes the treatment of materials in design, the planting and maintenance of vegetation, as well as the construction methods of small-scale features such as curbs and walls. Integrity of workmanship requires that architectural features exhibit the artistry or craftsmanship of their builders and that the vegetation historically planted for decorative and aesthetic purposes be maintained in an appropriate fashion and replaced in kind when damaged or destroyed.

Feeling, although intangible, is evoked by the presence of physical characteristics that convey the sense of past time and place. Integrity of feeling results from the cumulative effect of setting, design, materials, and workmanship.

Association is the direct link between a historic resource and the important events that shaped it. Continued residential use and community traditions, as well as the renewal of design covenants and deed restrictions, help maintain a neighborhood's integrity of association. Additions and alterations that introduce new land uses and erase historic elements of design threaten integrity. Integrity of association requires that a historic resource convey the period when it achieved importance and that, despite changing patterns of ownership, it continues to reflect the design principles and historic associations that shaped it during the historic period.

Appendix E - Legislative Change Process

The LPA evaluated the process of making legislative changes to the Land Development Code (LDC). The results of the study have been depicted as a flow chart as well as a written description of each sub-process. The arrows in the flow chart represent the direction that work “flows” through the process. Circles are inputs, such as a change request, or outputs, such as a resolution to be sent to Town Council. Rectangle boxes are places where action or work is taking place. A diamond is a decision point that may send the workflow in different directions dependent on the decision made. A “bullet” symbol is where the workflow is on “hold” until the next action can be scheduled. Holds are not necessarily a bad thing, but they can be areas of opportunity for moving change requests through the system faster. Finding ways to reduce the number of steps in a process flow is another way to reduce the time required to make changes to our LDC.

The flow chart also indicates who is “accountable” for each process operation. “Accountability” does not mean that person is “responsible” for doing all the work. It is their job to see that the work gets done.

Future LPAs and Town Councils may want to consider ways that the legislative change process can be altered to improve process time. Until then, performance can start to be measured in order to establish a baseline. One action that has been initiated is to generate a Legislative Change Action List (LCAL). The LCAL will provide clarification of the change requests, the priority and current status. Legislative requests will be categorized into LDC change that:

1. Require policy recommendations from the LPA through workshops or ad hoc committee activities. These changes would be substantive and likely time consuming for staff, consultants and LPA, but not necessarily the highest priority.
2. Are state mandated changes and recommendations of the Evaluation and Analysis Report (EAR) that are time sensitive. These may or may not be complex, but are high priority.
3. May need to be clarified for legal reasons. Complexity and priority must be determined on an individual case.
4. Need staff time. Most of these changes are clerical in nature, but can be time consuming. Priority is often low, but need to be made visible.

The LPA will prioritize, schedule and determine a path forward for legislative change requests that fall into LCAL category 1. Accountability for categories 2 through 4 belongs to the Town Manager, with likely input from the Director of Community Development, the LPA Attorney and the Town’s Planning Consultant.

A regular approach to legislative changes allows interested parties a predictable methodology to participate in the legislative process. For example, the Florida Legislature meets on an annual basis—unless a special session is called—at the same time each year to consider changes to the laws of the State. The effective date of these laws may vary to allow for a phased approach to changes in the law that might best occur if affected parties are afforded a reasonable period of time for adjustment to the change. From time to time, the LPA may wish to establish and refine the timing aspects of its legislative process to improve manageability and predictability.

Town of Fort Myers Beach Legislative Change Process

Overarching Principles:

- Trust is placed in the hands of those accountable for each step in the process to do their job to their best of their ability.
- Open, honest and timely communication will be maintained at all times.
- All parties in this process will be treated with respect.

Sub-Processes

A. Request Initiation

Requests to change the Land Development Code (LDC) can be initiated by: the Town Manager, the Town Council, the Local Planning Agency, a group/committee or an individual.

Process:

- Requests from the Town Manager and Town Council proceed directly to the “assign action” sub-process.
- LPA change requests are forwarded to Town Council for approval to proceed.
- All individual or group initiated LDC change requests come to the LPA for review and action. Consistency with the Comprehensive Plan will be the criteria for approving or denying requests.
- The Town Clerk handles scheduling functions with direction from the Town Manager or designee (likely the Community Development Director).

B. Assign Action

Process:

- The Town Manager or designee is accountable for the Legislative Change Action List (LCAL) with input from Planning Consultant, Staff and LPA Attorney.
- Each legislative change request will be put into a category for the purpose of prioritizing and scheduling.
- The LCAL will be reviewed at every LPA meeting.

C. Assessment

Assessment of an LDC change request can follow several paths depending on the complexity of the request and the expertise required for making recommendations. The Town Manager or designee, the Planning Consultant and the LPA Attorney, choose the process path.

Process:

- Determine whether recommendations are needed from an ad hoc or standing committee.
- Determine whether a workshop is needed.

- Workshops will include: Planning Consultant, appropriate staff, LPA Attorney, LPA members, ad hoc or advisory committees (as needed) and the public.
- Recommendations from committees and/or workshops will be documented by resolution.
- Once all recommendations have been received, drafting of the LDC change can commence and an LPA hearing scheduled.

D. LPA Hearing

Process:

- The LPA must approve or reject LDC changes or possibly suggest multiple wording options for consideration by Town Council.
- Recommendations must be consistent with the Comprehensive Land Use Plan.
- Explanation of recommendations are forwarded to Town Council by resolution.

E. Town Council Hearings

Process:

- Introduction of Ordinance
- First Hearing
- Second Hearing. Approved or denied based on consistency with the Comprehensive Land Use Plan.
- At each hearing, Council may choose to deny the change request, return it to the LPA and/or committees and/or workshop participants for rework, or table it.

F. Documentation

Process:

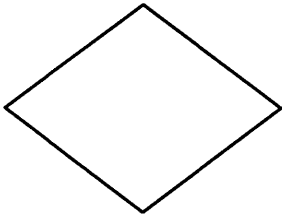
- If the ordinance is approved by Town Council, the Town Manager is accountable for seeing that appropriate steps are taken to codify and distribute changes in the Town of Fort Myers Beach Land Development Code.

Legislative Change Process for the Town of Fort Myers Beach

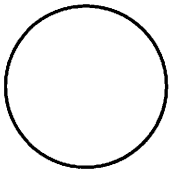
Flow Chart Symbols Used:



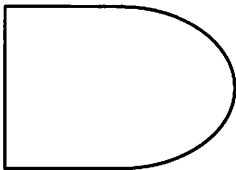
Process Operation



Decision (A Decision will have two or more directions of flow)



