



Fort Myers Beach Town Council

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

Agenda

Monday, June 17, 2024

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF FINAL AGENDA
- V. PUBLIC COMMENT
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
 - A. Tier 1 Project Update - Andrew Sitework
 - B. Estero Island Lighting Project Update - Florida Power & Light (FPL)
- VIII. APPROVAL OF MINUTES
 - A. Town Council - June 3, 2024
 - B. Management & Planning Session - June 6, 2024
- IX. CONSENT AGENDA
 - A. Special Event - Farmer's Markets
Shop Local Productions is requesting to have Farmer's Markets at: Santini Plaza from November 5, 2024 - April 4, 2025, and Times Square from September 9, 2024 - May 31, 2025
 - B. Resolution 24-130, Town Hall Trailer Contract Amendment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ITS PRIOR APPROVAL OF A CONTRACT WITH KIRKWOOD ELECTRIC IN THE AMOUNT OF \$73,620.00 FOR WORK NEEDED FOR THE NEW TOWN HALL TRAILERS TO INCREASE THE CONTRACT AMOUNT BY \$15,374.00 FOR ADDITIONAL NEEDED WORK, FOR A TOTAL CONTRACT PRICE OF \$88,994.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Ordinance 24-17; Amending Advisory Committee Requirements
1st Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-94 "QUALIFICATIONS AND APPOINTMENTS OF MEMBERS" AND SECTION 2-96 "REMOVAL OF AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS" OF DIVISION 2 "PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS" OF ARTICLE IV "BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES" OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING RESIDENCY AS A QUALIFICATION REQUIREMENT FOR THE TOWN'S AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS; ELIMINATING DUPLICATIVE LANGUAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER'S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE. Open the public hearing and schedule for second reading and final adoption on August 5, 2024 at 9:00 AM.
- B. Ordinance 24-16; Amending Schedule of Uses (Sandy Bottoms)
Second Reading and Public Hearing of an Ordinance Entitled: 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.
- C. Ordinance 24-15; DCI20230246; 125, 131-151 School St and 2661-2681 Estero Blvd (Myerside)
Second Reading and Public Hearing of an Ordinance Entitled: 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.

- D. Resolution 24-131; VAR20240071 - 1250 Estero Blvd (Cottage/Shuckers)
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.
- E. Resolution 24-133; VAC20240030- Pink Shell Resort Beach Access Easement Relocation
A RESOLUTION VACATING BEACH ACCESS POINT #42 LOCATED OVER REAL PROPERTY OWNED BY CAPTIVA VILLAS DEVELOPMENT LLC, GENERALLY LOCATED AT 200 ESTERO BOULEVARD, FORT MYERS BEACH; ACCEPTING AND APPROVING A COMPARABLE REPLACEMENT EASEMENT TO BE LOCATED ON REAL PROPERTY OWNED BY JABO, LLC, SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN A SECOND AMENDED AND RESTATED PEDESTRIAN RELOCATION AND VIEW EASEMENT AGREEMENT; DIRECTING THE TOWN CLERK TO RECORD THIS RESOLUTION; AUTHORIZING THE MAYOR TO SIGN ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
- F. Resolution 24-13; SEZ20230226, 275/322, 200 Estero Blvd and 192 Estero Blvd Common Element (Pink Shell)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- G. Resolution 24-134; 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.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 24-126; Authorizing Use of ARPA Funds to Reimburse Emergency Fund

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING 1) THE USE OF \$411,481 OF AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS TO REIMBURSE THE EMERGENCY FUND FOR EMERGENCY EXPEDITURES INELIGIBLE FOR REIMBURSEMENT BY FEMA, AND 2) AMENDMENTS TO THE FISCAL YEAR 2024 BUDGET RELATED TO THIS REIMBURESEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 24-127, Adoption of Financial Policies

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE ADOPTION OF FINANCIAL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution 24-128; Short Term Rentals

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, WAIVING THE REQUIREMENT FOR PROOF OF USE OF A DWELLING UNIT AS A SHORT-TERM VACATION RENTAL DURING THE PRIOR YEAR DUE TO THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA; DIRECTING TOWN STAFF TO ADMINISTER ANNUAL RENEWAL APPLICATIONS OF PREVIOUSLY REGISTERED MONTHLY AND WEEKLY SHORT-TERM VACATION RENTALS AND COLLECT SHORT TERM VACATION RENTAL FEES AS IF THE ANNUAL REGISTRATION WAS TIMELY RECEIVED AND THE HOUSES HAD BEEN RENTED DURING THE PRIOR YEAR UNTIL JUNE 1, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution 24-120; Tentative FY24/25 Millage Rate

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .#### MILLS FOR FISCAL YEAR 2024-2025 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2024-2025; AND PROVIDING AN EFFECTIVE DATE.

- E. Resolution 24-129; Condo Opt-Out Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUSPENDING DURING THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA THE REQUIREMENT FOR CONDOMINIUM ASSOCIATIONS TO

NOTIFY THE TOWN MANAGER IF THEY SELF-PERFORM AN ENFORCEMENT PROGRAM FOR VIOLATIONS OF THE CODE OF CONDUCT FOR SHORT TERM RENTALS AS PROVIDED IN SECTION 10-198(7) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; WAIVING PAYMENT OF THE REQUIRED FEE FOR EACH BUILDING FOR WHICH AN OPT OUT EXEMPTION WOULD OTHERWISE BE REQUESTED; AND PROVIDING AN EFFECTIVE DATE.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. ADJOURNMENT

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

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



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

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



Fort Myers Beach Town Council

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

Minutes

Monday, June 3, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Safford and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the final agenda with items C-I pulled from the Consent Agenda pulled for discussion, and items C and D on the Public Hearings switched, seconded by Council Member Safford.
The motion carried unanimously.

V. PUBLIC COMMENT

Bill Grady commented on the state of the Beach Baptist lot, Seagate and the Salty Crab.

Mike Miller talked about the London Bay project and their use of water taxis to their property and loss of visitors to other businesses on the island.

Jim Bougoulas thanked the Sheriff's office for directing traffic over Memorial Day. He encouraged Town Council members to work with the Sheriff's office or Lee County to extend the green light at Crescent to allow more cars to pass through.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt stated that members of the Chapel by the Sea church voted to dissolve. He reviewed historical facts about the church and shared pictures he took after the hurricane. He indicated that he asked the church for permission to display the dolphin stained glass window in the new Town Hall.

Council Member Woodson described the progress on the beach.

Council Member Safford congratulated Fort Myers Beach Strong for their reward from Southwest Florida, Inc.

Mayor Allers thanked Senator Scott for his comments at the press conference.

VII. PRESENTATIONS**A. Ron Book, Town Lobbyist Update**

Mr. Book recognized two members of his firm. He thanked Mayor Allers, Town Manager Hyatt and others for their support. He noted he was cautiously optimistic regarding the budget and listed funds received by the town so far. He encouraged residents to write letters to the governor. Town Council members thanked Mr. Book.

B. Michael Allen, President - ReVitale Development

Mr. Allen utilized PowerPoint for his presentation on affordable housing. Slides included Executive Summary and Project Information, Property Overview, Conceptual Site Plan, Ground Level Building Plan - Conceptual, Second Level Building Plan - Conceptual, Third-Fifth Level Building Plan - Conceptual, Renderings - Conceptual, Income and Rental Limitations, Project Timeline - Residential, Development Team and Relevant Development Experience. Mr. Allen estimated that the project's total cost would exceed \$30 million and he reviewed funding streams. The application deadline is June 26, 2024, for the multifamily new construction funds. He stated that the town would not be involved with an ownership structure if they chose not to. His firm would lease the land and be responsible for operations and liabilities. Mr. Allen explained why they were not required to have an audit and acknowledged that the town could stipulate an audit requirement in the lease. He described potential revenue-sharing scenarios with the town.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**A. Public Safety Committee update**

PSC member Jim Bougoulas described the emergency response system and noted it had limitations regarding connectivity with other entities. He indicated that they would continue with the current code red system and were interested in changing systems next year to line up with Lee County. He reviewed the results of the public safety survey and noted that 35 responses were received, but with the help of Beach Talk Radio, they now have 375 responses concerning safety. He added that the survey was still open for comments. PSC member Bougoulas discussed the bike safety master plan from 2017 and asked for support in participating in the upcoming R2P2 work. They also wanted to revisit the e-bike ordinance.

Town Council members supported their request to be involved with R2P2. PSC member Bougoulas noted they were brainstorming ideas to keep bikes off Estero Blvd.

Marine and Environmental Resources Task Force (MERTF) member Jennifer Rusk addressed corrections to the activity book. She will upload it to the town's website for review before she submits it for printing. She announced that the Fort Myers Beach Community Foundation awarded MERTF \$3,500.00 for educational outreach.

B. Local Planning Agency Appointment

James Dunlap and Christi Thorton submitted applications. Town Clerk Baker noted she received a late application last Friday. Town Attorney Vose revealed that Ms. Thorton did not live in Fort Myers Beach. Mr. Dunlap reviewed his background and experience. He was unanimously appointed to the LPA.

C. Audit Committee Appointment

Council Member King moved to appoint David Sandberg to the Audit Committee, seconded by Vice Mayor Atterholt. The motion carried unanimously.

D. Bay Oaks Recreational Campus Advisory Board Appointment

Christopher Doyle summarized his experience and background and Ed Schoonover did not attend the meeting. Council Member King moved to appoint Ed Schoonover to BORCAB, seconded by Council Member Safford. The motion carried unanimously.

IX. APPROVAL OF MINUTES

A. Town Council - May 20, 2024

Council Member King moved to approve the minutes, seconded by Mayor Allers. The motion carried unanimously.

X. CONSENT AGENDA

Council Member Woodson moved to approve items A. and B., seconded by Council Member Safford. The motion carried unanimously.

A. Resolutions 24-101 through 24-109; Extending State of Local Emergency Hurricane Ian

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution, seconded by Council Member Safford.

The motion carried unanimously.

- B. Resolutions 24-110 through 24-118; Extending State of Local Emergency Hurricane Idalia

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

Council Member Woodson moved to approve the resolution, seconded by Council Member Safford.

The motion carried unanimously.

- C. Resolution 24-119; Authorizing Extension of Angie Brewer Contract and STA #5

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, LC TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF AND OR OTHER GRANTS AND LOANS AVAILABLE TO THE TOWN, TO JUNE 9, 2025, BY THE EXERCISE OF THE SECOND OF TWO ONE-YEAR RENEWAL OPTIONS; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 5 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Council Member King pulled the item for discussion.

Finance Director Joe Onzick described the services that Angie Brewer provided. The total amount was \$246,000.00 and would be funded by the SRF loan program.

Council member King moved to approve the resolution, seconded by Mayor Allers.

The motion carried unanimously.

- D. Resolution 24-122; CDBG-DR Public Facilities Application Blight Resolution
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA DESIGNATING SPECIFIED AREAS IN THE TOWN AS BLIGHTED FOR THE PURPOSES OF APPLYING FOR A GRANT FROM THE LEE COUNTY CDBG-DR PUBLIC FACILITIES PROGRAM FOR FUNDS IN THE AMOUNT OF \$10,673,000.00 FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND/OR INSTALLATION OF PUBLIC FACILITIES AND FOR RELATED PURPOSES.

Mayor Allers read the total of the resolution. Operations and Compliance Director Frankie Kropacek explained the reason for resolutions in items D. and E.

Council Member King moved to approve both resolutions, seconded by Mayor Allers.

The motion carried unanimously.

- E. Resolution 24-121; CDBG-DR Critical Infrastructure Application Blight Resolution
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA DESIGNATING SPECIFIED AREAS IN THE TOWN AS BLIGHTED FOR THE PURPOSES OF APPLYING FOR A GRANT FROM THE LEE COUNTY CDBG-DR CRITICAL INFRASTRUCTURE AND PUBLIC FACILITIES PROGRAM FOR FUNDS IN THE AMOUNT OF \$5,000,000.00 FOR THE NORTH ISLAND WATER TOWER AND FACILITY PROJECT AND FOR RELATED PURPOSES.

Operations and Compliance Director Frankie Kropacek explained the reason for resolutions in items D. and E.

Council Member King moved to approve both resolutions, seconded by Mayor Allers.

The motion carried unanimously.

- F. Resolution 24-124; Accepting FDACS Contract #31125 Awarding the Town \$37,500.00 To Procure and Plant 75 Native Trees and Palms

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES CONTRACT #31125 AWARDED TO THE TOWN OF FORT MYERS BEACH \$37,500.00 TO PROCURE AND PLANT 75 NATIVE TREES AND PALMS IN THE COASTAL AREA; AUTHORIZING THE TOWN MANAGER TO EXECUTE CONTRACT #31125; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environment Projects Manager Chadd Chustz explained that the grant was applied for last year. He noted that the award did not allow Coconut palms because they were not considered native, so Royal palms or canopy trees were suggested.

Council Member King moved to approve the resolution, seconded by Council Member Safford.

The motion carried unanimously.

- G. Resolution 24-199; Ratifying Emergency Crescent Street Outfall Repairs and Budget Adjustment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION BY THE TOWN REGARDING EMERGENCY CRESCENT STREET OUTFALL REPAIRS BY ANDREW SITEWORK IN THE AMOUNT OF \$104,928.94; AND PROVIDING AN EFFECTIVE DATE.

Director Kropacek explained the reason for the resolution. Director Onzick stated the funding would be covered by the balance within the stormwater fund if it was not included in the original stormwater grant.

Council Member King moved to approve the resolution, seconded by Council Member Woodson.

The motion carried unanimously.