Input/Output



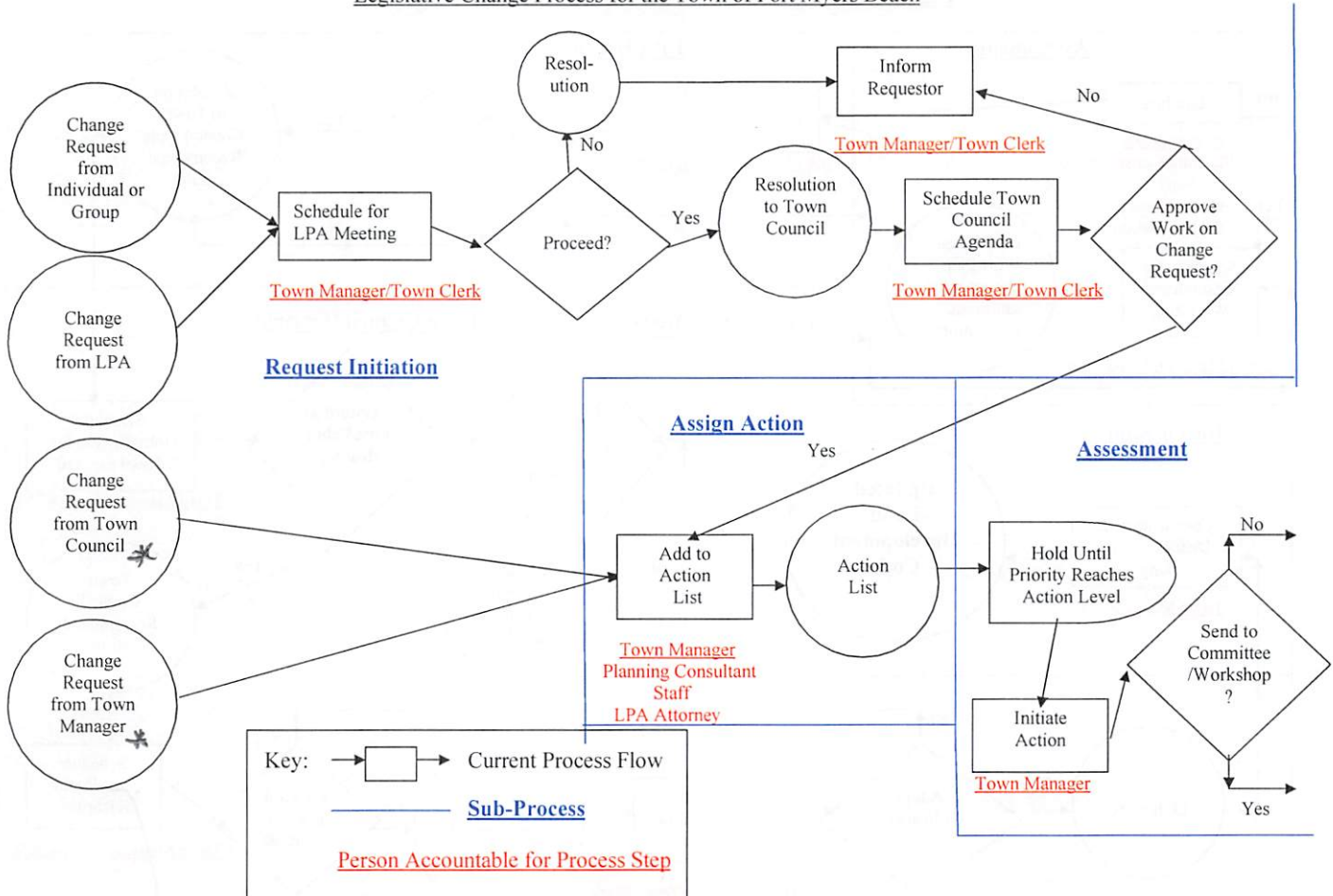
Delay/Wait/Hold



Direction of Flow

The flow chart is a graphic method for displaying a work process and sequence of activities. It graphically shows the process and potential opportunities for improvement within the process. It also identifies starting inputs and ending outputs that establish boundaries of ownership. This sequence of activities is represented by various flow chart symbols, which are connected by a direction of flow arrow.

Legislative Change Process for the Town of Fort Myers Beach

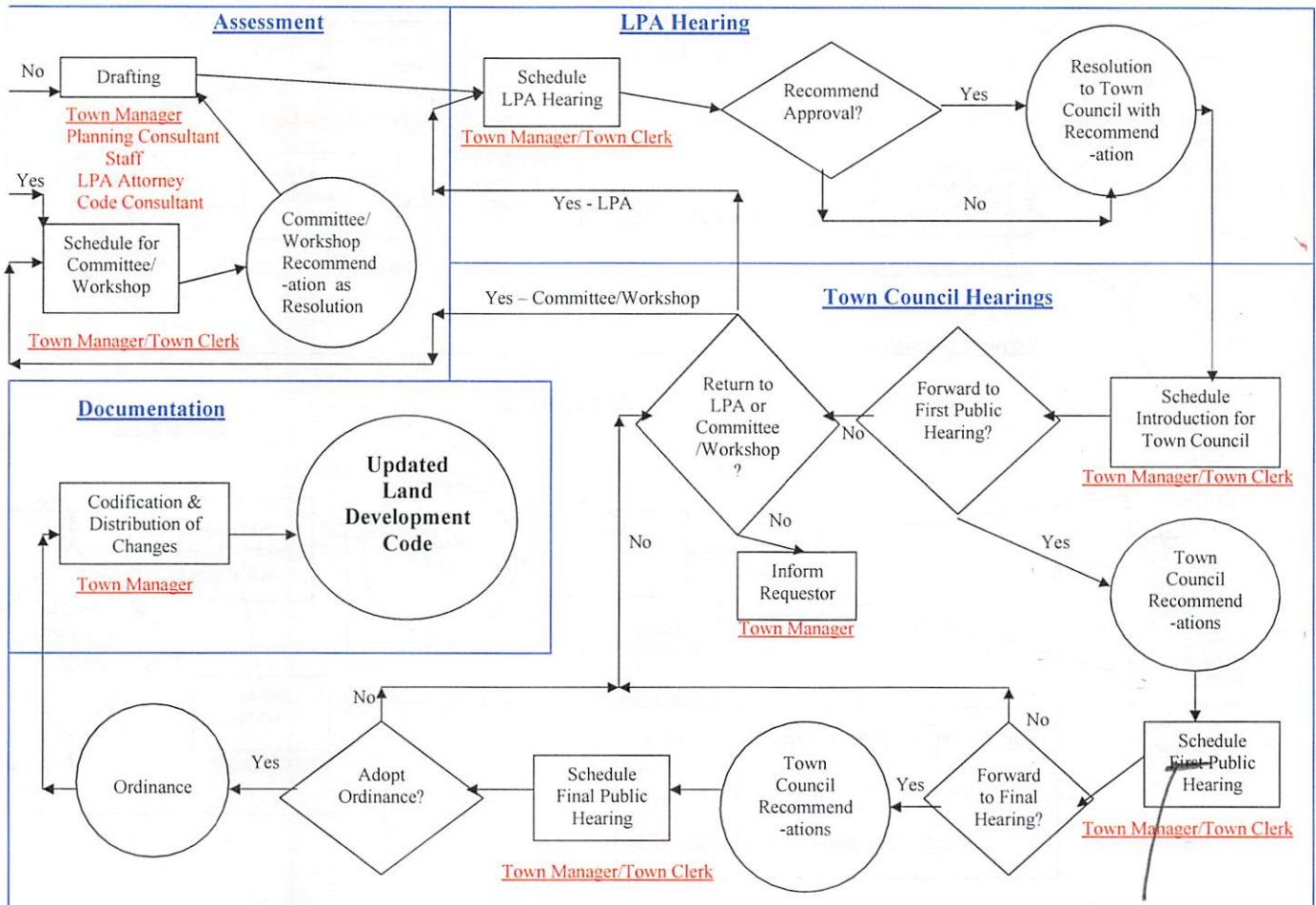


Revision 09/29/09

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** Shouldn't all Land use Ordinances also go to LPA first?*
Never Mind - I see they do on next page.

Legislative Change Process for the Town of Fort Myers Beach



Revision 09/29/09

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Final

F. Historic Plaque Resolution and Agreement

**RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2008-01**

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources, evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC, increase awareness of historic preservation and its community benefits by promoting public education programs, and administer programs aimed at the proper recognition of designated historic resources pursuant to LDC Section 22-74.

NOW THEREFORE, THE HISTORIC PRESERVATION BOARD RESOLVES AS FOLLOWS:

1. The HPB hereby approves the Town of Fort Myers Beach Historic Preservation Board Historic Plaque Agreement for use by the Town in the Historic Plaque Program. A copy of this Agreement is attached to this Resolution as Exhibit "A" and is hereby incorporated by reference.

The foregoing Resolution was adopted by the HPB upon a motion by _____ and second by _____. Upon being put to a vote, the result was as follows:

Thomas Babcock	_____	Bob Raymond	_____	Alan Mandel	_____
Evie Barnes	_____	Bob Simon	_____		
Rochelle Kay	_____	Dennis Weimer	_____		
Alan Mandel	_____				

DULY PASSED AND ADOPTED THIS 19th day of February, 2008, by the Historic Preservation Board of the Town of Fort Myers Beach

By: _____
Bob Raymond, HPB Chair

Approved as to Legal Sufficiency

ATTEST: _____
Michelle D. Mayher, Town Clerk

By: _____
Anne Dalton, LPA/HPB Attorney

TOWN OF FORT MYERS BEACH: HISTORIC PLAQUE AGREEMENT

The undersigned person represents that he/she is the owner of the property with the following street address: _____, Fort Myers Beach, Florida 33931, with a strap number of _____ (hereafter "Owner").

By signing below, Owner agrees to affix an historic plaque provided by the Town of Fort Myers Beach, a municipal corporation, on the structure located on the subject property, as follows:

(location and method of affixing). The Owner shall own the plaque. In the event of damage, loss or other casualty involving the sign, the Town may replace it, but shall not be obligated to do so.

The plaque shall contain the following language: _____

This permission is non-transferable to another structure or property. The owner, or any subsequent owner shall have the ability to terminate this Agreement without cause. In the event of such termination, the owner will remove the plaque and return it to the Town.

The undersigned waives any claim against the Town of Fort Myers Beach, its officers, agents representatives and employees arising from loss, injury or damage resulting from the subject matter of this Release and covenants not to bring any claim against the Town of Fort Myers Beach and its officers, agents representatives and/or employees related to the subject matter of this Release.

The undersigned has fully read, understood and agrees to every term in this Agreement.

DATE	OWNER	PRINT NAME
------	-------	------------

ADDRESS	CITY,STATE,ZIP
---------	----------------

()
TELEPHONE

WITNESS PRINT NAME _____

WITNESS PRINT NAME _____

Appendix G – Conflict of Interest Advice

Below are several points which may be of interest to the LPA Members:

1. I have an ongoing attorney-client relationship in which the attorney gives legal advice but isn't otherwise involved in my business enterprises. That firm may represent others coming before the LPA in quasi-judicial hearings which are not related to his/her representation of me.

(a) Can I participate in LPA discussions and decision-making processes where my attorney is representing a different client?

ANSWER: yes. Assuming that this is a traditional attorney-client relationship, there would be no "special private gain or loss" to the LPA member under F.S. 112.3143(4) for his/her attorney to represent someone else before the LPA. An attorney relationship, by itself, does not create a "business associate" relationship under F.S. 112.312(4). If there are other relationships between the firm and the LPA member (joint ventures, employment of a relative, etc.), that would be covered by the conflict statute.

If the attorney provided information which is covered by the ex parte disclosure sections of the Land Development Code, the LPA member would make the same ex parte disclosure as he/she would for anyone else.

Even if this were a conflict of interest, the statute requires written, advance disclosure. It does not prohibit discussion or voting at the advisory committee level.

(b) Should I disclose the existence of this attorney-client relationship at the time the hearing starts?

ANSWER: It's a good idea. It's not legally required to disclose it since it's not a conflict of interest. However, in ethical matters, it's a good idea to go the extra mile. My suggestion would be to say something like "this law firm has represented me on matters which are not related to this hearing. The LPA attorney has advised me that there's no conflict of interest here but I wanted to disclose this for the record."

2. I have an ongoing relationship with local architects, engineers and other professionals. None of these persons are involved in my business enterprises in any other capacity. Those professionals may represent other persons coming before the LPA in quasi-judicial hearings which are not related to their representation of me. Is there a conflict of interest here?

ANSWER: See #1 above.

Excerpted from LPA Attorney Anne Dalton memo dated April 28, 2008.

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009 -21**

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174 and the LPA is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council with regard thereto; and

WHEREAS, pursuant to the authority set forth in LDC Section 34-118, on February 27, 2007, the LPA adopted Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual (PnP Manual) in Resolution 2007-03; and

WHEREAS, at the time of such adoption the LPA stated as a policy matter that regular review and updating of the PnP Manual was in the best interests of the Town of Fort Myers Beach and subsequently amended it on May 15, 2007, February 19, 2008, and September 17, 2009;

WHEREAS, the LPA has determined that various updates to the PnP Manual are required at this time and has reviewed such updates at its meeting of September 29, 2009.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. The LPA hereby adopts the LPA Policies and Procedures Manual as amended on September 29, 2009, as its official rules for transaction of LPA business, and a copy thereof is attached to this Resolution and hereby incorporated by reference. The terms and provisions of such Manual shall continue in full force and effect unless further amended by the LPA.

2. The LPA directs the Town Clerk to publish such Manual on the Town website, and to provide an electronic and paper copy of such Manual to all LPA Members, the LPA attorney, and Town staff.

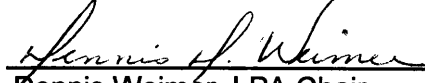
The foregoing Resolution was adopted upon a motion by LPA Member Ryffel and seconded by LPA Member Mandel. Upon being put to a vote, the result was as follows:

Rochelle Kay aye
Carleton Ryffel aye
Bill Van Duzer aye

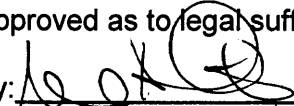
Alan Mandel aye
Joanne Shamp aye
Dennis Weimer aye

DULY PASSED AND ADOPTED THIS 29th day of September, 2009.

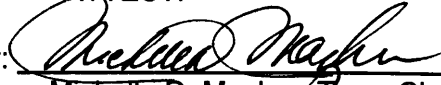
LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis Weimer, LPA Chair

Approved as to legal sufficiency:

By: 
Anne Dalton, Esquire
LPA Attorney

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

**Town of Fort Myers Beach Local Planning Agency
Policies and Procedures Manual**

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1. Introduction

This Local Planning Agency (LPA) Policies and Procedures Manual is for the purpose of helping the LPA Members in the discharge of their duties. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of the LPA will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of the LPA also may develop common expectations on proper conduct of LPA meetings, dealings with the public, and the way it interacts with Town staff.

This manual should be used in conjunction with the Town Charter, Comprehensive Plan, Land Development Code (LDC) and other applicable laws, as necessary.

2. Local Planning Agency Mission and Job Description

Mission: To further the welfare of the citizens of the Town by helping to promote a better, more helpful, convenient, efficient, healthy, safe community and attractive environment. To insure by strategic planning that the unique and natural characteristics of the island are preserved.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as may be needed to fulfill its duties under Town ordinance and Comprehensive Plan.
- Review and interpret the Land Development Code and conduct public hearings as may be needed to fulfill its duties under LDC, Town ordinance and Comprehensive Plan.
- In an advisory capacity to the Town Council, either at Town Manager's, Town Council's, or its own initiation, conduct hearings to fulfill its duties regarding zoning matters.
- Review the Capital Improvement Budget for consistency with the Comprehensive Plan and make recommendations to the Town Council.
- Serve as the Historic Preservation Board for the Town.
- Establish sub-committees as needed.
- Elect a chair and vice chair for the LPA.
- Elect a chair and vice chair for the Historic Preservation Board
- Perform any other duties that lawfully may be assigned to it by the Town Council and/or Town Manager.

LPA Member Requirements:

- Be a resident or property owner in the Town of Fort Myers Beach
- File a Statement of Financial Interests (Form 1) with the Lee County Supervisor of Elections every year.
- Complete and file Form 1F – Final Statement of Financial Interest, within 60 days of leaving office.

Desired LPA Member Qualities:

- Analytical – ability to research and analyze information and data
- Decisive
- Knowledgeable – Such as, the Town Charter, Comprehensive Plan, Land Development Code, Sunshine Laws, Ethics Laws, Parliamentary Procedure
- Communication – Listening, Speaking, Writing
- Proactive – identify and seek solutions
- Ethical - open, sincere and truthful

- Ability to work in a team environment
- Ability to work with and listen to people having diverse interests
- Fair with no strong allegiance to any individual or group
- Common sense
- Time to do the job effectively

3. Training Materials and First Meeting

Training Materials

Each new member of the Local Planning Agency will be provided copies of:

- Town Charter
- Comprehensive Plan
- Land Development Code
- Florida Code of Ethics
- Florida Sunshine Laws
- Policy and Procedures Manual
- Other materials as determined by the LPA Attorney, Community Development Director and LPA members

Election of Officers

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a chair and vice chair will be chosen. Each LPA member may nominate a person for each of these positions. A second is not required. A vote is taken in the order that a candidate was nominated. The positions are filled by a majority vote. If a majority is not received on the first ballot, a second ballot is taken for the two candidates receiving the most votes from the first ballot.

Sunshine Issues

Members of Town advisory committees, boards, and agencies are subject to the Sunshine Law (F.S. 286.011). The same Sunshine rules that apply to Town Council apply to the members of the LPA and other Town advisory committees, boards and agencies.

This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action to be taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

4. Historic Preservation Board

The LPA also functions as the Historic Preservation Board (HPB) for the Town of Fort Myers Beach. The Historic Preservation Board has the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, and architectural resources in the Town as set forth in LDC section 22-74. For any quasi-judicial or legislative hearings that come before the HPB, the hearing process shall conform to those outlined in Section 7 of this manual.

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a meeting of the HPB will be convened and a chair and vice chair will be chosen using the same methodology as LPA chair and vice chair election.

Also at that meeting, a sub-committee, the Historic Advisory Committee (HAC), comprised of an approximately equal number of LPA members and Estero Island Historic Society members is established. Members of the Estero Island Historic Society interested in being on the Historic Advisory Committee must submit a statement of interest to the Town Clerk prior to the first annual meeting of the LPA. This sub-committee comprised of a total of six or seven members shall be selected by the HPB.

The HAC sub-committee will meet as needed to discuss and make recommendations to be brought before the Historic Preservation Board for consideration. Recommendations will be consistent with the requirements of the Comprehensive Plan and Land Development Code. At its first meeting after re-formation, the HAC shall select a chair, vice chair and secretary.

5. Ad Hoc Sub-Committees and Interaction with Other Advisory Committees

The LPA has the authority to form other ad hoc sub-committees requesting participation by volunteers. The objectives of a sub-committee, expected products, membership and timelines should be clearly stated and agreed to by the LPA. One LPA member will be asked to chair the ad hoc sub-committee. The intent would be to minimize participation and action items directed at Staff.

A standing ad hoc sub-committee named the Historic Advisory Committee was established by Resolution 2006-03 (Appendix B).

During discussions arising from land use cases, long-range planning and capital improvement discussions, the LPA will proactively communicate to other appropriate advisory committees while keeping Town Council informed. These interactions could result in the development of joint resolutions.

6. Meeting Preparation and Planning

Meeting Schedule

Section 34-118 of the Land Development Code (LDC) states: “The local planning agency shall meet at least 8 times per year and shall meet no less often than bimonthly...” This statement was included in the LDC to emphasize that the LPA should meet regularly to conduct required Town business. Thus, as a minimum, the LPA must meet at least 8 times per year.

Regularly planned meetings of the Local Planning Agency (LPA) are scheduled by mutual agreement between the LPA, LPA Attorney and Community Development Director. Special, continued or rescheduled meetings will be determined by consensus of the LPA members, the Director of the Department of Community Development and the LPA attorney.

Length of Agenda Items

In order to set reasonable LPA agendas, the Community Development Director will use best efforts to establish the time needed for presentations, public comment and subsequent discussions of agenda items by the LPA. Any person submitting Administrative topics to the Community Development Director will provide an estimate of the time needed. If the time needed for a hearing, legislative matter or administrative topic exceeds the allotted time by more than 15 minutes, the Chair may table the item until later in the meeting or continue the item until a subsequent meeting.