- H. Resolution 24-125; RFQ-20-22-AD; Axis Infrastructure STA 13 - Impact Fee Study

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AUTHORIZATION #13 OF CONTRACT RFQ-20-22-AD BETWEEN THE TOWN AND AXIS INFRASTRUCTURE FOR AN IMPACT FEE STUDY, FOR A COST OF \$85,065.00; AN PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager Hyatt noted they discussed the topic at a previous M&P session. Community Development Planner Sarah Propst stated that Axis would try to complete the study in seven months. Town Attorney Vose clarified that projects would be captured as long as developers came in for their building permits after the new fees were adopted. LPA Member Boan questioned whether a moratorium on issuing building permits could be put in place until the impact study is done. He felt that the town might be leaving money on the table during the interim period.

Council Member King moved to approve the resolution, seconded by Vice Mayor Atterholt.

The motion carried unanimously.

- I. Resolution 24-123; Comprehensive Vulnerability Assessment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #1 OF CONTRACT RFQ-22-25-AD BETWEEN THE TOWN OF FORT MYERS BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR A COMPREHENSIVE VULNERABILITY ASSESSMENT AND ADAPTATION PLAN FOR A COST OF \$141,000; AUTHORIZING THE TOWN MANAGER TO EXECUTE SUPPLEMENTAL TASK ORDER #1 OF CONTRACT #RFQ-22-25-AD; AND PROVIDING FOR AN EFFECTIVE DATE.

Projects Manager Chustz explained the plan included in the agenda packet and noted it would take a year to complete.

Council Member King moved to approve the resolution, seconded by Council Member Woodson.

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

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

A. Ordinance 24-13; Unsafe Structures

Second reading and public hearing on proposed Ordinance 24-13 entitled: ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING DIVISION 3 “UNSAFE BUILDING ABATEMENT CODE” OF ARTICLE I “PROPERTY MAINTENANCE CODES” OF CHAPTER 6 “MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS” OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO CLARIFY EXISTING PROVISIONS RELATED TO NOTICE AND EXCEPTIONS; TO AUTHORIZE NOTIFICATION BY CONSTRUCTIVE SERVICE; TO INCLUDE ATTORNEY’S FEES AND COSTS AND NOTICE EXPENSES TO THE DEMOLITION LIEN AGAINST THE PROPERTY ON WHICH THE UNSAFE BUILDING WAS LOCATED, AND TO AUTHORIZE USE OF THE UNIFORM METHOD OF COLLECTION FOR COLLECTION OF LIENS; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the proposed ordinance. Town Attorney Vose explained the reason for the ordinance as stated on the blue sheet. Mayor Allers questioned the timeline. Building Official Joe Specht explained the process of identifying unsafe buildings. After notification, the properties had 30 days to address the issue and the town would work with them. If the property owner does not respond to the notification, the building will be demolished. Official Specht stated that the town attorney had initiated title searches and that notices would be sent out soon. Council Member Safford questioned when the information would be made public. Town Manager Hyatt replied that he would follow the direction of the town attorney before any information was published. Official Specht described what he looked for when visually inspecting buildings. He added that installing a fence around a derelict building would not be allowed.

Town Attorney Vose stated that as soon as a second person sees a document that has been prepared, it becomes a public record. Official Specht indicated that meetings would occur more than once a week to expedite the process and Town Attorney Vose added that they could schedule conference calls every day.

No public comment.

Council Member King moved to approve the ordinance, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

B. Ordinance 24-14; DCI 20230197; 841 Estero Blvd

2nd Reading and Final Public Hearing on proposed Ordinance 24-14 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 841 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-0050B.0010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the proposed ordinance. Ex parte communications: Council Member King - none, Vice Mayor Atterholt – the topic came up at a recent neighborhood meeting, Mayor Allers - drove by the property many times, Council Member Woodson - knows the site, Council Member Safford - attended the same meeting as Vice Mayor Atterholt. The applicant confirmed receipt of the agenda and background materials.

Planner Propst reviewed the request as stated on the blue sheet.

Ken Gallander of The Neighborhood Company displayed the revised Master Concept Plan, which included the last deviation, elevations, and a building rendering. He estimated that permits would take six to nine months and construction would be a year from that date.

No public comment.

Vice Mayor Atterholt moved to approve the ordinance, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

C. Ordinance 24-15; DCI20230246, 125, 131-151 School Street and 2661-2681 Estero Boulevard

1st Reading and Public Hearing of an Ordinance Entitled: 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. Open the first public hearing and schedule for second reading and final adoption on June 17, 2024 at 9:00 AM

Mayor Allers read the title of the ordinance. Ex parte communications: Council Members Safford and Woodson - attended a neighborhood meeting and had conversations with the applicants; Mayor Allers and Vice Mayor Atterholt - attended a neighborhood meeting, had conversations with the applicants, received emails in support and against the project and had discussions with staff and Council Member King - attended a neighborhood meeting and received pro and con emails. The applicant confirmed receipt of the agenda and background materials.

Planner Propst reviewed the background of the request as stated on the blue sheet.

Vice Mayor Atterholt described implementing a DRAC (Do Not Rent A Car) incentive. Myerside would offer a \$100.00 credit if guests use a car service from and to the airport on their return, but only if they stayed three days or more. He proposed that Myerside enter a lease with the town for five parking spots if they encourage medical professionals in the facility, five spots for a dentist and five spots for a physical therapist for a total of 15 spots.

Attorney Noel Davies from Davies Duke represented the applicants. He noted they were agreeable with Vice Mayor Atterholt's idea and would work with the town attorney. They were not prepared to commit to offering discounts for car services, but they would discuss the topic. He stated this was a CPD to CPD rezoning application, not a comprehensive plan amendment.

Pat Vanasse from The Neighborhood Company presented slides titled Background, Approved CPD, Winkler Subdivision and Background - Moving Forward.

Ken Gallander from The Neighborhood Company continued discussing Background & Request, Aerial Photo of the Property, Master Concept Plan, Discussion & Analysis, Renderings, Zoned Height, Density/Intensity Discussion, Transportation and Parking, Parking Analysis, Other Mitigation Discussion, LDC Sec. 34-85(b) and (c) and Sec. 34-216, Sec. 34-216(4) Deviations, Public Benefits Discussion and Conclusion.

Public comment:

Bill Grady, resident, discussed the history of the sidewalk on Connecticut St. and how he surveyed the neighbors. He stated that after surveying the neighborhood regarding this project, everyone supported it, especially the commercial aspect. The neighborhood was excited about the design and supported the project.

Jim Boan, resident, noted that although the LPA recommended approval, he did not think that condition seven accurately reflected the LPA's concerns.

The LPA was concerned about the parking and he felt the parking language in the presentation was ambiguous. The ideal situation would be a condition

that a parking alternative would be presented to the town council before permits are issued.

Sherri Debroski, resident, felt the applicants worked hard to meet the town's needs and it was essential to have health care professionals on the island. She was 100% in favor of the project and everyone she spoke to was too. Public comment closed.

Council Member King moved to send the ordinance to a second reading on June 17, 2024, at 9:00 a.m., seconded by Council Member Woodson.

Vice Mayor Atterholt requested that his proviso be added regarding entering a lease with the town regarding five shared parking spots each for different medical professionals. He suggested adding that applicants can petition the town council if they secure another essential provider tenant. He also requested that his DRAC incentive be included for guests who use a car service.

Council Member Safford questioned whether they could commit to the five shared parking spaces. Town Attorney Vose noted there would be a license agreement. Council Member Safford felt that if the applicants committed to leasing 15 parking spots from the town, that would address the LPA's parking concerns. Vice Mayor Atterholt did not know if they would get credit for those parking spots until the applicants filled them. Council Member Safford explained why he did not think that DRAC was feasible for the owners. Vice Mayor Atterholt responded that the program was voluntary and no one was punished for not renting a car. It was an incentive to use a car service from and to the airport only. He did not see any downside to his idea. Council Member Safford thought it was a good idea, but he did not know how the town could dictate that they do it. Vice Mayor Atterholt stated that the applicant was asking for special consideration regarding density and height and they needed to offer a public benefit. He commented that he would push the same incentive on other developments that came before them. Council Member Safford described how difficult it would be to implement it. Council Member Woodson thought the amount was steep. Vice Mayor Atterholt responded that car services charge an average of \$50-\$75 from Fort Myers Beach to the airport.

Public comment reopened.

Mr. Vanasse suggested adding a chiropractor to the list of medical professionals. Vice Mayor Atterholt was not opposed to the suggestion if the council agreed. Town Manager Hyatt suggested leasing spacing for whoever came in, but Vice Mayor Atterholt did not want to remove the incentive. Town Manager Hyatt clarified that the town could lease the spaces for a fee if the applicant could not secure medical professionals. Planner Propst stated that the applicant did not think they needed the parking spaces and questioned whether they wanted to start off with the 15 spaces. She added that they had already agreed to research ways to encourage people not to bring their cars. She felt that they were putting the applicant at a disadvantage regarding DRAC.

Mayor Allers addressed the staff report that recommended approval except for the deviations. Planner Propst read from the staff report that stated staff finds the CPD with deviations meets the criteria. Mayor Allers noted that what the owners did with the property in the past was a yeoman effort and this project was the best looking on the island. He felt they were trying to fit a square peg into a round hole with many unanswered questions. He was stuck on the scale of the project and did not think 50% of the public benefits proposed were public benefits. He noted that allowing a 50% increase in density over what they could do by right compounded the traffic problem and hiring a car service still added traffic. He felt that people's brains were clouded by the design and what the facts were. He could not support the proposed project.

The motion carried 4-1 by roll call vote, with Mayor Allers dissenting.

- D. Ordinance 24-16; DCI20240049 Amendment: 2301/2307, 2311 Estero Blvd and 111, 121 Mango St.

1st Reading and Public Hearing of an Ordinance Entitled: 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. Open the first public hearing and schedule for second reading and final adoption on June 17, 2024 at 9:00 AM

Mayor Allers read the title of the ordinance. Ex parte communications: All council members disclosed discussions with the owners except for Council Member King. All council members met with a neighborhood group and received emails regarding the view corridor or potential noise issues.

The property owners confirmed receipt of the agenda and background materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He indicated that the LPA discussed reducing the site visibility triangle to a minimum of three feet rather than ten feet.

Certified planner Ken Gallander from The Neighborhood Company utilized PowerPoint for his presentation. Slides included Background & Request, Aerial Site, CPD Amendment to Resolution 22-06, Master Concept Plan, Discussion & Analysis, Findings & Conclusions, Construction Rendering, Existing Tiki Structures by Contractor, Deviations, Visibility Triangle,

Photograph of Existing Conditions, Rendering of Tiki Structure with Landscaping on Existing Property and Conclusion. Senior Planner Smalley stated that the reduction in parking was 38% and explained how the bike rack credit was applied. He noted that the schedule of uses also proposed the use of a food truck full-time.

Mr. Gallander stated that the food truck would be temporary. He addressed the hours of operation of the restaurant and outdoor seating area and would like to maintain the hours from 7:00 a.m. to midnight, with the amplified music ceasing at 10:00 p.m. Council Member Woodson asked whether the outdoor food service would stop at 10:00 p.m. Mr. Gallander replied that they preferred to keep the indoor and outdoor food service consistent. He will speak with the owners and they will evaluate a revised condition. Council Member Safford questioned whether a bar would be in the outdoor area.

Applicant Mike Miller responded that they might in the near future, but it depended on how much room would be available. Senior Planner Smalley stated that the use of outdoor service and outdoor consumption was already proposed as one of the schedules of use and staff felt there was no need for additional special exceptions. Town Attorney Vose suggested adding it in.

Pat Vanasse from The Neighborhood Company stated that it was a restaurant, not a bar, and 50% of the proceeds had to be from food. Public comment:

Applicant Mike Miller addressed the noise and noted he took decibel meter readings at the grand opening. Although the readings were under the decibel readings, he understood that the neighbors could still hear the music. He explained how he figured out how to keep the level low enough so the neighbors would not hear the music. He described his vision for the restaurant and would make sound a priority. He stated he did not have a problem with stopping outdoor service at 10:00 p.m. He revealed that The Neptune across the street offered to provide additional parking temporarily.

He indicated that he hoped to open in October.

No public comment.

Pat Vanasse stated that the previous owner had a 30% parking reduction with overflow at the Neptune and since there was a lot of pedestrian and bicycle traffic, he felt it would function properly.

Mayor Allers moved to schedule the ordinance amendment for a second reading on June 17, 2024, at 9:00 a.m., seconded by Vice Mayor Atterholt. The motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA**A. Resolution 24-120; FY24/25 Tentative Millage Rate**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .#### MILLS FOR FISCAL YEAR 2024-2025 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2024-2025; AND PROVIDING AN EFFECTIVE DATE.

Finance Director Joe Onzick utilized PowerPoint for his presentation. Slides included Statutory Requirements, Context of Millage Rate Decision, Preliminary General Fund Budget, Ad Valorem Tax Calculation Based on Estimated Taxable Value and 0.9900 Millage Rate, Bridge Loan Calculation, Emergency Fund Reserve, Emergency Fund Reserve Target, Emergency Fund Reserve Funding and Emergency Fund Reserve Optional Funding.

Director Onzick suggested setting a millage rate of 1.03 because it aligned with the cost of living increase. Mayor Allers discussed raising it to 1.06 due to the uncertainty of receiving funds from the state. Council Member Woodson agreed and indicated they could always lower it if the funds came through. She stressed the importance of canal dredging and completing vital projects. Vice Mayor Atterholt stated that Town Manager Hyatt needed to make a better case for 1.06. The Town Council agreed to determine a rate on June 17, 2024.

Town Clerk Baker noted the September budget hearings were on September 9, 2024, and September 23, 2024, at 5:01 p.m.

Mayor Allers moved to table the resolution until June 17, 2024, seconded by Council Member King.

The motion carried unanimously.

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Town Manager Hyatt noted that he and staff would meet on June 6, 2024, with the Lee County Sheriff's Office and the Fort Myers Beach Fire Department regarding hurricane preparedness. Cybersecurity training would take place soon, a town app about hurricane responses was in process and the town submitted the rest of the information to FEMA.

XVI. TOWN ATTORNEY'S ITEMS

No items.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Woodson requested an M&P conversation regarding tolls on bridges. She received support to add it in August.

Mayor Allers questioned whether members were interested in making a decision regarding the workforce housing presentation earlier in the meeting. Council members were uncomfortable making a decision by the end of the month.

No items from other members.

XVIII. ADJOURNMENT

Council Member King moved to adjourn, seconded by Council Member Safford. The motion carried unanimously.

The meeting was adjourned at 3:45 p.m.



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, June 6, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Safford and Council Member Woodson.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Review of Weekly / Monthly Rentals

A discussion of weekly and monthly rentals as requested by Town Council to provide clear direction to Town staff

Council Member Woodson noted that she had questions from residents regarding why some streets were weekly rentals while others were monthly rentals. Council Member Safford stated the language of the 2000 ordinance was antiquated because it said that property owners could only rent to blood relatives. He asked whether a month was 28 days or a calendar month and whether a week was seven days. Regarding grandfathering, he questioned whether weekly designations would still exist if the structure were gone.

Mayor Allers responded that grandfathered properties were still grandfathered after the hurricane. Thirty days were determined to be from the first to the end of the month. Council Member Safford questioned the 2018 phone number requirement that has not been in service since the storm and whether the rental fees were going toward workforce housing. He asked why condominiums still had to opt-out. He questioned whether the ordinance could be amended.

Town Attorney Vose stated that the Attorney General's (AG) opinion from 2019 was that nothing could be changed in the regulations, or they would lose the grandfather position. She noted that legislation allowing regulations to be less restrictive without losing the grandfather position was passed, but

the governor has not signed or vetoed it yet. She did not recommend making any changes to the ordinance unless they were willing to lose the ability to regulate vacation rentals. She agreed that the blood relative requirement did not make sense and they could ignore unconstitutional requirements. She indicated that property owners were concerned because rental applications were due, but their homes were destroyed. She stated they could draft a resolution allowing staff to process applications as if the structure was not destroyed. The Town Council supported that resolution and endorsed a resolution to automatically opt-out condominiums.

Council Member Woodson questioned how to register properties since notices were not sent out. Operations and Compliance Director Frankie Kropacek replied that they should contact Patty Provost. He stated that temporary trailers on properties did not qualify as short-term rentals and were not allowed.

Finance Director Joe Onzick stated that about \$100,000.00 had been accumulated for workforce development in 2022 and was still in the account. He indicated that the \$300.00 fee barely covered the program's cost. He recalled discussions surrounding a proposal to cover the program's cost before allocating funds for workforce housing. He will research what was codified. Town Attorney Vose noted that other coastal communities charge much more than \$300.00 because the fees were allocated to cover everyone on the staff, among other expenses, not just those in the rental department. Director Kropacek described how code enforcement will be more involved with rental properties. Town Attorney Vose will work with Director Onzick regarding the percentage of staff time taken up by short-term rentals.

Council Member Safford would like a discussion with stakeholders regarding the definitions of monthly and weekly. Town Attorney Vose noted that a resolution could address that topic without affecting the ordinance. Town Attorney Vose will research the 2019 opinion from the AG before moving forward.

Council Member Safford questioned what happened to the phone number that renters could call with complaints. Director Kropacek replied that he was unaware of a number; however, he was informed that the hotline number still existed and calls were directed to listing agents.

B. Old San Carlos Summer Parking fees

A discussion on waiving summer parking fees as requested by Town Council.

Council Member King indicated that a resident asked if the town could help businesses during the slow season by waiving parking fees. Director Kropacek responded that the bridge loan specified that they could not reduce non-ad valorem revenue. Mayor Allers questioned whether the town could expand areas for residents with passes to park other than under the bridge. Director Kropacek replied affirmatively. Town Attorney Vose stated that a resolution was not needed.

Vice Mayor Atterholt discussed selling the Town Hall property to add to the emergency reserves and to avoid increasing the millage rate.

C. Island Re-Entry / Communication Plan

A discussion on Island Re-Entry and the Town's Communication Plan as requested by Town Council.

Vice Mayor Atterholt felt they needed to communicate the plan to help residents understand. Town Manager Hyatt noted that window stickers were now available and encouraged residents to pick them up along with the regular pass. He stated that residents' information was connected to the passes. Mayor Allers suggested linking the window sticker to a QR code to identify residents quickly. Town Manager Hyatt indicated that staff would be stationed at both bridges to check stickers. Mayor Allers noted that it would be helpful if people knew ahead of time when they could return to the island. Town Manager Hyatt met with WGPU regarding pushing out information.

Staff will create short videos about re-entry and staff will do a dry run exercise. Mayor Allers suggested they work with Bonita Springs so both communities could help each other. He noted that it was important for residents to know where the staff would be after storms. Town Manager Hyatt added that town equipment would be parked in different locations next time and hurricane preparedness meetings would increase to weekly.

Vice Mayor Atterholt noted that the Town Council did not meet for about six weeks after the hurricane, while Sanibel met daily. Town Manager Hyatt commented that meetings had to occur.

Operations and Compliance Manager Tom Yozzo explained that the window parking stickers were a backup to the hurricane passes and were linked to the resident's information. He indicated that a QR code depended on whether the cell tower service went down, so hard copies would be used. The parking pass was \$25.00 per vehicle, but the hurricane passes were free.

Residents were able to park at any town-owned parking spot for the summer.

D. Downtown zoning district FAR

Discussion of Floor Area Ratio in the Downtown zoning district.

Council Member Safford stated that the Beach Bar was trying to build back, but they could not go by their lot size to determine FAR; they had to go by the buildable area. Community Development Planner Sarah Propst replied that the FAR was based on the zoning district. She noted that they may want to consider commercial versus residential. Residential was usually building coverage, while commercial was usually FAR. She felt FAR made sense for the Beach Bar, but they were in the downtown district. Council Member Safford questioned whether they wanted to use FAR calculations for residents in the downtown district. Mayor Allers asked whether they wanted to use 40% coverage of the lot size. Council Member Safford concurred.

Planner Propst stated they would have to change the comprehensive plan because it referred to intensity in those districts. Mayor Allers felt it would be clearer if they could differentiate whether the district was more commercial or residential.

Patrick Vanasse noted that for residential districts, FAR did not apply to single-family residents; it was a measure of non-residential intensity. He felt the easy solution was to add a footnote to the zoning table noting that FAR did not apply to single-family homes. He did not think they needed to change the comp plan. As for mixed-use projects, FAR would apply. If it was a single-family, FAR did not apply.

Albert Dambrose described the issues he was running into building residential single-family homes in lots on the Gulf.

Planner Propst agreed that adding a footnote to the table was straightforward. Town Council members agreed.

Mr. Vanasse suggested that staff look into the definition of lot coverage. Mayor Allers questioned whether residential could be treated differently from commercial and Town Attorney Vose agreed. Mr. Dambrose referred to the language on FAR and lot coverage on page 3 of the exhibit and noted two parentheses were verbatim. He addressed two recent permits for new homes that counted the entire lot as lot coverage. He suggested that the wording in item two of the second paragraph be cleaned up for residential use and that visuals should be included in the LDC (Land Development Code).

Mayor Allers questioned whether changing the calculation would allow developers to build massive projects by right. Planner Propst replied that the backstop was the FAR. Mayor Allers referred to the Red Coconut property and described what could be built there by right. He questioned whether there was a way to cap the number of rooms based on the zoning district without making it too cumbersome. Planner Propst noted an option was to adjust the multiplier levels. A one-acre lot with a FAR of 1.2 would result in a floor area of 52,000 square feet, including the ground floor. The same lot with a basic density of 6, times the maximum multiplier of 2.5 resulted in 15 units. Mayor Allers mentioned a sliding scale between the sizes of lots because it was not relative. He suggested having a community discussion with different scenarios. He supported looking at how to adjust the multiplier. Council Member Woodson indicated that visuals would be beneficial.

E. Increasing Tree Canopy on Fort Myers Beach

A discussion about increasing the tree canopy on Fort Myers Beach
Environmental Projects Manager Chadd Chustz displayed slides of pre-lan photos to illustrate how much canopy was lost. He noted the town was awarded a tree forestry grant. A tree survey categorized dead trees, live trees, no trees and tree stumps. The grant provided \$500.00 per native tree and the town was required to plant 75 trees. He questioned whether they wanted to maintain the royal palm theme on North Estero or if they wanted to add canopy trees and smaller street trees. Mayor Allers supported recreating North Estero before the storm with a mixture of royal palms, shade trees and low-lying bushes. Vice Mayor Atterholt suggested consulting with the Garden Club and supported extending the north-end landscape design down Estero Blvd. Council Member Woodson also liked the north-end design.

Projects Manager Chustz provided a list of trees to choose from. Cathy Turner from the Garden Club attended a recent presentation on trees, which included native street trees. She indicated that most native plants were less showy than Florida-friendly plants. Since this grant did not cover the Florida-friendly street trees with more color, funds left over from the county could be used to plant them on Estero Blvd. Ms. Turner addressed the previous ground cover planted on Estero and felt it was dismal and required too much maintenance.

Projects Manager Chustz described Florida's Urban and Community Forestry Capacity (UCF-C) Grant, Public Tree Canopy Improvement, Public Tree Inventory or Urban Tree Canopy Assessment, Urban Forestry Management Planning and Information and Education. He noted the application due date was July 19, 2024, and was a 50/50 match grant.

IV. AGENDA MANAGEMENT

A. June 2024

Remove local churches and downtown district analysis.

Add a presentation regarding tier-one projects.

Change the date to discuss the ordinance addressing residency requirements for advisory committees.

Add a discussion to an M&P to explain the consent agenda and public comment expectations.

V. ADJOURNMENT

Council Member King moved to adjourn, seconded by Vice Mayor Atterholt. The motion carried unanimously.

The meeting was adjourned at 12:04 p.m.

1. **Request:**

Meeting Date: June 17, 2024

Shop Local Productions is requesting to have Farmer's Markets at: Santini Plaza from November 5, 2024 - April 4, 2025, and Times Square from September 9, 2024 - May 31, 2025

Why the action is necessary:

ORD 20-17

What the action accomplishes:

Allows for Farmer's Market to held at Time Square like in the past, and also allowing to be held at Santini Plaza.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Tracie Raski, Permit Technician

5. **Background:**

Shop Local Productions is requesting to continue to hold farmer's markets within the Town of Fort Myers Beach. The company has held previous markets at Moss Marina and Times Square after the hurricane.

These two applications are for Farmer's Markets to be held at Time Square and Santini Plaza for the 24-25 season.

Attachments:

1. SE- 241242- Farmers Market Time Square 24-25 App
2. SE-241252 - Farmers Market Santini Marina Plaza 24-25 App

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Tracie Raski, Permit Technician
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/11/2024
Approved - 6/12/2024
Approved - 6/12/2024
Approved - 6/13/2024
Final Approval - 6/13/2024



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

RECEIVED

MAY 01 2024

241242

Name of event Fort Myers Beach Market @ Times Square
Attach separate sheet of paper with detailed description of event Fridays + Saturdays
9am-1pm Sept. 6, 7, 13, 14, 20, 21, 27, 28. Oct. 4, 5, 11, 12, 18, 19, 25, 26. Nov. 1, 2, 8, 9, 15, 16, 22, 23, 29, 30
Date(s) and times of event Dec. 6, 7, 13, 14, 20, 21, 27, 28. Jan. 3, 4, 10, 11, 17, 18, 24, 25, 31. Feb. 1, 7, 8, 14, 15, 21, 22, 28
Mar. 1, 7, 8, 14, 15, 21, 22, 28, 29. Apr. 4, 5, 11, 12, 18, 19, 25, 26. May 2, 3, 9, 10, 16, 17, 23, 24, 30, 31
Address of event Times Square 1000 ESTERO BLVD, FMB
Expected # of participants/attendees 300
Sponsoring Organization Shop Local Productions.
Organization address 19552 The Place Blvd. ESTERO FL
Contact Person/Phone# Linda Miller
E-mail ShopLocalPro@GMAIL.COM
Amplified Music Y ☐ N ☐ 500 Ft Notifications _____ Copy of Letter _____
Renting Town Property Y ☒ N ☐ Renting Parking Spaces Y ☒ N ☐
How many Spaces? 45 How many hours 5/day
Extension of Premises? Y ☐ N ☐ ABT Form _____ How many days? 78 (Over 3 days needs to go to Council)
Letters of Permission to use Property NA - CITY OWNED
Letters of Permission to use Parking NA Parking Plan _____
Site Plan _____ Insurance _____ (Naming Town of FMB as Certificate Holder)
Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒
Requires Council Approval:
Waiver of open container Y ☒ N ☐ Waiver of Town parking fees Y ☒ N ☐
Waiver of Noise Ordinance Y ☐ N ☒ Recurring Event Y ☒ N ☐
Applicant Signature Linda Miller
Printed Name Linda Miller

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

January 30, 2023

Applicant to Complete:

Company managing trash removal: NA

No. of dumpsters: 0 Type of dumpsters: _____

Who is responsible for clean-up and payment: Vendors remove trash
Managers follow up

City right-of-way Parking Use: NA Number of spaces: 45

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830

Fax (239)432-0268

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date



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

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 4/15/2025		Date of Event: Repeating Fridays + Saturdays Sept. 6 - May 31, 2024
Location: Times Square 1000 ESTERO BLVD. FMB		
Event Start Date/Time: 9AM		Event End Date/Time: 1PM
Setup Date: Same day	Setup Time:	Inspection Time:
Event Sponsor: Shop Local Productions		
Sponsor Contact: Linda Miller	Sponsor Phone #: 239-289-3786	Sponsor Email: shoplocalpro@gmail.com
Anticipated Number of Attendees: 300	Anticipated Number of Event Workers: 2	
Will there be carnival or mechanical rides: NO	Number of Stages: 0	
Total Number of Vendors: 42	Total Number of Hot Food Vendors: Anticipated 2	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents: 45	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Annel Gonzalez (786) 252-0299 Christos Poulas (614) 580-3085

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

Linda Miller	Linda Miller
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 4/15/2024	

Fort Myers Beach Market Description (Fridays and Saturdays)

as being requested by Working Locals and Returning Tourists.