Public Notice of LPA Quasi-Judicial Hearings

Except as specifically addressed in the Town Land Development Code, Town Clerk shall advertise all LPA quasi-judicial hearings so that a legal notice will appear at least seven (7) calendar days prior to the LPA hearing date, to enable all interested parties to have notice and the ability to attend. The Community Development Director or designee will enter the *News-Press* Affidavit of Publication into the record at the beginning of the hearing. In the absence of the Affidavit of Publication, the Community Development Director or designee will enter a copy of the actual advertisement as run by the *News-Press* into the record at the beginning of the hearing after being sworn in. The affidavit, or actual advertisement, as the case may be, will be attached to the LPA Resolution following the hearing.

Continued Hearings and Legislative Issues

It is the goal of the LPA to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any LPA member who missed the initial hearing should review the audio and/or videotapes prior to participating in the continued hearing or legislative discussion and resolution.

If the applicant submits new information or modification(s) to previously submitted information at the hearing, or immediately prior to the hearing, the LPA shall consult with the Director of the Department of Community Development and the LPA Attorney to determine if a continuance of the hearing is appropriate and proceed accordingly. Nothing contained in this section shall be construed to limit the Director's discretion to defer or continue the public hearing as set forth in LDC Section 34-213(3).

Meeting Preparation

Any LPA member, the Community Development Director, the LPA attorney, Town Council and Town Manager can submit meeting agenda topics for the LPA to the Community Development Director. Topics should be submitted at least fourteen (14) days prior to a planned meeting. The Director of the Department of Community Development and LPA attorney are responsible for scheduling hearings. Potential dates for hearings should be communicated to all participating parties as far in advance of the planned meeting as possible. All staff reports should be complete before a hearing is scheduled. Except in the case of an emergency, cancellation of a planned meeting should be at least 14 days in advance. Only under serious, extenuating circumstances should a hearing be cancelled after it has been publicly noticed.

The goal is to have finalized agenda and supporting material seven (7) days prior to a planned and

noticed meeting. However, meeting materials will be placed in the LPA members' mailboxes no later than noon of the Friday prior to the scheduled Tuesday meeting. The Community Development Director or assistant will send an email to the LPA members when the packets are available.

The LPA members' packets should include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.) A sincere effort is made to see that LPA packets are complete. As a general rule, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall. Copies of the agenda are available to the public.

Occasionally an item comes up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions are kept to an absolute minimum so as not to burden the LPA or the public with items not receiving sufficient advance notice. Important, potentially controversial items are not made as "add on items" except in extreme emergencies.

Attendance Policy

Section 34-115(3) of the Land Development Code (LDC) states: "A Local Planning Agency member shall forfeit office if the member is absent from three (3) regular local planning agency meetings per year without being excused by the local planning agency." This statement was included in the LDC to recognize that because of the significant pre-hearing preparation required by staff, applicants and other supporting personnel it is imperative that a quorum of the Local Planning Agency (LPA) members be present for all noticed meetings.

The LPA should be notified of a planned absence as soon as known. It is important that the LPA know that it will have a quorum of its members as soon as possible prior to an LPA meeting. The LDC implies that the LPA has the discretion to define what will be an "excused" absence. The policy of the LPA is that if an absence is reported at least fourteen (14) days prior to a planned meeting the absence will automatically be considered an excused absence. This will allow sufficient time for a planned meeting to be rescheduled if it appears that a quorum will be questionable.

Absence notification less than 14 days prior to a planned meeting is considered an "emergency." If an excused absence is desired in less than 14 days, a request must be forwarded to the Community Development Director with an explanation of the nature of the emergency. The Local Planning Agency will decide whether the request will be considered an excused absence. If the LPA or Community Development Director receives no request for an excused absence, the absence is counted as an unexcused absence.

Three unexcused absences for regularly scheduled LPA meetings will result in automatic forfeiture of office.

"Chronic" absence is defined as missing three consecutive regularly scheduled meetings or four of the last six meetings of the LPA, regardless of whether the absence is excused or unexcused. If a chronic absence occurs, the Community Development Director will be asked to send a letter to the LPA member requesting an explanation of the reasons for the chronic absence. A copy of the letter will be sent to the Town Manager and Town Council. The LPA member will be asked to forward to the Community Development Director a statement of whether the LPA member wishes to remain on the LPA. Failure to reply will automatically make all absences unexcused and grounds for forfeiture of office.

In order to provide a diverse representation, it is important that the LPA strive to have as full representation as possible when conducting the Town's business.

Meetings and Communication between LPA and Town Council

As agreed at a workshop between LPA and Town Council members in September of 2009, efforts should be made to improve communications between the Local Planning Agency and Town Council. Previous means and those adopted at the above meeting shall be:

- The LPA shall appoint and send a representative to Town council public hearings on land use and proposed ordinances which have been acted upon by the LPA. This representative shall submit brief testimony (Council should have LPA resolution and meeting minutes, unless minutes approval waived by LPA) regarding the LPA hearings on the matter.
- The LPA "Action List" as updated subsequent to LPA meetings shall be submitted to the Director of Community Development, who shall in turn transmit to each Town Council member and the Town Manager and include this list in the next LPA meeting packet.
- A quarterly meeting to be attended by the Town Manager, Town Mayor and Local Planning Agency Chairperson shall take place at 1:00 PM on the third Wednesday of each of the following months; October, January, April and July. The purpose of this meeting will be to discuss current activities of the LPA and assure these are in accordance with direction from Town Staff and Town Council, as well as convey information to Staff and Council regarding the complexities or related issues of those activities.
- Routine workshops (informational meetings) to discuss current LPA activities and Town Council understanding of those activities shall be held between all LPA members, Town Council members, Town Manager, Community Development Director and Town and LPA Attorney starting at 9:00 AM and lasting no later than noon on the first regularly scheduled LPA meeting day of April and September.

7. Meeting Procedures

LPA Code of Conduct

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Local Planning Agency pledges to adhere to the following CODE OF CONDUCT.

1. Regularly attend all scheduled meetings of the LPA as well as special or called meetings relevant to the office.
2. Prepare for each meeting.
3. Create a positive environment in meetings of the LPA.
4. Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
5. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meeting of the LPA.
6. Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff.

7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Respect all local, state and federal laws, rules and other regulations.
9. Submit completed financial disclosure forms to the Lee County Supervisor of Elections by the specified deadline.
10. Publicly acknowledge the adopted position when asked about a decision of the LPA.

LPA Code of Ethics

Members shall ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the citizens served by the Local Planning Agency and by promoting public confidence in the integrity, independence, ability and impartiality of the LPA.

1. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.
2. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the LPA and shall not attempt to use their office to influence or sway the professional staff recommendation.
3. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with LPA business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
4. Members shall avoid creating the appearance of impropriety by following the requirements of the Land Development Code with regard to ex parte about specific upcoming LPA quasi-judicial hearings. If a Member receives a private written or electronic communication about an upcoming LPA quasi-judicial hearing, the Member will promptly forward the information to the Town Clerk, with a copy to the Director of the Community Development Department and the LPA Attorney so that it may be shared with all other Members as part of the agenda packet for that hearing. Members shall refrain from any private discussion of LPA business with other Members if required by Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
5. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Members during LPA proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child, relative or business partner of the Member.
6. Members should refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A Member whose personal, employment or business relationship with a person or entity that is subject to a recommendation of the LPA shall seek the advice and counsel of the LPA Attorney, if such relationship could conceivably influence the Member's impartiality during the LPA's discussion of the subject. The provisions of Chapter 112, Florida Statutes, and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.
7. Members shall remain vigilant against deviations from LPA policies and mission statement.

As a legislative and quasi-judicial body, the LPA must be ever cognizant of the important legal requirements of due process and equal protection. These principles are derived from the United States Constitution, the Constitution of the State of Florida, and Florida Statutes, and apply to legislative and quasi-judicial actions.

The legal requirement for due process is separated into two prongs: substantive due process and procedural due process. The principle of substantive due process requires the benefits of a given

regulation be within the scope of governmental authority, i.e., health, safety, morals, or general welfare, and that the regulations be accomplished in a rational manner, i.e., not be arbitrary or capricious. This is a principle of fundamental fairness in the substance of a given regulatory scheme or provision.

The other due process prong, procedural due process, requires a fair method of adjudicating the rights of property owners, requiring notice and an opportunity to be heard by an impartial decision maker. In legislative matters, this requirement is derived from Florida Statutes, which provide the type and period of notice depending on the nature of the property interest subject to regulation at a public hearing. Quasi-judicial decisions have an underlying Constitutional requirement for procedural due process.

Equal protection limits governmental regulation from establishing irrational classifications, protects the rights of suspect and quasi-suspect classes, and assures against the exercise of fundamental or important rights of persons in ways different from others.

Key overarching principles to keep in mind is that every person must be treated equally and reasonably by the quasi-judicial or legislative substance and process and that decisions and recommendations be deliberated in an open process with adequate notice and allowance for participation of affected parties. Reasonable, consistent, and timely notifications in quasi-judicial matters to be heard by the LPA provide an applicant and other parties potentially affected by a requested decision these fundamental protections.