@Time Square (In the event of construction-Backup Location will be Under the Matanzas Bridge)

Sponsored by Shop Local Productions

Open Saturdays 9am-1pm From September 2024 through May 2025

Mission:

To provide a family-friendly, free-to-attend event for all ages to convene and have access to healthy produce, boutique foods, artisan crafts and other items.

Shop Local Production offering to purchase 49 additional annual business parking passes for the space. In the event of moving, sandwich boards will be allowed at Time Square to notify customers/visitors of the relocation.

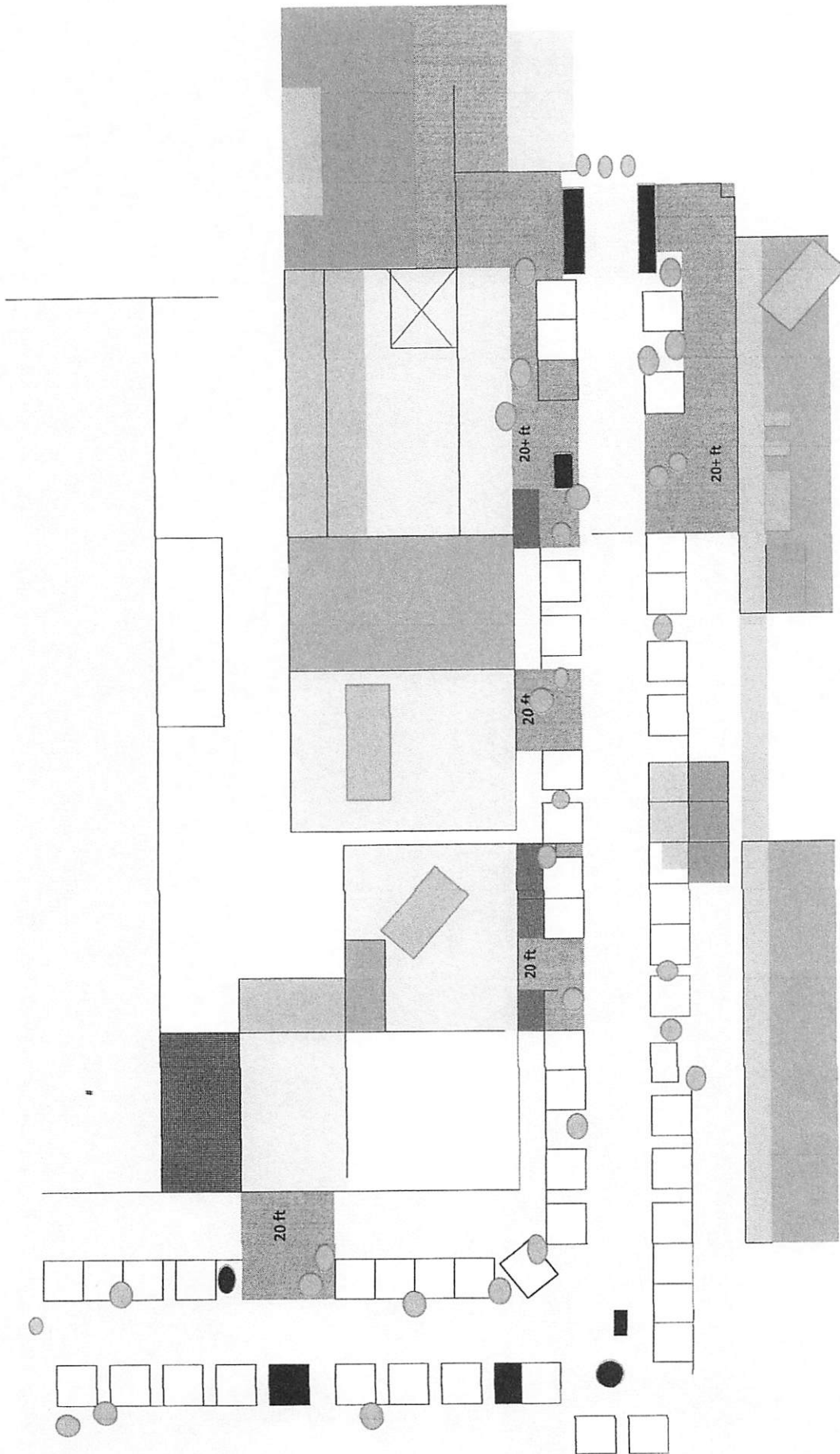
Description:

More than ever since Hurricane Ian, FMB locals and visitors request the need for fresh varietal foods, produce and commodities brought to the island. With roots going back to 1934 Farmers Markets on FMB have been part of the fabric of beach life in a huge way for the past 30 years and reaching a peak of 4 days a week on different parts of the island pre-Hurricane Ian. This niche (cottage foods, coffee, bakeries, smoothies, skincare, art and wearable art, produce, seafood and meats) fills a void in Island shopping. Since advertising is weekly with 15K Google views, FMB Markets have a history of boosting local neighboring restaurants and businesses as well as the return of vibrant tourism. Markets create a beach vibe unique to FMB.

Superb Record:

Voted annually by locals as "Neighborhood Favorites," FMB Markets have had zero emergency calls and zero accidents in the tenure of leadership from Shop Local Productions) since 2015), creating zero burden on emergency services and thus taxpayers.

Vendor Inquiries can be directed to 41markets.com





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/07/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME:	
	PHONE (A/C No. Ext): (888) 202-3007	FAX (A/C No.):
INSURED Watergemz, LLC DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	E-MAIL ADDRESS: contact@hiscox.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Hiscox Insurance Company Inc	NAIC # 10200
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y		P100.409.208.4	07/15/2023	07/15/2024	EACH OCCURRENCE \$ 2,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000						
	MED EXP (Any one person) \$ 5,000						
	PERSONAL & ADV INJURY \$ 2,000,000						
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COM/OP AGG \$ S/T Gen. Agg.
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A				PER STATUTE ☐ OTH-ER ☐
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERTown of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

RECEIVED

MAY 01 2024

Name of event Sentini Farmers Market FMB
Attach separate sheet of paper with detailed description of event
9am-1pm Nov. 5, 12, 19, 26. Dec. 3, 10, 17, 24, 31. Jan. 7, 14, 21, 28
Date(s) and times of event Feb. 4, 11, 18, 25. Mar. 4, 11, 18, 25. Apr. 8, 15, 22, 29. (25)
Address of event Sentini Main Plaza 7205 ESTERO BLVD FMB
Expected # of participants/attendees 300
Sponsoring Organization Shop Local Productions
Organization address 19552 The Place Blvd. ESTERO FL
Contact Person/Phone# Linda Miller
E-mail shoplocalpro@gmail.com
Amplified Music Y ☐ N ☒ 500 Ft Notifications _____ Copy of Letter _____
Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☒
How many Spaces? 42 How many hours 4
Extension of Premises? Y ☐ N ☒ ABT Form _____ How many days? 25 (Over 3 days needs to go to Council)
Letters of Permission to use Property ☒
Letters of Permission to use Parking ☒ Parking Plan _____
Site Plan ☒ Insurance ☒ (Naming Town of FMB as Certificate Holder)
Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒
Requires Council Approval:
Waiver of open container Y ☒ N ☐ Waiver of Town parking fees Y ☐ N ☒
Waiver of Noise Ordinance Y ☐ N ☒ Recurring Event Y ☒ N ☐
Applicant Signature Linda Miller
Printed Name Linda Miller

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

January 30, 2023

Applicant to Complete:

Company managing trash removal: _____

No. of dumpsters: _____ Type of dumpsters: _____

Who is responsible for clean-up and payment: _____

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ **Site Plan** _____ **Description** _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street · Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830 Fax (239)432-0268

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date



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

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 4/15/2024		Date of Event: <i>Repeating</i> Tuesdays NOV. 5, 2024 - Apr. 29, 2025
Location: Santini Manna Plaza 7205 ESTERO BLVD FMB		
Event Start Date/Time: 9 AM		Event End Date/Time: 1 PM
Setup Date: Same day	Setup Time: 7 AM	Inspection Time:
Event Sponsor: Shop Local Productions		
Sponsor Contact: Linda Miller	Sponsor Phone #: 239.289.3786	Sponsor Email: ShopLocalPro@gmail.com
Anticipated Number of Attendees: 300	Anticipated Number of Event Workers: 2	
Will there be carnival or mechanical rides: NO	Number of Stages: 0	
Total Number of Vendors: 42	Total Number of Hot Food Vendors: 2	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents: 42	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

UNKNOWN until OCT 2024 when applications ^{received +} approved.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

Linda Miller	<i>Linda Miller</i>
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 4/15/2024	

SHAKED PROPERTIES LLC

7205 Estero Blvd Box 718, Fort Myers Beach, FL 33931. 239-777-7251
Email: santinimarina plaza@gmail.com

Yariv Shaked

Santini Marina Plaza

7205 Estero Blvd

Fort Myers Beach, FL 33931

April 5, 2024

Permitting

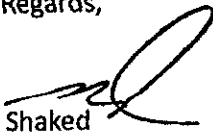
City Fort Myers Beach

Please consider this my consent letter for the Santini Farmers Market,

Sponsored by Linda Miller of Shop Local Productions.

To sue the parking lot from November 2024 through April 2025.

Best Regards,


Yariv Shaked



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/07/2023

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PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME:	FAX (A/C, No):	
	PHONE (A/C, No, Ext): (888) 202-3007	E-MAIL ADDRESS: contact@hiscox.com	
INSURED Watergemz, LLC DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Hiscox Insurance Company Inc		10200
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y		P100.409.208.4	07/15/2023	07/15/2024	EACH OCCURRENCE \$ 2,000,000	
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000							
	MED EXP (Any one person) \$ 5,000							
	PERSONAL & ADV INJURY \$ 2,000,000							
							GENERAL AGGREGATE \$ 2,000,000	
							PRODUCTS - COMPIOP AGG \$ S/T Gen. Agg.	
								\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$	
							BODILY INJURY (Per person) \$	
							BODILY INJURY (Per accident) \$	
							PROPERTY DAMAGE (Per accident) \$	
							\$	
	UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$						EACH OCCURRENCE \$	
							AGGREGATE \$	
							\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT \$	
							E.L. DISEASE - EA EMPLOYEE \$	
							E.L. DISEASE - POLICY LIMIT \$	

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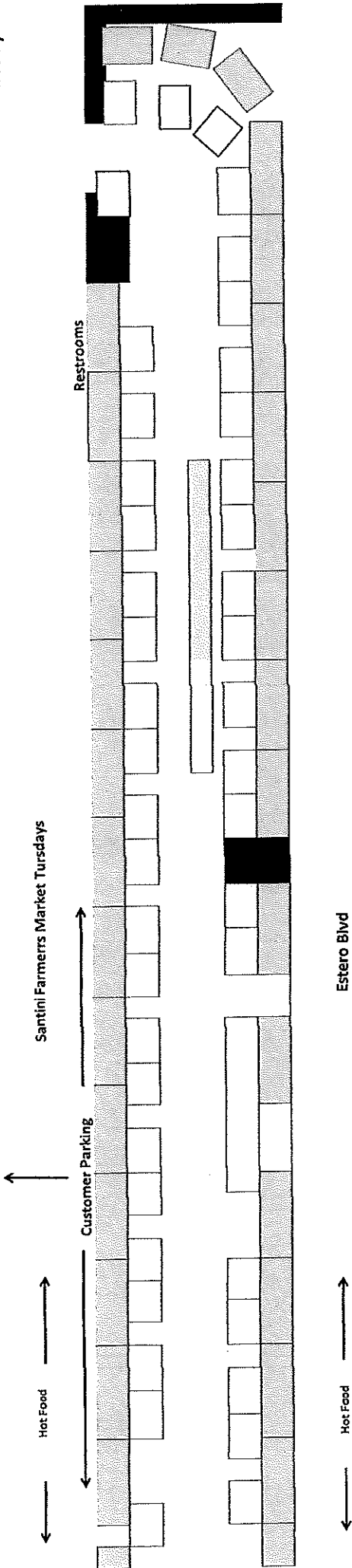
CERTIFICATE HOLDERTown of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931**CANCELLATION**

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AUTHORIZED REPRESENTATIVE

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Thursday



Santini Farmers Market Description

7205 Estero Blvd. FMB

Sponsored by Shop Local Productions

Open Tuesdays 9am-1pm November 2024 through April 2025

Mission:

To continue the Santini Farmers Market Tradition established in 2010 providing a family-friendly, free-to-attend event for all ages to convene and have access to healthy produce, meat and seafood, boutique foods, artisan crafts and other items.

Description:

More than ever since Hurricane Ian, FMB locals and visitors request the need for fresh varietal foods, produce and commodities brought to the island. With roots going back to 1934 Farmers Markets on FMB have been part of the fabric of beach life in a huge way for the past 30 years and reaching a peak of 4 days a week on different parts of the island pre-Hurricane Ian. This niche (cottage foods, coffee, bakeries, smoothies, skincare, art and wearable art, produce, seafood and meats) fills a void in Island shopping. Since advertising is weekly with 15K Google views, FMB Markets have a history of boosting local neighboring restaurants and businesses. Markets create a beach vibe unique to FMB.

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Vendor Inquiries can be directed to 41markets.com



Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 ext. 1303 * Email: Specialevents@fmbgov.com

- ☐ All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.
- ☒ Detailed description of entire event including set up and breakdown
- ☐ Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder
- ☐ Site plan – marked off with placement of objects (chairs, tables, tents, etc.)
- ☐ Parking Plan – if applicable
- NA ☐ A copy of the 500 foot notification letter for any amplification along with the mailing list
- ☐ Letters of permission if using someone else's property for event.
- ☐ A **completed** application is to be turned in 45 days **prior** to the event or a \$5.00 per day cost will be added to the permit cost.
- ☐ If Town Council action is required the **completed** application must be turned in 60 days prior to the event in order to get put on the Council agenda to be brought forth to Council, also any application turned in after the 60 days a 10% additional charge to the permit will be added.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ITS PRIOR APPROVAL OF A CONTRACT WITH KIRKWOOD ELECTRIC IN THE AMOUNT OF \$73,620.00 FOR WORK NEEDED FOR THE NEW TOWN HALL TRAILERS TO INCREASE THE CONTRACT AMOUNT BY \$15,374.00 FOR ADDITIONAL NEEDED WORK, FOR A TOTAL CONTRACT PRICE OF \$88,994.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

This work was completed to maintain our schedule to open the Town Hall Trailers on time.

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jeff Hauge, Culture, Parks &
Recreation Director

5. **Background:**

Due to the devastation of Hurricane Ian. The Town of Fort Myers Beach purchased modular trailers to conduct business. Electrical work was needed to get power to the trailers. Cost for the electrical work exceeded the Council approval of \$73,620.00 (2024-1407), by \$15,374.00.

Attachments:

1. 24-130, Kirkwood Contract Increase ns
2. Kirkwood Electric Invoices

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Jeff Hauge, Culture, Parks & Recreation Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-130

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ITS PRIOR APPROVAL OF A CONTRACT WITH KIRKWOOD ELECTRIC IN THE AMOUNT OF \$73,620.00 FOR WORK NEEDED FOR THE NEW TOWN HALL TRAILERS TO INCREASE THE CONTRACT AMOUNT BY \$15,374.00 FOR ADDITIONAL NEEDED WORK, FOR A TOTAL CONTRACT PRICE OF \$88,994.00; 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, on January 8, 2024, the Town Council ratified and approved a contract with Kirkwood Electric for electrical work for the new Town Hall trailers in the amount of \$73,620; and

WHEREAS, the final cost of the work once completed was an additional \$15,374.00 over the approved contract amount; and

WHEREAS, approval of this Resolution and payment of the outstanding amounts owed to Kirkland Electric is in the best interest of the Town.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Manager is authorized to pay Kirkwood Electric an additional \$15,374.00 for electrical work performed by Kirkwood Electric.

Section 3. This resolution is effective immediately upon adoption.

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

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

ADOPTED this 17th day of June 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:**

Voss Law Firm, Town Attorney

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



Kirkwood Electric
ELECTRICAL CONTRACTORS
STATE LICENSE # EC13009760

PO Box 152000
Cape Coral, FL 33915-2000
(239) 574-3449
service@kirkwoodelectric.com

Invoice

DATE	02/21/2024
INVOICE#	5473
TERMS	NET 30
DUE DATE	03/22/2024

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

SERVICE LOCATION
Town of Fort Myers Beach 2731 Oak Street Fort Myers Beach FL 33931 (239) 788-7766

JOB#	DATE	PO/REF#	DESCRIPTION
------	------	---------	-------------

47313545 01/12/2024 80% Complete

PERMIT#: 240136 - Council Bldg
PERMIT#: 240134 - Executive Ofc
PERMIT#: 240132 - Community Devel Ofc
PERMIT#: 240137 - Finance & Admin Ofc

Estimate to install (4) new services for temporary offices at Bay Oaks. Due to an unofficial site plan and specs of one of the temp offices, this is subject to change if distances and specs do not coordinate. Will need specs of the last unit to finalize permit. Will need approval from FPL if the existing transformer is capable of handling the additional load, and if it has the occupancy of handling the additional amount of needed wires.

Supply labor and material for the following:

Council Building

- 1.) Furnish electrical permit for all temporary services.
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinate with no cuts before work is performed.
- 3.) Subcontract boring company to install (2) 2" conduits approximately 185' with parallel 4/0 aluminum conductors.
- 4.) Construct and install new load bearing backboard.
- 5.) Install new 400-amp meter enclosure.
- 6.) Supply and install 400-amp fused disconnect with 350-amp fuses.
- 7.) Install (4) 125-amp disconnects.
- 8.) Install outdoor trough to connect main disconnect to secondary disconnects.
- 9.) Trench and install (4) new 1-1/2" conduits from secondary disconnects to mobile office with 125-amp conductors.
- 10.) Install new grounding to code.
- 11.) Label and test upon completion.

Executive Office

- 1.) Furnish electrical permit for all temporary services.
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinate with no cuts before work is performed.
- 3.) Subcontract boring company to install 2" conduits approximately 150' with 4/0 copper conductors.
- 4.) Construct and install new load bearing backboard.
- 5.) Install new 400-amp meter enclosure.
- 6.) Supply and install 400-amp fused disconnect with 300-amp fuses.
- 7.) Install (3) 125-amp disconnects.
- 8.) Install outdoor trough to connect main disconnect to secondary disconnects.

- 10.) Installed new grounding to code.
- 11.) Labeled and tested upon completion.

Community Development Office

- 1.) Furnished electrical permits for all temporary services
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinated with no cuts before work is performed.
- 3.) Subcontracted boring company to install 2" conduits approximately 235' with 4/0 copper conductors.
- 4.) Constructed and installed new load bearing backboard.
- 5.) Installed new 400-amp meter enclosure.
- 6.) Supplied and installed 400-amp fused disconnect with 300-amp fuses.
- 7.) Installed (3) 125-amp disconnects.
- 8.) Installed outdoor trough to connect main disconnect to secondary disconnects.
- 9.) Trenched and installed (3) new 1-1/2" conduits from secondary disconnects to mobile office with 125-amp conductors.
- 10.) Installed new grounding to code.
- 11.) Labeled and tested upon completion.

Finance and Admin Office

- 1.) Furnished electrical permit for all temporary services.
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinated with no cuts before work is performed.
- 3.) Subcontracted boring company to install 2" conduits approximately 210' with 4/0 aluminum conductors.
- 4.) Supplied and installed new concrete banjo.
- 5.) Trenched and installed new (2) 1-1/2" conduits from meter main to mobile unit with 125-amp conductors.
- 6.) Labeled and tested upon completion.

Council Building = \$23,755
Executive Office = \$17,430
Community Development Office = \$20,940
Finance and Admin Office = \$11,495

Job Charges	Qty	Rate	Total
Lump Sum Billing	1.00	\$14,724.00	\$14,724.00
Job Subtotal			\$14,724.00
Job Total			\$14,724.00

PRE-WORK SIGNATURE



01/04/2024 01:22 pm

POST-WORK SIGNATURE

Signed By: Jeff Hauge

Signed By:

CUSTOMER MESSAGE

Thank you for your business!
Please remit your payment to PO Box 152000, Cape Coral, FL 33915-2000

Payment is required in full upon completion. Invoices become delinquent if unpaid after date from invoice date and are subject to a monthly service charge of 1-1/2%, 18% annual and any attorney fees incurred by Kirkwood Electric.

Invoice Total:	\$14,724.00
Deposits (-):	\$0.00
Payments (-):	\$0.00
Total Due:	\$14,724.00



Invoice

DATE	02/21/2024
INVOICE#	5472
TERMS	NET 30
DUE DATE	03/22/2024

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

SERVICE LOCATION
Town of Fort Myers Beach 2731 Oak Street Fort Myers Beach FL 33931 (239) 788-7766

JOB#	DATE	PO/REF#	DESCRIPTION		
47313318	01/17/2024		Estimate for additional work required for temporary generator power for town hall trailers. This scope is due to FPL being 12 weeks out before a new transformer is installed. Generator and all generator cables to be supplied by other. Supplied labor and material for the following: 1.) Added to existing permit and schedule a temporary power inspection. 2.) Supplied and installed (3) 400-amp manual transfer switches. 3.) New wiring to same from meter and customer supplied generator cables. 4.) Supplied and installed 200-amp manual transfer switch. 5.) New wiring to same from meter and customer supplied generator cables. 6.) Tested with customer supplied generator upon completion of new services and task above.		
Job Charges			Qty	Rate	Total
Lump Sum Billing			1.00	\$15,374.00	\$15,374.00
Job Subtotal					\$15,374.00
Job Total					\$15,374.00

PRE-WORK SIGNATURE
 01/11/2024 02:28 pm

POST-WORK SIGNATURE

Signed By:

Signed By:

CUSTOMER MESSAGE
Thank you for your business! Please remit your payment to PO Box 152000, Cape Coral, FL 33915-2000 Payment is required in full upon completion. Invoices become delinquent if unpaid after date from invoice date and are subject to a monthly service charge of 1-1/2%, 18% annual and any attorney fees incurred by Kirkwood Electric.

Invoice Total:	\$15,374.00
Deposits (-):	\$0.00
Payments (-):	\$0.00
Total Due:	\$15,374.00



Invoice

DATE	03/12/2024
INVOICE#	5535
TERMS	NET 30
DUE DATE	04/11/2024

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

SERVICE LOCATION
Town of Fort Myers Beach 2731 Oak Street Fort Myers Beach FL 33931 (239) 788-7766

JOB#	DATE	PO/REF#	DESCRIPTION
47313284	03/04/2024		Final 20% PERMIT#: 240136 - Council Bldg PERMIT#: 240134 - Executive Ofc PERMIT#: 240132 - Community Devel Ofc PERMIT#: 240137 - Finance & Admin Ofc Estimate to install (4) new services for temporary offices at Bay Oaks. Due to an unofficial site plan and specs of one of the temp offices, this is subject to change if distances and specs do not coordinate. Will need specs of the last unit to finalize permit. Will need approval from FPL if the existing transformer is capable of handling the additional load, and if it has the occupancy of handling the additional amount of needed wires. Supplied labor and material for the following: Council Building 1.) Furnished electrical permits for all temporary services. *Town of Fort Myers Beach to coordinate with FPL. 2.) Coordinated with no cuts before work is performed. 3.) Subcontracted boring company to install (2) 2" conduits approximately 185' with parallel 4/0 aluminum conductors. 4.) Constructed and installed new load bearing backboard. 5.) Installed new 400-amp meter enclosure. 6.) Supplied and installed 400-amp fused disconnect with 350-amp fuses. 7.) Installed (4) 125-amp disconnects. 8.) Installed outdoor trough to connect main disconnect to secondary disconnects. 9.) Trenched and installed (4) new 1-1/2" conduits from secondary disconnects to mobile office with 125-amp conductors. 10.) Installed new grounding to code. 11.) Labeled and tested upon completion. Executive Office 1.) Furnished electrical permits for all temporary services. *Town of Fort Myers Beach to coordinate with FPL. 2.) Coordinated with no cuts before work is performed. 3.) Subcontracted boring company to install 2" conduits approximately 150' with 4/0 copper conductors. 4.) Constructed and installed new load bearing backboard. 5.) Installed new 400-amp meter enclosure. 6.) Supplied and installed 400-amp fused disconnect with 300-amp fuses. 7.) Installed (3) 125-amp disconnects. 8.) Installed outdoor trough to connect main disconnect to secondary disconnects. 9.) Trenched and installed (3) new 1-1/2" conduits from secondary disconnects to mobile office with 125-amp conductors.

Community Development Office

- 1.) Furnish electrical permit for all temporary services
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinate with no cuts before work is performed.
- 3.) Subcontract boring company to install 2" conduits approximately 235' with 4/0 copper conductors.
- 4.) Construct and install new load bearing backboard.
- 5.) Install new 400-amp meter enclosure.
- 6.) Supply and install 400-amp fused disconnect with 300-amp fuses.
- 7.) Install (3) 125-amp disconnects.
- 8.) Install outdoor trough to connect main disconnect to secondary disconnects.
- 9.) Trench and install (3) new 1-1/2" conduits from secondary disconnects to mobile office with 125-amp conductors.
- 10.) Install new grounding to code.
- 11.) Label and test upon completion.

Finance and Admin Office

- 1.) Furnish electrical permit for all temporary services.
*Town of Fort Myers Beach to coordinate with FPL.
- 2.) Coordinate with no cuts before work is performed.
- 3.) Subcontract boring company to install 2" conduits approximately 210' with 4/0 aluminum conductors.
- 4.) Supply and install new concrete banjo.
- 5.) Trench and install new (2) 1-1/2" conduits from meter main to mobile unit with 125-amp conductors.
- 6.) Label and test upon completion.