Order of Agenda Items

The general order of the agenda will proceed as follows. However, the procedures will differ depending on what type of hearings is being held.

1. Call To Order – Identify for the record the committee that is meeting, the date of the meeting and who is present.
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes – Requires a motion and vote.
5. Public Hearings – Public Comment will be included as part of the hearing
6. Administrative Agenda – Topics submitted by LPA members, staff, LPA Attorney or items from previous agendas
7. Adjourn as LPA; Reconvene as Historic Preservation Board (HPB)
8. Adjourn as HPB; Reconvene as LPA
9. LPA Members Items and Reports
10. LPA Attorney Items
11. Community Development Director Items
12. Action List Review
13. Public Comment
14. Adjournment – Requires a motion and vote. A privileged motion allowing no discussion before vote.

Invocation

The Chair of the LPA has the discretion of deciding how the Invocation at the beginning of an LPA meeting is handled. However, there is a tradition that has been followed by many LPA's. At the first LPA meeting on April 9, 1996, Chair John Mulholland read an invocation that he had written while Commander of the Power Squadron. Betty Simpson, who was Vice Chair at that time, has carried John's invocation to each subsequent LPA. The Chair has either read the invocation or different LPA members have been asked or volunteered to read the invocation. The invocation reads as follows:

Heavenly Father, we ask that you bless us with your presence here today.

Grant to us the wisdom to see all things in true perspective.

Grant to us the patience to hear one another with open minds and hearts.
Grant us the strength to meet all present challenges.
May all that we do this day, bring honor to you and credit to ourselves. Amen.

Conduct of LPA Meetings

The Chair will conduct the LPA meetings, and in the Chair's absence by the Vice Chair.

Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of the LPA meetings when not in conflict with the Town Charter or Florida Statutes. It is not intended that LPA meetings be unnecessarily formalistic, but rather that parliamentary procedure be invoked only when necessary for orderly conduct of the meeting.

The approval of the minutes is intended for LPA members to accurately document the proceedings of the Agency. Before moving approval the minutes should be amended, if necessary, to more accurately portray what occurred at the LPA meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what actually was done. Audiotapes of the proceedings become the official record of what transpired during a meeting.

When the Chair recognizes a speaker during public comment, they will advance to the podium and state their name for the public record. Public comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by majority vote of the LPA. If a special interest group would prefer to have one person speak for a group of individuals in attendance their allotted times can be combined up to a maximum of 15 minutes. This process could save meeting time if the content of what each person of a special interest group intends to say is similar. It could also allow more time for a presentation containing detailed facts and data. If a special interest group chooses to have a spokesperson represent them, request cards having the names and addresses of all individuals present must be provided prior to the meeting. The public comment times are intended as opportunities for interested parties to present their viewpoints to the LPA members; they are not intended as question-and-answer sessions or as dialog with the LPA.

After a proper motion, discussion by the LPA members shall be limited to agenda items. No member will speak twice on the item until all others who want to speak have spoken.

The time period for LPA members' comments is intended as an opportunity for LPA members to share their viewpoints with each other. Since this opportunity does not exist outside of LPA meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Community Development Director or Town Attorney which could be obtained outside of the LPA meeting. While there is no time limit or censorship on comments, LPA members should take into consideration the total time available in the meeting for the published agenda.

Legislative Hearing Procedures

1. The Chair opens the hearing on.....
2. Staff presents Affidavit of Publication or copy of the legal advertisement from the Newspaper of Record which shall become an exhibit to the Hearing's resulting Resolution.
3. The Chair or the LPA Attorney reads the ordinance caption.
4. Staff and/or the LPA attorney present(s) a brief overview of the ordinance.
5. Public input is taken.
6. Public input is closed.
7. LPA members ask questions, if any, of staff/LPA attorney.
8. LPA members discuss ordinance, including changes, deletions, etc.

9. A Motion is made and seconded to either move the Ordinance forward to Town Council as-is or with modifications, or to take some other action. The LPA's recommendation is set forth in an LPA Resolution which is provided to Town Council at the time of Council's consideration of the Ordinance.
10. The Motion is discussed and voted upon. If successful, the Chair declares the hearing on the ordinance to be concluded. If not successful, further motions(s) are made until one passes.

Notes:

- There is no ex parte disclosure requirement for legislative hearings.
- Members of the public are not sworn in.
- Generally there is no discussion between the LPA and public.

Procedure for Quasi-Judicial Land Use Hearing

1. The Chair opens the hearing on
2. The LPA Attorney swears in all witnesses.
3. Staff presents Affidavit of Publication or copy of the legal advertisement from the Newspaper of Record which shall become an exhibit to the Hearing's resulting Resolution.
4. The Chair asks if any LPA member has had an ex parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record.
5. The applicant presents its case and LPA asks questions.
6. Staff presents its case and LPA asks questions.
7. Public comment/testimony is opened.
 - After public testimony/comment is concluded, the Chair closes public comment/testimony.
8. Applicant presents rebuttal, if any.
9. Staff presents rebuttal, if any.
10. The testimony portion of the hearing is closed.
11. LPA discussion.
12. Request for a motion on the resolution.
13. LPA votes on a resolution regarding the application.

Voting Conflicts

Florida Statute has very specific rules regarding voting conflicts and municipal advisory committees, boards and agencies. These rules are different from the rules that apply to the Council.

If an LPA member has a voting conflict, he/she must disclose that conflict in writing to Town staff prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. The committee member is permitted to participate in the discussion and vote on the subject. The specific rules are set out in F.S. 112.3145(4), quoted below:

(4) No **appointed** public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by who he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the

special private gain or loss of a relative or business associate of the public officer, **without first disclosing the nature of his or her interest in the matter.**

(a) Such disclosure, indication the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, **prior to** the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally **at the meeting** when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term “participate” means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.

Perceived conflicts of interest can be as detrimental to public trust as real conflicts. In an attempt to aid LPA members’ manage such perceptions, the LPA Attorney has prepared advice regarding frequent situations in which LPA members find themselves. These are found in Appendix G.

NOTE: F.S. 112.3143(b) defines “relative” as follows: “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

8. LPA Meeting Output

The primary responsibility of the LPA is to provide recommendations to the Town Council regarding comprehensive planning policies, land development code regulations, zoning matters and make decisions regarding historic preservation opportunities.

LPA output to the Town Council will include the following at the discretion of the LPA:

A. Quasi-Judicial Hearing:

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. LPA approved minutes providing a summary of:
 - a. Testimony by applicants, their attorneys, Town and/or County staff, the LPA attorney, witnesses and people who offer public comment, and
 - b. Issues raised by LPA members with subsequent discussion content including clarifications, conclusions and agreements, and Motions and votes by LPA.
3. One or more members of the LPA will attend the Town Council meeting in order to provide clarification on their recommendations and to answer inquiries.

B. Legislative Hearing:

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. LPA approved minutes.

3. One or more members of the LPA will use best efforts to attend the Town Council meeting in order to provide clarification on their recommendations and to answer inquiries.

These LPA outputs must be available before the first Town Council hearing on an issue. However, at the discretion of the LPA exceptions may be made in emergency situations. Minutes from hearings will normally be approved at the subsequent LPA meeting. A “fast-tracked” hearing may have the minutes waived for the Town Council hearing at the discretion of the LPA.

It is noted that audio and /or video recordings of LPA meetings may be available for public, LPA, or Town Council review should clarification, additional understanding of discussions, or for finding errors or omissions.

On a regular basis, as often as monthly, the LPA will submit to the Town Council a synopsis of accomplishments and any issues that might be of interest. As needed, a request will be made to address Town Council.

9. LPA’s Role in Initiating Legislative Changes to the Land Development Code

In the course of performing its duties, the LPA is made aware of legislative issues that could be considered as amendments to the Land Development Code. Before initiating a request for support from Town Staff, the LPA attorney and/or our Planning Consultant to pursue potential LDC amendments, a resolution will be sent to Council requesting their approval to proceed. The format to be used is included in Appendix A and can be modified without re-approving the Policies and Procedure Manual.

The Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual was adopted on February 27, 2007. Revised May 15, 2007. Revised March 18, 2008. Revised September 9, 2008. Revised January 27, 2009. Revised June 23, 2009, Revised September 17, 2009, Revised September 29, 2009.

Appendix A – Sample Resolution Requesting to Proceed with an LDC Change

FORT MYERS BEACH, FLORIDA

RESOLUTION NUMBER 20__-__

WHEREAS, the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA is statutorily responsible for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council as to the consistency of such proposals with the adopted Comprehensive Plan (Plan); and

WHEREAS, Section 34-120(4) of the Town Land Development Code (LDC) states that the LPA will review proposed LDC amendments and make recommendations to the Town Council regarding their consistency with the Plan, and

WHEREAS, Section 34-120 (12) of the LDC states that the LPA will aid Town officials charged with the direction of projects or improvements embraced within the Plan and generally promote the realization of the Plan; and

WHEREAS, Section 34-120 (14) of the LDC states that the LPA will perform any other duties which lawfully may be assigned to it by Town Council; and

WHEREAS, the Town Council determined at its meeting of October 9, 2006, that prior to the LPA's initiation of any proposed LDC changes, the LPA must inquire of the Town Council whether the Town Council wished to have such legislative changes initiated by the LPA.