Council Building = \$23,755
Executive Office = \$17,430
Community Development Office = \$20,940
Finance and Admin Office = \$11,495

Job Charges	Qty	Rate	Total
Lump Sum Billing	1.00	\$58,896.00	\$58,896.00
Job Subtotal			\$58,896.00
Job Total			\$58,896.00

PRE-WORK SIGNATURE

POST-WORK SIGNATURE

Signed By:

Signed By:

CUSTOMER MESSAGE

Thank you for your business!
Please remit your payment to PO Box 152000, Cape Coral, FL 33915-2000

Payment is required in full upon completion. Invoices become delinquent if unpaid after date from invoice date and are subject to a monthly service charge of 1-1/2%, 18% annual and any attorney fees incurred by Kirkwood Electric.

Invoice Total:	\$58,896.00
Deposits (-):	\$0.00
Payments (-):	\$0.00
Total Due:	\$58,896.00

1. **Request:**

Meeting Date: June 17, 2024

1st Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-94 "QUALIFICATIONS AND APPOINTMENTS OF MEMBERS" AND SECTION 2-96 "REMOVAL OF AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS" OF DIVISION 2 "PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS" OF ARTICLE IV "BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES" OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING RESIDENCY AS A QUALIFICATION REQUIREMENT FOR THE TOWN'S AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS; ELIMINATING DUPLICATIVE LANGUAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER'S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE. Open the public hearing and schedule for second reading and final adoption on August 5, 2024 at 9:00 AM.

Why the action is necessary:

The passage of the proposed ordinance is necessary to take advantage of the subject matter expertise of non-residents, allowing them to serve on the Town's boards, agencies, commissions, and committees, and to eliminate duplicative language in the Town Code.

What the action accomplishes:

The proposed ordinance amends the existing language of Sections 2-94 and 2-96 of the Town Code, removing the stringent residency requirement as a condition to serving on the Town's agency, board, committee or commission, and eliminating the duplicative language in the two sections.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

On June 6, 2024, the Town Council held a discussion regarding the proposed changes to Division 2 of Article IV of Chapter 2 of the Code of Ordinances of the Town of Fort Myers Beach, regarding the existing stringent residency requirements associated with the appointment to the Town's agencies, boards, committees or commissions. The Town Council expressed a desire to remove the residency requirement to allow non-residents to be involved in the Town's functions, by allowing non-resident members of the community to contribute their subject matter expertise to the Town's operations. Additionally, Sections 2-94 and 2-96 of the Town Code contain duplicative language regarding removal of appointed members, which can be struck from Section 2-94 as Section 2-96 contains identical language. Attached to this agenda item is a copy of the Resolution 23-182, containing the Town Council's policies and procedures. Section 5 of the Town's Policies and Procedures addresses selection of the Town's board, agency, commission, and committee members. This section of procedural rules will need to be amended at the 2nd reading of the ordinance on August 5, 2024, at 9:00 a.m., to provide for consistency between the procedural rules and the code language.

Attachments:

1. 24-17, Committee Member Reqs 6-7-24 mr
2. Business Impact Estimate (final) - Committee Member Reqs 6-10-24 mr
3. 23-182, Resolution with Exhibit A attached to back Signed

Financial Impact:

None

6. Alternative Action

7. Management Recommendations:

8. Recommended Approval:

Jason Freeman, Legislative Liaison / Deputy Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/10/2024
Approved - 6/11/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

ORDINANCE NO. 24-17

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-94 “QUALIFICATIONS AND APPOINTMENTS OF MEMBERS” AND SECTION 2-96 “REMOVAL OF AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS” OF DIVISION 2 “PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS” OF ARTICLE IV “BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES” OF CHAPTER 2 “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING RESIDENCY AS A QUALIFICATION REQUIREMENT FOR THE TOWN’S AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS; ELIMINATING DUPLICATIVE LANGUAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, 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, on June 6, 2024, the Town Council held a discussion regarding the proposed changes to Division 2 of Article IV of Chapter 2 of the Town of Fort Myers Beach Code of Ordinances, to eliminate residency as a qualification requirement for the appointment of members to the Town’s agencies, boards, committees or commissions; and

WHEREAS, the reasons for removal of agency, board, committee or commission members are already addressed in Section 2-96 of the Town’s Code; and

WHEREAS, the Town desires to further amend Section 2-94 to eliminate the duplicative language related to removal of the Town’s agency, board, committee or commission members; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a first reading of the Ordinance and gave full and complete consideration to the request of the proposed ordinance, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the Town’s website on the ____ day of _____, 2024, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the _____ on the ____ day of _____, 2024, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041, Florida Statutes; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a second reading of the Ordinance; and

WHEREAS, the Town Council determined that adoption of the ordinance as provided herein is in the best interests of the health, safety, and welfare of the Town's residents.

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

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

Section 2. Section 2-94 "Qualifications and appointments of members" and Section 2-96 "Removal of agency, board, committee or commission members" of Division 2 "Procedures for the Establishment of Boards, Committees and Commissions" of Article IV "Boards, Commissions, Committees and Other Agencies" of Chapter 2 "Administration" of the Code of Ordinances of the Town of Fort Myers Beach, Florida, are hereby amended to read as follows:

DIVISION 2. – PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS

Sec. 2-94. - Qualifications and appointments of members.

In addition to qualifications, which may be specified for membership by state statutes, Charter, ordinance, or resolution, a person appointed to an agency, board, committee, or commission shall be given preference to if that person is a registered voter within the town's jurisdiction or a property owner within the town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. ~~If any member is no longer a qualified elector or is convicted of a felony, an offense involving moral turpitude while in office, or has unpaid fines or liens due the Town of Fort Myers Beach, the town council shall terminate the appointment of such person as a member of the agency, board, committee, or commission.~~

(1) *Anchorage advisory committee.* The anchorage advisory committee shall advise the town council concerning all matters relevant to the management and use of the waters of the town for mooring and anchoring. The anchorage advisory committee shall prepare and submit the Matanzas Harbor Management Plan and any amendments thereto for review and approval by the town council and make recommendations for the establishment of managed municipal anchorages and

mooring fields where warranted by objective evidence of environmental damage or user conflicts; or any other topics as assigned by the town council.

(2) *Audit committee.* All members of the audit committee shall be town residents who do not have any direct financial or business interests involving the town. The town council may waive the residency requirements by majority vote if there are an insufficient number of applicants who reside in the town. All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the audit committee shall have accounting, auditing, or related financial management expertise that is specifically relevant to the government sector. The audit committee shall advise the town council on these matters and other matters pursuant to F.S. § 218.391, or any other topics as assigned by the town council.

(3) a. *Bay Oaks Recreational Campus Advisory Board.* The purpose of BORCAB is to serve the town as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. BORCAB members shall work closely and in cooperation with the parks and recreation director, and advise the town council regarding matters concerning the Bay Oaks Recreational Campus and the community pool; or any other topics as assigned by the town council.

b. *Community resource advisory board.* The broad objectives of CRAB are to further the welfare of the citizens of the town in the implementation of our community as a "living park" as defined in the comprehensive plan and make recommendations to the town council on acquisition and management of public areas including, but not limited to, pools, parks, beach accesses, streetscapes and other public easements and property to further the living park concept. The CRAB shall advise the town council on these matters or any other topics as assigned by the town council.

c. *Cultural and environmental learning center advisory board.* The broad objectives of CELCAB are to ensure and promote the mission of the Mound House and Newton Beach Park to be accomplished through stewardship, advocacy and oversight according to best practices of museums and the requirement as stated in the Florida Communities Trust Agreements for each property. The CELCAB shall advise the town council on these matters or any other topics as assigned by the town council.

(4) *Marine and environmental resource and task force.* The broad objectives of MERTF are to further the welfare of the business owners, residents, and visitors of the town by helping to promote a better, more healthful, safe, and attractive community environment and to ensure that the unique and natural characteristics

of our marine and environmental resources are preserved; or any other topics as assigned by the town council.

(5) *Public safety committee.* The PSC shall address any safety and transportation issues specifically assigned to the committee by the town council for the purpose of the health, safety and welfare of the business owners, residents, and visitors to the town. The committee shall review, discuss, and evaluate the most significant safety and transportation issues within the town. The PSC shall advise the town council on these matters or any other topics as assigned by the town council.

Sec. 2-96. – Removal of agency, board, committee or commission members.

Unless otherwise precluded by state statutes, ordinance, or resolution, any member of an agency, board, committee or commission shall serve at the pleasure of town council and may be removed by town council with or without cause. In the event that any member ~~is no longer a registered voter within the town's jurisdiction or a property owner within the town's jurisdiction,~~ or is convicted of a felony, an offense involving moral turpitude, while in office or has unpaid fines or liens due the Town of Fort Myers Beach, the town council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

Section 3. That the Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach, Florida, 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, word, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. This Ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the town council upon a motion by _____ and seconded by _____, and upon being put on a roll call vote, the results were as follows:

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

Scott Stafford, Council Member _____

ADOPTED this ____ day of _____, 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Town Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Fort Myers Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Ordinance 24-XX - AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-94 "QUALIFICATIONS AND APPOINTMENTS OF MEMBERS" AND SECTION 2-96 "REMOVAL OF AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS" OF DIVISION 2 "PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS" OF ARTICLE IV "BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES" OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING RESIDENCY AS A QUALIFICATION REQUIREMENT FOR THE TOWN'S AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS; ELIMINATING DUPLICATIVE LANGUAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER'S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Fort Myers Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Fort Myers Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Fort Myers Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance would amend the existing language of Sections 2-94 and 2-96 of Division 2 of Article IV of Chapter 2 of the Code of Ordinances of the Town of Fort Myers Beach, Florida, by removing residency as a qualification for appointment of members to the Town's agencies, boards, committees or commissions and eliminating duplicative language. The proposed ordinance would serve the interests of the public by taking advantage of the subject matter expertise of non-residents by allowing them to serve on the Town's boards, agencies, committees, and commissions. The proposed ordinance would further eliminate duplicative language, streamlining the Code of Ordinances of the Town of Fort Myers Beach.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Fort Myers Beach, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Fort Myers Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Fort Myers Beach staff solicited comments from businesses in the Fort Myers Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Fort Myers Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

Not applicable.

RESOLUTION NUMBER 23-182

**A RESOLUTION OF THE TOWN OF FORT MYERS
BEACH, FLORIDA, ADOPTING AND AMENDING THE
TOWN COUNCIL POLICIES AND PROCEDURES
MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the 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 services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

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

WHEREAS, the Town Council has adopted a Policies and Procedures Manual to standardize the way the Town Council conducts its meetings, acts on items before it and adopts, amends, and implements legislative and policy decisions; and

WHEREAS, the Town Council desires to amend and update the Town Council Policies and Procedures Manual previously approved by Resolution 23-30.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing whereas clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and made a specific part of this Resolution.

Section 2. The amended Town Council Policies and Procedures Manual, attached as Exhibit "A" is approved.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by Council Member Woodson and seconded by Council Member King, and upon being put to a roll vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John King, Council Member	Aye
Vacant, Council Member	N/A
Karen Woodson, Council Member	Aye

ADOPTED this 22nd day of January 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Mar 6, 2024 08:29 EST)
Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Mar 6, 2024 15:53 EST)
Amy Baker, Town Clerk

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

Nancy Vose
Nancy Vose (Mar 5, 2024 09:52 EST)
Vose Law Firm LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 12th day of February 2024.

EXHIBIT “A”

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EXHIBIT “A”

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EXHIBIT “A”

1. Introduction

This Town Council Policies and Procedures Manual is for the purpose of helping the Council Members in the discharge of their duties. They are intended to be guidelines, not “rules” on how to conduct business. Town Council may vary from these policies and procedures on a case-by-case basis by a majority vote unless in conflict with Florida law, the Town Charter, the Land Development Code, Code of Ordinances, Comprehensive Plan or other Town guiding documents. As the Town Council continues to discover situations that are unique to Fort Myers Beach, it will want to update and amend this manual. 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 Council 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 Council also may develop common expectations on proper conduct of Council meetings, dealings with the public, and the roles of Town staff and committees.

This manual should be used in conjunction with the Town Charter, Comprehensive Land Use Plan (Comp Plan), Land Development Code (LDC), Code of Ordinances, and the annual budget as necessary. In the event of a conflict between this document and Florida statutes, Town Charter or other Town guiding documents, such other document shall prevail over the language in the Policies and Procedures manual.

2. Town Council Mission and Job Description

Mission:

To legislate and police the powers of the Town, including establishing boards, commissions and committees; to perform all duties and obligations imposed on the municipality by law; to insure by strategic planning and clear policies that the unique and natural characteristics of the island are preserved; to supervise the Town Manager and Town Attorney; to perform all actions for the welfare of the residents, owners, businesspersons, and guests of the Island in adherence to the Town Charter, State and Federal Law.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as needed to make changes.
- Review and interpret the Land Development Code and conduct public hearings as needed to make changes.
- Conduct hearings regarding land use matters.
- Introduce and approve Charter Amendments for adoption by referendum.
- Appoint a Town Manager.
- Appoint a Town Attorney.
- Introduce and enact ordinances.

EXHIBIT “A”

- Introduce and adopt resolutions.
- Review and adopt the Operations and Capital Improvement budgets.
- Review and approve budget amendments.
- Create Special Assessment Districts as may be needed.
- Establish advisory committees as needed.
- Review and approve inter-local agreements.
- Review and approve contracts with the Town above the threshold limit allowed to Town Manager.
- Elect a Mayor and Vice Mayor.
- Perform any other duties that are lawfully defined by the Charter and Florida statutes.