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

1. At its regularly scheduled meeting(s) of _____, 20__, the LPA determined that it wishes to initiate legislation on the following subject(s): _____

2. The LPA hereby requests direction from the Town Council as to whether the Town Council wishes to have the LPA initiate legislative changes to the LDC on such subjects.

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

Name _____	Name _____
Name _____	Name _____
Name _____	Name _____
Name _____	Name _____

DULY PASSED AND ADOPTED THIS ____ day of _____, 20__.

LPA of the Town of Fort Myers Beach

By: _____
Name, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Name, Esquire, LPA Attorney

By: _____
Name, Town Clerk

Appendix B - Resolution HPB 2006-03 Establishing the Historic Advisory Committee

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER HPB 2006-03

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources, evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC, increase awareness of historic preservation and its community benefits by promoting public education programs, and administer programs aimed at the proper recognition of designated historic resources pursuant to Section 22-74 of the LDC; and

WHEREAS, the HPB has the power to create an advisory committee to assist the HPB with historic preservation matters and to charge such committee with various and sundry duties; and

WHEREAS, this advisory committee will have no quasi-judicial or legislative powers but rather will function in an informal advisory capacity to the HPB; and

WHEREAS, the advisory committee will be subject to the Sunshine and Public Records Laws of the State of Florida.

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

The Historic Preservation Board does hereby create the Fort Myers Beach Historical Advisory Committee (FMBHAC), with the following restrictions:

1. The FMBHAC shall be subject to the Sunshine and Public Records Laws of the State of Florida.
2. The FMBHAC will be comprised of seven (7) members appointed by the HPB, all of whom shall be residents, business owners, or property owners within the Town of Fort Myers Beach.
3. Three (3) members of FMBHAC shall be current members of the HPB and four (4) members shall be appointed by the HPB after due consideration of recommendations by the Estero Island Historic Society.

4. The FMBHAC shall meet on an as-needed basis, keep its own minutes, and hold all meetings at Town Hall.
5. The HPB shall appoint all initial members of FMBHAC no later than the first meeting of the HPB in October, 2006. Thereafter, commencing with June, 2007, the HPB shall appoint all members of FMBHAC on an annual basis at the first meeting of the HPB in June.

The foregoing Resolution was adopted by the Historic Preservation Board upon a vote following motion by Board member Tom Babcock and second by Board member Bob Raymond, the result of which was as follows:

Tom Babcock	aye
Randy Brown	aye
Rochelle Kay	absent
Larry Kiker	aye
Alan Mandel	aye
Bob Raymond	aye
Bob Simon	absent

DULY PASSED AND ADOPTED THIS 12th day of September, 2006.

HISTORIC PRESERVATION BOARD OF THE
TOWN OF FORT MYERS BEACH

By: _____
Larry Kiker, Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
HPB/LPA Attorney

By: _____
Michelle Mayer, Town Clerk

Appendix C – Recognition Resolutions

The following Resolution format has been used to recognize past members of the LPA.

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2007-04**

WHEREAS, the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA was established in accordance with the requirements of the Town of Fort Myers Beach Land Development Code section 34-111 et seq.; and

WHEREAS, Section 34-113 sets forth the requirements for membership on the LPA; and

WHEREAS, Randy Brown has been a member of the LPA from April 2006 to April, 2007; and

WHEREAS, during his membership on the LPA, Randy Brown has provided exemplary service to the Town of Fort Myers Beach.

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

RANDY BROWN IS RECOGNIZED FOR HIS HARD WORK AND DEDICATED SERVICE TO THE TOWN OF FORT MYERS BEACH. HE CREATED A POSITIVE ENVIRONMENT FOR THE LOCAL PLANNING AGENCY WHILE MAINTAINING AN ATTITUDE OF COURTESY TOWARD COLLEAGUES, CITIZENS AND STAFF DURING ALL DISCUSSIONS AND DELIBERATIONS. HE DISCHARGED HIS DUTIES WITHOUT FAVOR OR PREJUDICE WHILE RESPECTING ALL LAWS, RULES AND REGULATIONS. HIS CONTRIBUTIONS INSURE THAT THE UNIQUE AND NATURAL CHARACTERISTICS OF THE TOWN OF FORT MYERS BEACH WILL BE PRESERVED.

The foregoing Resolution was adopted upon a motion by LPA Member Simon and seconded by LPA Member Mandel. Upon being put to a vote, the result was as follows:

Tom Babcock	<u>aye</u>	Alan Mandel	<u>aye</u>	Dennis Weimer	<u>aye</u>
Evie Barnes	<u>aye</u>	Bob Raymond	<u>aye</u>		
Rochelle Kay	<u>aye</u>	Bob Simon	<u>aye</u>		
Bob Simon	<u>aye</u>				

DULY ADOPTED THIS 10TH day of APRIL 2007.

LPA of the Town of Fort Myers Beach

BY: _____
Tom Babcock, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
LPA Attorney

By: _____
Michelle D. Mayher, Town Clerk

Appendix D - Historic Sign Criteria and Integrity Evaluation

The following is the a form for use by the LPA to evaluate the criteria and integrity of historic sign applications. Staff has documents that were approved by the LPA to be made available to applicants for historic signs that will explain the intent of the Comprehensive Plan and clarify for documentation that would be useful when filing an application.

Historic Sign Criteria and Integrity Evaluation

Town of Fort Myers Beach

Eligibility Criteria (select one): ___ Building ___ District ___ Site ___ Structure ___ Object

INTEGRITY CONSIDERATIONS (Review all)	Quality of Significance Criteria (Select one)				
	Events	Persons	Distinctive Characterisitcs	Historical Information	Overall District Significance
Location					
Design					
Setting					
Materials					
Workmanship					
Feeling					
Association					

Eligibility Criteria

Building. A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Structure. A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Object. An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

District. A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Quality of Significance Criteria

Events. It was associated with events that significantly contributed to broad patterns of our history.

Persons. It was associated with the lives of persons significant in our past.

Distinctive Characteristics. It embodies the distinctive characteristics of a type period, or method of construction, or possesses high artistic values, or represents a significant distinguishable entity whose components may lack individual distinction.

Historical Information. It has yielded (or may yield) information important to prehistory or history.

Integrity Considerations

Location is the place where significant activities took place. This quality requires that to a large extent the boundaries remain intact.

Design is the composition of elements comprising the form, plan, and spatial organization. Design may have resulted from conscious planning decisions set forth in the historic plat, project specifications, building contracts or deed restrictions, or it may be the result of the personal tastes and individual efforts of homeowners to shape their domestic environment. Integrity of design can be affected by changes. Small-scale additions may not detract in a major way from the historic character. Large-scale additions, however, alter the spatial relationship and generally threaten integrity of design.

Setting is the physical environment within and surrounding the resource. Integrity of setting requires that a strong sense of historical setting be maintained within the boundaries. This relies to a large extent on the retention of built resources, street plantings, parks and open space. Elements of design greatly affect integrity of setting, and those consistent with the historic character or dating from the period of significance add to integrity. Small-scale elements such as plantings, gateposts, fences, swimming pools, playground equipment, and parking lots detract from the integrity of setting unless they date to the period of significance.

Materials include the construction materials of dwellings, garages, roadways, walkways, fences, curbing, and other structures, as well as vegetation planted as lawns, shrubs, trees, and gardens. The presence of particular building materials (e.g., stone, stucco, brick, or horizontal siding) may be important indicators of architectural style and methods of construction that give some neighborhoods a cohesive historic character. Integrity of materials requires that the resource retains the key exterior materials that marked its identity during the historic period. The retention of original materials in individual dwellings may be less important in assessing the integrity of a neighborhood significant for its plan or landscape design. Original plant materials may enhance the integrity, but their loss does not necessarily destroy it. Vegetation similar in historic species, scale, type and visual effect will generally convey integrity of setting although integrity of materials may be lost.

Workmanship is evident in the ways materials have been fashioned for functional and decorative purposes to create houses, other buildings and structures, and a landscaped setting. This includes the treatment of materials in design, the planting and maintenance of vegetation, as well as the construction methods of small-scale features such as curbs and walls. Integrity of workmanship requires that architectural features exhibit the artistry or craftsmanship of their builders and that the vegetation historically planted for decorative and aesthetic purposes be maintained in an appropriate fashion and replaced in kind when damaged or destroyed.

Feeling, although intangible, is evoked by the presence of physical characteristics that convey the sense of past time and place. Integrity of feeling results from the cumulative effect of setting, design, materials, and workmanship.

Association is the direct link between a historic resource and the important events that shaped it. Continued residential use and community traditions, as well as the renewal of design covenants and deed restrictions, help maintain a neighborhood's integrity of association. Additions and alterations that introduce new land uses and erase historic elements of design threaten integrity. Integrity of association requires that a historic resource convey the period when it achieved importance and that, despite changing patterns of ownership, it continues to reflect the design principles and historic associations that shaped it during the historic period.