Council Member Requirements:

- Electronically file a Statement of Financial Interests and Ethics Training (Form 6) on the Florida Commission on Ethics website every year.
- Complete and file Form 6F – Final Statement of Financial Interest, within 60 days of leaving office.
- Pursuant to state law, all Council members must complete 4 hours of ethics training each calendar year, which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of the State of Florida.

3. How Town Council Will Operate

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 Town Council pledges to adhere to the following CODE OF CONDUCT:

1. Regularly attend all scheduled meetings of the Town Council as well as special or called meetings relevant to the office.
2. Regularly attend all scheduled meetings of outside committees of which they are a member.
3. Prepare for each meeting.
4. Create a positive environment in meetings of Town Council.
5. Maintain an attitude of courtesy and consideration toward colleagues, residents, and staff during all discussions and deliberations.
6. Allow residents, colleagues, and staff sufficient opportunity to present their views within the prescribed rules for conduct of meetings of Town Council.

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7. Avoid the use of abusive, threatening, or intimidating language or gestures directed at colleagues, residents, or staff.
8. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
9. Respect all local, state, and federal laws, rules, and other regulations.
10. Electronically submit completed financial disclosure forms via the Florida Commission on Ethics website by the specified deadline.
11. Publicly acknowledge the adopted position when asked about a decision of Town Council.
12. Read the Town Comprehensive Plan and follow its directives in all decision-making processes for the Town.
13. Follow the procedural and substantive requirements of the LDC.

Code of Ethics:

Members should 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 residents served by the Town Council and by promoting public confidence in the integrity, independence, ability and impartiality of Town Council.

1. Members shall not convey the impression that they can influence the outcome of a decision of Town Council and shall not attempt to use their office to direct or influence staff recommendations, the Town Manager or Town Attorney without the concurrence of the Town Council.
2. Members shall discharge their duties and responsibilities without favor, bias or prejudice toward any person or group. Members should not allow personal or business relationships to impact upon their conduct or decisions in connection with Town Council business and shall not lend their influence towards the advancement of personal interests, towards the advancement of the interests of friends or business associates or other conflict of interest situations.
3. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with an applicant – or their representatives about specific upcoming Town Council quasi-judicial agenda items unless the ex parte communication is disclosed as required. If a member receives a private written, telephonic or electronic communication about an agenda item, the member will promptly forward the information to the Town Manager and the Town Clerk, or to the member’s Town e-mail account so that it may be shared with all other members and filed with the Town official records to comply with the Public Records Law requirement. Any private written, telephonic, or electronic communication about an agenda item, must be submitted to the Town Clerk prior to the commencement of the Town Council meeting at which the agenda item is discussed or it cannot be mentioned or read by any member unless otherwise allowed by majority vote of the Town Council.

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4. No member shall communicate, receive, send, or solicit any private written, telephonic, or electronic communication during a Town Council meeting if disruptive to the orderly conduct of the meeting, unless it pertains to an emergency situation (example: audio or video feed of Council meeting not working properly).
5. Members shall refrain from any private discussion of Town Council business, or matters that could come before the Town Council, with other members per the requirements of Florida’s Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
6. Consistent with Florida law, 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 Town Council proceedings. Florida law prohibits the spouse or minor child of that member from soliciting or accepting these as well, and the Member shall be vigilant in ensuring compliance from those family members. Members should contact the Town Attorney or the Florida Commission on Ethics if they have any questions about compliance with Florida law as to gifts.
7. A member whose personal employment or business relationship with a person or entity that is subject to a recommendation of Town Council shall seek the advice and counsel of the Town Attorney, if such relationship could conceivably influence the members’ impartiality during Town Council 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 determinations.
8. Members shall remain vigilant against deviations from Town Council policies and procedures.

As a legislative and quasi-judicial body, Town Council 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, the Town Charter, Town code and LDC, 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 unreasonable, 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, the Town Code and LDC that 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.

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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 are 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 Town Council provide an applicant and other parties potentially affected by a requested decision these fundamental protections.

Assignment of a Town Council Representative:

Town Council may choose to assign a member to lead a project or assess an issue. The Town Council Representative, or often called a “Point Person” may be assigned to do fact-finding and/or research, recommend a course of action and report back to Town Council for direction. Final decisions are made by a majority of Town Council.

Sunshine Issues:

Members of Town Council and all Town advisory committees, boards and agencies are subject to the Sunshine Law (F.S. 286.011). This means that any gathering of, or communication between, two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action taken by communication through a spouse or other go-between.

Town Council members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or civic groups 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.

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Email and Texting Policy:

Email and texting are convenient ways to communicate with staff, Town Council, residents, and others. However, it presents unique legal and ethical challenges. All email and texts regarding Town business must be properly retained as a public record. Furthermore, any email or text regarding an issue that will come before Council in a quasi-judicial hearing must be properly disclosed as an ex-parte communication as appropriate. Council members must be vigilant to not accidentally violate Sunshine Law requirements. Emailing or texting anyone stating a position on an issue that will come before Town Council is particularly risky. Email and text actions to avoid include:

1. Sending an email to another Council member with anything that could be construed as a position.
2. Copying another Council member on a response to an email sent by a resident, staff member or other person.
3. If another Town Council member’s email is inadvertently forwarded to you, respond to the sender recognizing its accidental nature, the fact that it is a Sunshine issue and retain a copy of your response.
4. Sending an email “Reply All” when more than one Council member is also on the email that was received.

Florida has a very broad public records law. Most written communications to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email and text communications and email address and mobile phone number may be subject to public disclosure. (This statement must be included in the closing of any email regarding Town business).

Public Records:

It is the policy of the State of Florida that municipal records shall be open for personal inspection by any person (s. 119.01, F.S.). To that end, the Legislature has enacted the Public Records Law (Ch. 119, F.S.), which contains requirements that public records, as defined in s. 119.011, F.S., be made available for public inspection, they be kept in usable condition, they be kept in safe places, they be kept in convenient places, and copying of records be provided at reasonable costs. A public record is “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”

Council members’ responsibility is to ensure their own public records are properly handled and preserved, and to see that the law is adhered to by all employees of the Town. The Town Clerk has been assigned the responsibility of being the custodian of public records. Council members must further understand that their public record must be retained even after leaving office.

Any use of personal electronic equipment or email accounts for government business is allowed, but for a council member’s own protection, it is suggested that a copy of any documents produced is sent to their Town email account for proper retention. Materials prepared for Town Council meetings, hearings, minutes, and workshop will already be managed by the custodian of public

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records and do not need to be retained by the Council member. If there are any questions on retention of a particular document, consult with the custodian of public records and/or the Town Attorney before destroying.

4. Training Materials and First Meeting

Training Materials:

The Town Clerk will provide each new member of the Town Council with copies of:

- Town Charter.
- Comprehensive Plan.
- Land Development Code.
- Code of Ordinances.
- Florida Code of Ethics.
- Florida Sunshine and Public Records Laws.
- Emergency Operations Plan.
- Town Council Policies and Procedures Manual.
- Local Planning Agency Policies and Procedures Manual.
- Town Personnel Manual.
- Town Purchasing and Procurement Manual.
- Other materials as determined by the Town Attorney, Town Manager and Town Council members.

As part of a Council member’s orientation, they will be provided a tour of the Town facilities with introductions with all staff members. ~~Pursuant to state law, all Council members must complete 4 hours of ethics training each calendar year, which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of the State of Florida.~~

Training Recommendations:

- Successful completion of all courses required by the National Incident Management System (NIMS).
- Florida League of Cities, Inc., Institute of Elected Municipal Officials (IEMO) Basic Course.
- Making Good Planning Decisions.
- Hands-on Emergency Operations Training.
- Other courses as determined by the Town Attorney, Town Manager and Town Council members.

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Election of Officers:

At the first meeting after the second Tuesday in November, the Council’s Mayor and Vice Mayor will be chosen. Each Council member may nominate a person for each of these positions. A second is not required. The voting procedure will be agreed upon in advance.

Outside Committee Representation:

Charlotte Harbor National Estuary Program – www.chnep.org

Meetings: The Policy Committee meets the third Monday every other month at 9:30 am*.
Mission: The CHNEP is a partnership that protects the estuaries and watersheds from Venice to Bonita Springs to Winter Haven. This partnership gives citizens, elected officials, resource managers, and commercial and recreational resource users in the 4,700-square mile study area a voice to address diverse resource management concerns including fish and wildlife habitat loss, water quality and water flow. The watershed in the study area includes all or parts of Lee, Charlotte, Sarasota, Manatee, Polk, Hardee and DeSoto counties.

Coastal Advisory Committee – <https://www.leegov.com/naturalresources/marine/beachmgmnt/CAC>

Meetings: Last Monday of each month at 9:30 am.*
Mission: The Council’s charge is to advise the Board of County Commissioners, staff and the various related advisory boards when proceeding with a project affecting beach and shoreline preservation regarding the proper methods in helping to conserve the Beaches of Lee County.

Horizon Council – <https://www.leecountybusiness.com/horizon-council/>

Meetings: First Friday of each month*
Mission: The Horizon Council is the advisory board to the county commission on economic development issues. This unique public-private partnership is made up of 62 members from government, education, business, and community organizations. Established in 1991, the mission of the Horizon Council is to:

- Work toward improving the business environment in Lee County; and
- Retain and encourage the expansion of existing businesses; and
- Attract new and diversified employment to the area

Human Services Council – <https://www.leegov.com/dhs>

Meetings: Third Tuesday of each month*
Mission: The Council will ensure the efficient delivery of community health and human services through:

- Communication
- Coordination
- Strategic Planning
- Innovation
- Integration and collaboration
- Measurable Outcomes

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Metropolitan Planning Organization – <https://leempo.com/>

Meetings: Third Friday of each month at 9 am*

Mission: The MPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all of Lee County. It must plan for the movement of both people and goods within the county by all modes of travel – including highways, public transportation, bicycles, and foot. It also plans for the connections (such as airports, seaports, or bus, railroad, and pipeline terminals) linking these modes or tying us to the rest of the world.

The MPO sets priorities among surface transportation improvement projects within Lee County for state or federal funding. To be eligible for federal funds, federal law requires that the MPO endorse a transportation improvement program identifying the projects to be done over the next few years.

Southwest Florida Regional Planning Council – www.swfrpc.org

Meetings: Third Thursday of each month at 9 am*

Mission: The Southwest Florida Regional Planning Council is a locally formed regional planning agency serving six counties: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota. Its mission is to protect and improve the region’s physical, economic, and social environment. The agency is directed by a thirty-four-member Council composed of local elected officials and gubernatorial appointees. The activities of the Southwest Florida RPC can be classified into three major areas: long range planning, tactical planning, and transportation planning.

Estero Bay Agency on Bay Management – <https://www.esterobayabm.org/contact>

Meetings: Second Monday of each month at 9:30 am*

Mission: Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed

*Meeting times are subject to change.

5. Town Advisory Committees, Boards and Agencies Standing Advisory Committees

Council Selection of Advisory Board, Agency, and Committee Members:

Residency: ~~Except as required by Town Charter, Town Ordinance or Florida statute, residency on Fort Myers Beach will not be a requirement for nomination or election to a committee, commission, or board of the Town.~~ As provided by Sec 2-94 of the Town Code, committee members shall be a registered voter or a property owner in the Town’s jurisdiction.

Advertising: All advisory committees are listed on the Town website. Information included will be the committee mission, current projects, when the committee meets and current members on the committee and whether submission of an annual Form 1 (Financial Disclosure) is required by the Florida Commission on Ethics.

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Openings: In the event of an opening for an advisory board or committee, Town staff will list the opening on the website with a date when applications must be submitted to the Town Clerk for consideration by Town Council. Whenever possible, committee selection will be scheduled 30 days after proper notification. Advertising in local newspapers can be considered if approved by the Town Manager. Committee candidates will be encouraged to appear for interviews during the selection process.

Preliminary matters: The Council should decide how to go about voting prior to any voting taking place and decide the number of members on a committee ahead of time.

Voting:

1. Each Council member makes selections, marking no more than the total number of seats available (or writes the names down), and initials his ballot.
2. Those receiving the most votes are selected to seats available.
3. If there is a tie for any number of seats still left open, there will be a runoff consisting only of the persons who are tied.

Examples of voting procedure:

First Ballot:

Seats available – 9

Candidates – 15

Votes on First Ballot: Results of First Ballot

3 get 5 votes apiece 3 are elected

3 get 4 votes apiece 3 are elected

4 get 3 votes apiece 4 go on a second ballot

3 get 2 votes apiece 3 are eliminated

2 get 0 votes apiece 2 are eliminated

There would be a second ballot containing only the names of the four candidates who got three votes. Council would vote for three candidates. This process would be repeated in case of a tie until all seats are filled. A variation on this method of voting is that after the first ballot, if there is a tie which prevents all the seats from being filled, the runoff would consist of all the un-selected candidates, not just the ones involved in the tie.

4. The ballots are given to the Town Clerk, who conducts the tallying and announces the results.
5. Once all selections are made, Council adopts a motion containing the new members' names.

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Effective Date of Appointment and Follow Up:

Newly appointed advisory board, agency and committee members who are required to file a Financial Disclosure Statement, will be notified of the disclosure requirements no later than the date of appointment. The Town Manager or designee is responsible for such notification. These appointments should be made effective as of some future date, so that there is sufficient time to provide the required notification. For convenience, the notice could be accompanied by a copy of the required disclosure forms, which are available on-line from the Florida Commission on Ethics (<http://www.ethics.state.fl.us/>)

Ad Hoc Committees:

Town Council has the authority to form ad hoc committees requesting participation by volunteers. Ad hoc Committees can be used at Town Council’s discretion to address specialized and or short-term Town issues.