Appendix E - Legislative Change Process

The LPA evaluated the process of making legislative changes to the Land Development Code (LDC). The results of the study have been depicted as a flow chart as well as a written description of each sub-process. The arrows in the flow chart represent the direction that work “flows” through the process. Circles are inputs, such as a change request, or outputs, such as a resolution to be sent to Town Council. Rectangle boxes are places where action or work is taking place. A diamond is a decision point that may send the workflow in different directions dependent on the decision made. A “bullet” symbol is where the workflow is on “hold” until the next action can be scheduled. Holds are not necessarily a bad thing, but they can be areas of opportunity for moving change requests through the system faster. Finding ways to reduce the number of steps in a process flow is another way to reduce the time required to make changes to our LDC.

The flow chart also indicates who is “accountable” for each process operation. “Accountability” does not mean that person is “responsible” for doing all the work. It is their job to see that the work gets done.

Future LPAs and Town Councils may want to consider ways that the legislative change process can be altered to improve process time. Until then, performance can start to be measured in order to establish a baseline. One action that has been initiated is to generate a Legislative Change Action List (LCAL). The LCAL will provide clarification of the change requests, the priority and current status. Legislative requests will be categorized into LDC change that:

1. Require policy recommendations from the LPA through workshops or ad hoc committee activities. These changes would be substantive and likely time consuming for staff, consultants and LPA, but not necessarily the highest priority.
2. Are state mandated changes and recommendations of the Evaluation and Analysis Report (EAR) that are time sensitive. These may or may not be complex, but are high priority.
3. May need to be clarified for legal reasons. Complexity and priority must be determined on an individual case.
4. Need staff time. Most of these changes are clerical in nature, but can be time consuming. Priority is often low, but need to be made visible.

The LPA will prioritize, schedule and determine a path forward for legislative change requests that fall into LCAL category 1. Accountability for categories 2 through 4 belongs to the Town Manager, with likely input from the Director of Community Development, the LPA Attorney and the Town’s Planning Consultant.

A regular approach to legislative changes allows interested parties a predictable methodology to participate in the legislative process. For example, the Florida Legislature meets on an annual basis—unless a special session is called—at the same time each year to consider changes to the laws of the State. The effective date of these laws may vary to allow for a phased approach to changes in the law that might best occur if affected parties are afforded a reasonable period of time for adjustment to the change. From time to time, the LPA may wish to establish and refine the timing aspects of its legislative process to improve manageability and predictability.

Town of Fort Myers Beach Legislative Change Process

Overarching Principles:

- Trust is placed in the hands of those accountable for each step in the process to do their job to their best of their ability.
- Open, honest and timely communication will be maintained at all times.
- All parties in this process will be treated with respect.

Sub-Processes

A. Request Initiation

Requests to change the Land Development Code (LDC) can be initiated by: the Town Manager, the Town Council, the Local Planning Agency, a group/committee or an individual.

Process:

- Requests from the Town Manager and Town Council proceed directly to the “assign action” sub-process.
- LPA change requests are forwarded to Town Council for approval to proceed.
- All individual or group initiated LDC change requests come to the LPA for review and action. Consistency with the Comprehensive Plan will be the criteria for approving or denying requests.
- The Town Clerk handles scheduling functions with direction from the Town Manager or designee (likely the Community Development Director).

B. Assign Action

Process:

- The Town Manager or designee is accountable for the Legislative Change Action List (LCAL) with input from Planning Consultant, Staff and LPA Attorney.
- Each legislative change request will be put into a category for the purpose of prioritizing and scheduling.
- The LCAL will be reviewed at every LPA meeting.

C. Assessment

Assessment of an LDC change request can follow several paths depending on the complexity of the request and the expertise required for making recommendations. The Town Manager or designee, the Planning Consultant and the LPA Attorney, choose the process path.

Process:

- Determine whether recommendations are needed from an ad hoc or standing committee.
- Determine whether a workshop is needed.

- Workshops will include: Planning Consultant, appropriate staff, LPA Attorney, LPA members, ad hoc or advisory committees (as needed) and the public.
- Recommendations from committees and/or workshops will be documented by resolution.
- Once all recommendations have been received, drafting of the LDC change can commence and an LPA hearing scheduled.

D. LPA Hearing

Process:

- The LPA must approve or reject LDC changes or possibly suggest multiple wording options for consideration by Town Council.
- Recommendations must be consistent with the Comprehensive Land Use Plan.
- Explanation of recommendations are forwarded to Town Council by resolution.

E. Town Council Hearings

Process:

- Introduction of Ordinance
- First Hearing
- Second Hearing. Approved or denied based on consistency with the Comprehensive Land Use Plan.
- At each hearing, Council may choose to deny the change request, return it to the LPA and/or committees and/or workshop participants for rework, or table it.

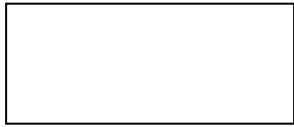
F. Documentation

Process:

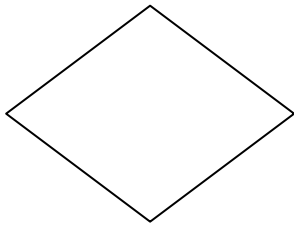
- If the ordinance is approved by Town Council, the Town Manager is accountable for seeing that appropriate steps are taken to codify and distribute changes in the Town of Fort Myers Beach Land Development Code.

Legislative Change Process for the Town of Fort Myers Beach

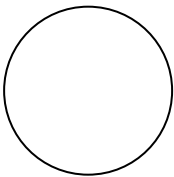
Flow Chart Symbols Used:



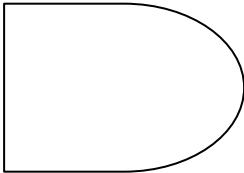
Process Operation



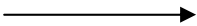
Decision (A Decision will have two or more directions of flow)



Input/Output



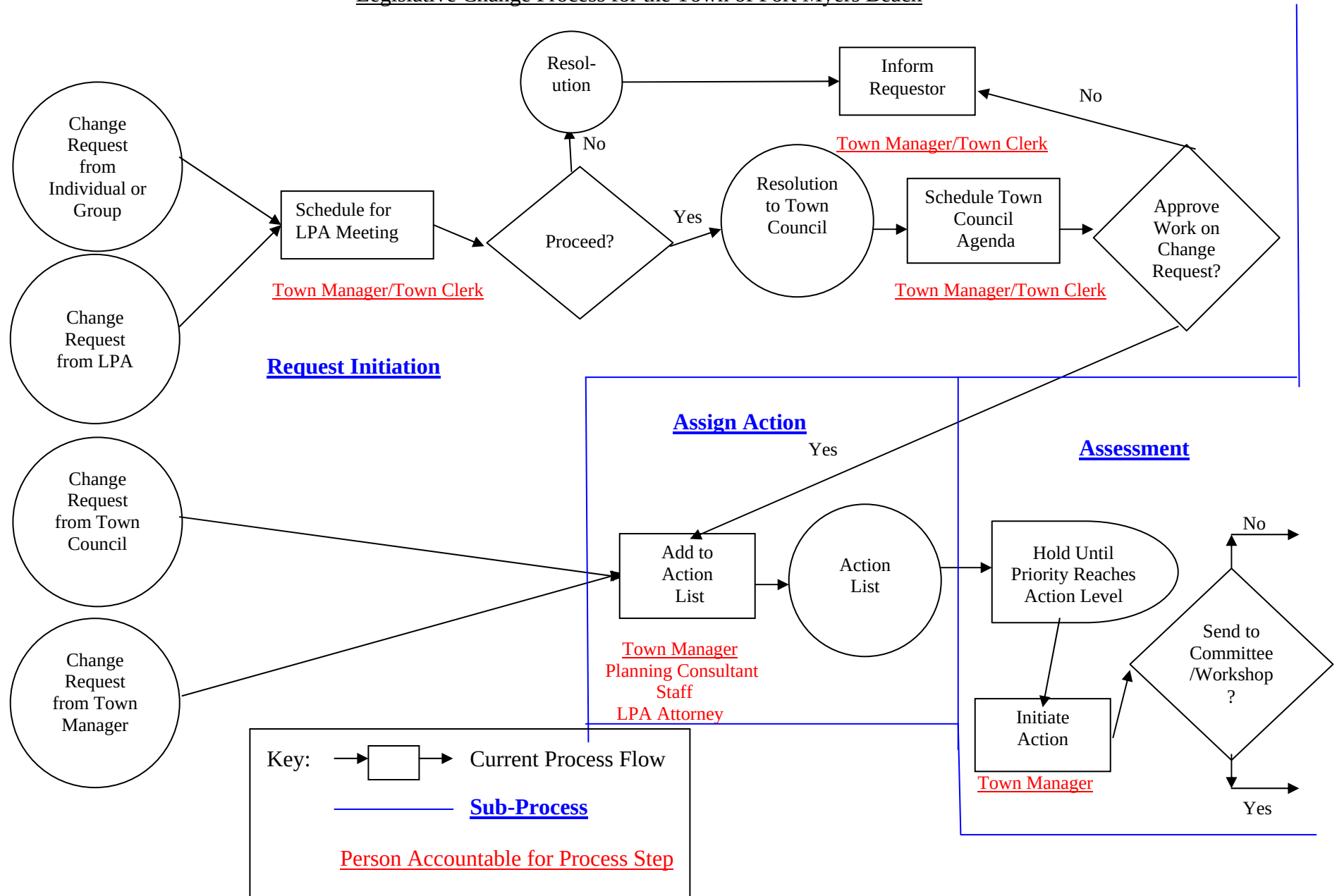
Delay/Wait/Hold



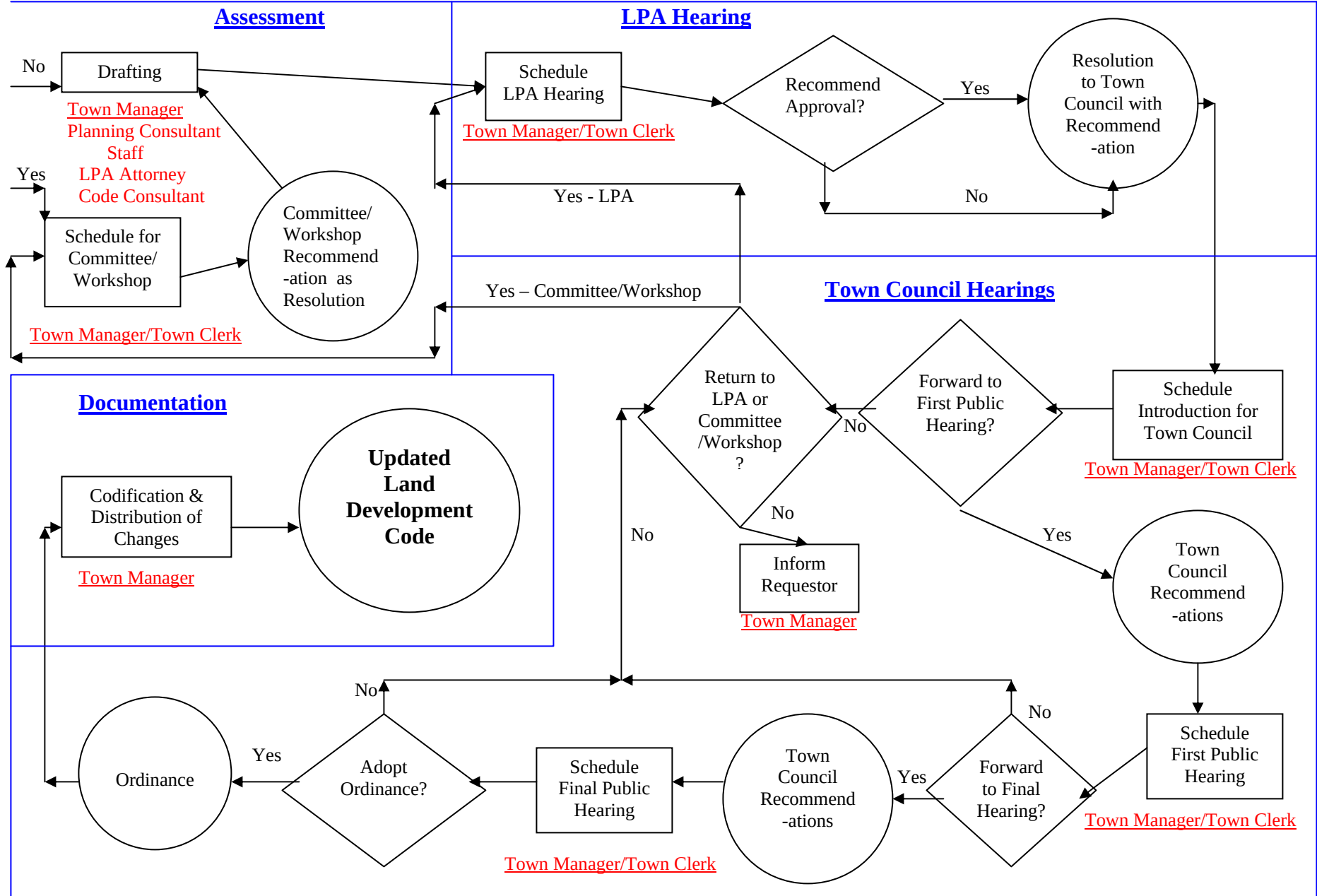
Direction of Flow

The flow chart is a graphic method for displaying a work process and sequence of activities. It graphically shows the process and potential opportunities for improvement within the process. It also identifies starting inputs and ending outputs that establish boundaries of ownership. This sequence of activities is represented by various flow chart symbols, which are connected by a direction of flow arrow.

Legislative Change Process for the Town of Fort Myers Beach



Legislative Change Process for the Town of Fort Myers Beach



F. Historic Plaque Resolution and Agreement

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2008-01

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH,
FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources, evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC, increase awareness of historic preservation and its community benefits by promoting public education programs, and administer programs aimed at the proper recognition of designated historic resources pursuant to LDC Section 22-74.

NOW THEREFORE, THE HISTORIC PRESERVATION BOARD RESOLVES AS FOLLOWS:

1. The HPB hereby approves the Town of Fort Myers Beach Historic Preservation Board Historic Plaque Agreement for use by the Town in the Historic Plaque Program. A copy of this Agreement is attached to this Resolution as Exhibit "A" and is hereby incorporated by reference.

The foregoing Resolution was adopted by the HPB upon a motion by _____ and second by _____. Upon being put to a vote, the result was as follows:

Thomas Babcock	_____	Bob Raymond	_____	Alan Mandel	_____
Evie Barnes	_____	Bob Simon	_____		
Rochelle Kay	_____	Dennis Weimer	_____		
Alan Mandel	_____				

DULY PASSED AND ADOPTED THIS 19th day of February, 2008, by the Historic Preservation Board of the Town of Fort Myers Beach

By: _____
Bob Raymond, HPB Chair

Approved as to Legal Sufficiency

ATTEST: _____
Michelle D. Mayher, Town Clerk

By: _____
Anne Dalton, LPA/HPB Attorney

TOWN OF FORT MYERS BEACH: HISTORIC PLAQUE AGREEMENT

The undersigned person represents that he/she is the owner of the property with the following street address: _____, Fort Myers Beach, Florida 33931, with a strap number of _____ (hereafter "Owner").

By signing below, Owner agrees to affix an historic plaque provided by the Town of Fort Myers Beach, a municipal corporation, on the structure located on the subject property, as follows:

(location and method of affixing). The Owner shall own the plaque. In the event of damage, loss or other casualty involving the sign, the Town may replace it, but shall not be obligated to do so.

The plaque shall contain the following language: _____

This permission is non-transferable to another structure or property. The owner, or any subsequent owner shall have the ability to terminate this Agreement without cause. In the event of such termination, the owner will remove the plaque and return it to the Town.

The undersigned waives any claim against the Town of Fort Myers Beach, its officers, agents representatives and employees arising from loss, injury or damage resulting from the subject matter of this Release and covenants not to bring any claim against the Town of Fort Myers Beach and its officers, agents representatives and/or employees related to the subject matter of this Release.

The undersigned has fully read, understood and agrees to every term in this Agreement.

DATE OWNER PRINT NAME

ADDRESS CITY, STATE, ZIP

(_____) _____
TELEPHONE

WITNESS PRINT NAME _____

WITNESS PRINT NAME _____

Appendix G – Conflict of Interest Advice

Below are several points which may be of interest to the LPA Members:

1. I have an ongoing attorney-client relationship in which the attorney gives legal advice but isn't otherwise involved in my business enterprises. That firm may represent others coming before the LPA in quasi-judicial hearings which are not related to his/her representation of me.

(a) Can I participate in LPA discussions and decision-making processes where my attorney is representing a different client?

ANSWER: yes. Assuming that this is a traditional attorney-client relationship, there would be no "special private gain or loss" to the LPA member under F.S. 112.3143(4) for his/her attorney to represent someone else before the LPA. An attorney relationship, by itself, does not create a "business associate" relationship under F.S. 112.312(4). If there are other relationships between the firm and the LPA member (joint ventures, employment of a relative, etc.), that would be covered by the conflict statute.

If the attorney provided information which is covered by the ex parte disclosure sections of the Land Development Code, the LPA member would make the same ex parte disclosure as he/she would for anyone else.

Even if this were a conflict of interest, the statute requires written, advance disclosure. It does not prohibit discussion or voting at the advisory committee level.

(b) Should I disclose the existence of this attorney-client relationship at the time the hearing starts?

ANSWER: It's a good idea. It's not legally required to disclose it since it's not a conflict of interest. However, in ethical matters, it's a good idea to go the extra mile. My suggestion would be to say something like "this law firm has represented me on matters which are not related to this hearing. The LPA attorney has advised me that there's no conflict of interest here but I wanted to disclose this for the record."

2. I have an ongoing relationship with local architects, engineers and other professionals. None of these persons are involved in my business enterprises in any other capacity. Those professionals may represent other persons coming before the LPA in quasi-judicial hearings which are not related to their representation of me. Is there a conflict of interest here?

ANSWER: See #1 above.

Excerpted from LPA Attorney Anne Dalton memo dated April 28, 2008.