The mission, specific objectives, expected products, membership and timelines of an ad hoc committee should be clearly stated and agreed to by Town Council. One Town Council member will be an ex-officio member of each ad hoc committee. Where possible, an attempt will be made to have a balanced committee membership. Minutes or verbal reports will keep Town Council informed on a regular basis. A final report will document findings and recommendations and will be presented at a Town Council meeting or workshop.

Ad hoc committees are subject to the public records laws, sunshine laws, quorum, and statutory ethical requirements. It is the Town’s responsibility to ensure that each committee member is educated on these issues.

Outline of Committee Orientation Material:

- Meeting Requirements
 - Notice
 - Location Requirements, such as ADA compliance
 - Agendas
 - Quorum
- Sunshine Requirements
- Public Records Requirements
- Statutory Ethical Requirements

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6. Meeting Preparation and Planning

Meeting Schedule:

Regular meetings of Town Council may be found on the website calendar. Management and Planning meetings (M&Ps) are work sessions and are scheduled to discuss financial and other issues before the Town. The need for workshops special meetings, continuances, or rescheduled meetings will be determined by consensus of the Town Council members or the Town Manager and Town Attorney.

Source of Items:

Items for Town Council agendas are generated by requests and/or legislation (ordinances or resolutions) from members of Town Council prepared by the Town Attorney, requests and actions from the Local Planning Agency, continuations from previous council meetings, in addition to anything Council members, the Town Manager or Town Attorney may wish to have included. Some of these inquiries are routine and can be handled by staff because Town Council policy and procedures have been previously approved which apply.

When an item arises that requires Town Council action either to make a decision or to direct staff or the Town Attorney how to proceed it will appear on the agenda identified as a Council member's request or as an item under the Town Manager's section of the agenda which is the “catch all” for miscellaneous items, or Town Attorney's section, as appropriate. For an item to appear on an agenda, at least two Council members must agree and shall direct the Town Manager to do so, provided time schedules allow. (Note the agenda preparation timetable below).

Whenever possible, any material written and distributed by Council members as part of the agenda should be included in Council members' packets – allowing ample time for review. This preserves the integrity of the seated Council, conforms to the Florida Public Records law, and lessens the opportunity for misunderstandings and miscommunication. No significant Town staff or Town Attorney time will be spent on an agenda item requested by an individual Council member without advance approval by a majority of the Council. Written requests to be placed on a Council agenda from the public should be submitted directly to the Town Manager. Agenda Management for future meetings is reviewed at each Management & Planning Session.

Timetable and Preparation Process:

A draft agenda will be sent to Town Council for review and comment within 24 hours. The Town Council chair may modify the order of the agenda subject to the approval of the Town Council. Absent an emergency or pressing need, by close of business on the Wednesday prior to the next regular Council meeting, a packet including the finalized agenda and supporting material will be placed in the Council members' mailboxes and placed on the Town website.

The Council members' packets include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.). A sincere effort is made to see that Council packets are complete; if something is not available, a written

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explanation will be provided. Generally, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall and on the Town website. Meetings may be announced in local newspapers. Hearing notices will be advertised as required by law and may be provided as a service to local newspapers. 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 should be an exception and require a majority vote prior to the approval of the final agenda at the beginning of the meeting.

Continued Hearings and Legislative Issues:

It is the goal of the Town Council to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any Town Council member who missed the initial hearing should attempt to review the DVD 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 Town Council shall consult with the Town Manager and the Town 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).

Attendance Policy:

The Charter states “A member of Council may forfeit the office, if the member: (d) Misses three consecutive regularly scheduled council meetings without an excused absence.” This statement recognizes that because of the significant meeting preparation required by staff, applicants, and other supporting personnel, it is important that a quorum of the Town Council members be present for all noticed meetings. The Town Manager should be notified of a planned Council member’s absence as soon as known. The Town Manager or designee will notify the Town Attorney and Mayor. It is important that the Town Council know that it will have a quorum of its members prior to notification of a meeting/hearing. Work session attendance is equally important since that is often when information is shared, and issues resolved before putting the item on an agenda of a regular meeting for a vote.

Participation by Videoconference:

A Council member may participate in a Town Council meeting via videoconference if one of the following conditions is met:

1. Permission is granted from the Council for an “extraordinary circumstance”, including but not limited to a medical situation, unexpected travel delay, transportation issue, etc. or.
2. An emergency order or executive order authorizes the use of communications media technology, as provided in s. 120.54(5)(b)2, F.S.

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A quorum of Town Council members must be met without the missing Council member(s) in attendance unless this requirement is suspended by emergency order or executive order.

7. Meeting Procedures

Generally, the Order of Agenda Items:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Final Agenda
5. Public Comment (Any issue can be discussed, but if an agenda item is addressed, the speaker cannot comment at the time such agenda item comes up. For testimony to be considered for a public hearing, it must be made during the hearing).
6. Local Achievements and Recognitions
7. Advisory Committee Items / Reports / Appointments
8. Approval of Minutes
9. Consent Agenda
10. Items Removed from Consent Agenda
11. Public Hearings of proposed ordinances (At conclusion of hearing, requires motion and roll call vote)
12. Administrative Agenda
 - a. Introduction of proposed ordinances (Requires a motion and a majority vote for scheduling the hearing).
 - b. Resolutions (Requires a motion and vote for passage)
 - c. Unfinished business (Items from previous agendas scheduled by Town Manager – should be listed separately on the agenda)
13. Final Public Comment (not limited to agenda items)
14. Town Manager’s Items and Reports
15. Town Attorney’s Items and Reports
11. Council Members Items and Reports
17. Adjournment (Requires a motion and vote – no second is required. It is a privileged motion allowing no discussion before vote)

Conduct of Council Meetings:

- The Mayor will conduct Council meetings, and in the Mayor’s absence the Vice Mayor will do so.
- The Town Clerk shall deliver a nondenominational invocation.
- Robert’s Rules of Order shall be the reference for parliamentary procedure governing the conduct of Town Council meetings when not in conflict with the Town Charter, Town Ordinances, Florida Statutes or these Policies and Procedures. It is not intended that

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Council meetings be unnecessarily formalistic, but rather that parliamentary procedure will be invoked only when necessary to facilitate the business of the meeting.

- All participants and audiences at Town Council meetings are expected to exhibit common courtesy and proper decorum. No personal attacks will be tolerated. The Chair may request that someone who is being disruptive be removed from chambers after providing the individual with notice that the continuation of the disruption will result in removal.
- Individuals wishing to speak during the Public Comment times are requested to (1) fill out an index card (available in the meeting room) indicating their name and the topic they will address and (2) give that card to the Clerk prior to the start of the meeting. When recognized by the Chair, the speakers 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 vote of the Council. The Public Comment times are intended as opportunities for interested parties to present their viewpoints to the Council members. They are not intended as question-and-answer sessions or as dialog with the Council. Response to questions and/or clarifications requested during public comment may, with the approval of Town Council, be answered immediately if there is a straight-forward, short answer, directed to the appropriate person for response at a later time or placed on an agenda for a future Council meeting.
- After a proper motion and second, discussion by the Council members shall be limited to agenda items with expression of ideas, facts, and conclusions. No member will speak twice on the item until all others who want to speak have spoken.
- The discussion by Council members is intended as an opportunity for Council members to share their viewpoints with each other. Since this opportunity does not exist outside of Council 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 Town Manager or Town Attorney, which could be obtained outside of the Council meeting. While there is no time limit or censorship on comments, Council members should take into consideration the total time available in the meeting for the published agenda and the time allocated for the specific item in the agenda.

Any Council member may present resolutions related to celebrations or in support of causes for the benefit of the Town, which must be previously reviewed for form and sufficiency by the Town Attorney and subject to a vote by the Town Council.

Rules of Civility:

The Town of Fort Myers Beach Town Council recognizes that public discourse is essential to the democratic system of government. It also embraces civility in public deliberations. Rules for Council discussion and public participation while conducting meetings and workshops are as follows:

1. Speakers are permitted to deliver his or her comments without interruption, absent inappropriate language, conduct or personal attacks.
2. Speakers and debates should focus on issues, not on persons or personalities.
3. Persons are encouraged to participate in the governmental process.

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4. To allow time to hear all points of view, speakers are allotted 3 minutes.
5. Sidebar discussions while others are speaking are discouraged in Council Chambers. These discussions are to be removed from the chambers so as not to be disruptive to those conducting and following Council business.
6. Only the speaker recognized by the Chairperson has the floor. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.
7. We seek to understand one another's points of view.
8. Anger, rudeness, ridicule, impatience, and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing, or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.
9. We should all take initiative to make things better. Our goal is to foster an environment which encourages a fair discussion and exchange of ideas without fear of personal attacks.
10. No use of profanity will be tolerated.
11. Any email or other digital or internet platform used to communicate with the Town Council, individual members of the Town Council, Town Manager, Town Attorney, or Town staff that contain personal attacks, offensive language or slurs; that are belligerent, sarcastic, accusatory or unsigned shall be deemed by the Town Council as non-compliant with these “Rules of Civility.” Such communications place absolutely no obligation upon Town Council Members, the Town Manager, the Town Attorney or Town staff to respond.

Minutes:

Notes will be taken of all meetings and work sessions. The notes are then transcribed into summary minutes that become the written record of subjects discussed, conclusions reached, actions taken, and assignments given. The minutes include the names of all those participating in the meeting including Council members, staff, the Town Attorney, applicants, their attorneys and witnesses, and people who offer public comments. The minutes also serve as a record of motions and votes on all Council decisions.

Once completed, the minutes are provided to Council members for approval at their next meeting. The approval of the minutes is intended for Council members to accurately document the proceedings of the Town Council. Before moving approval, the minutes should be amended, if necessary, to portray more accurately what occurred at a Council 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 was done. Once approved by Council, the original is filed in a secure file and a copy is placed on the Town's web page.

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Video and/or audio recordings when made are available at the request of the public or anyone who wishes to listen to the meeting or a portion of the meeting. The original video and audio recordings are stored in a secured area for safekeeping. Any request for production of a verbatim transcript, in whole or in part, of any meeting, workshop or other function of the Town Council or any Town committee thereof by a member of the public shall be paid for by the member of the public. Any need for a verbatim transcript requested by Town staff shall require prior consent of payment by the Town Council, except when such requests are required by a court of competent jurisdiction or quasi-judicial officer in the proper exercise of its powers. Video and audio recordings are only the legal record in the absence of approved minutes.

Council Members Items and Reports:

Items and Reports time is set aside for Council Members to report on activities of interest to fellow members, staff, and the public. Council Members are encouraged to send as much information as possible prior to the meeting. Unless an issue is time sensitive, the item will be placed on a future agenda if a vote is required.

Agenda Management:

The Town Manager is responsible for compiling and distributing a schedule of future meetings and work sessions.

Action List:

The Town Manager is responsible for compiling and distributing a list of action items that includes a short status and expected date of completion.

How Voting Order is Established for Roll Call Votes:

The voting order for calling the roll-on Town Council votes shall be conducted at the direction of the Town Clerk. Votes on ordinances require a roll call vote; any Council member may call for a roll call vote on any motion before the Council.

Voting Conflicts:

Florida Statute has very specific rules regarding voting conflicts. If a Town Council member has a voting conflict, he/she must publicly disclose that conflict at the latest at the beginning of the discussion of the subject at the meeting. A Town Council member is permitted to participate in the discussion but cannot vote on the subject. The specific rules are set out in s. 112.3143(3)(a), F.S. as amended, quoted below:

“(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which 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, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or

EXHIBIT “A”

business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.”

NOTE: s. 112.3143(b) F.S. 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. Also, Section 112.3143(4) prohibits participation by an appointed (as opposed to an elected) official in the event of a voting conflict of interest.

Guidelines for Legislative Hearing Procedures:

1. The Chair opens the hearing.
2. Staff presents Affidavit of Publication or copy of the legal advertisement from the newspaper of record when applicable and a copy of the business impact estimate when applicable, which shall be maintained by Town staff with the hearing’s resulting ordinance or resolution as required.
3. The Chair or Town Attorney reads the ordinance or resolution title.
4. Staff and/or the Town Attorney present(s) a brief overview of the ordinance or resolution.
5. Public input is taken.
6. Public input is closed.
7. Town Council members ask questions, if any, of staff/Town Attorney
8. Town Council members discuss ordinance or resolution, including changes, deletions, etc.
9. A motion is made and seconded to either approve the ordinance or resolution as is, or with modifications, or to take some other action.
10. The motion is discussed and voted upon, with roll call voting as appropriate. Upon consideration and passage of all appropriate motions, the Chair declares the hearing on the ordinance or resolution to be concluded, continued, tabled, or other action in conformity with the motion.
11. If an ordinance is approved, the Town Council shall schedule a second reading of the ordinance for adoption.

Notes: There is no ex parte disclosure for legislative hearings.
Members of the public are not sworn in.

The above is intended as a guide and the Council may conduct the legislative hearing utilizing another procedure, so long as due process requirements are met.

EXHIBIT “A”

Guidelines for Quasi-Judicial Land Use Hearing:

1. The Chair opens the hearing.
2. Staff present an Affidavit of Publication or copy of the legal advertisement from the newspaper of record when applicable, which shall be kept by Town staff with the hearing’s resulting resolution or Order.
3. The Chair asks if any Council member has a conflict of interest or 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. See section 34-52 of the Land Development Code.
4. All witnesses are sworn in. This includes Town staff, applicant and applicant’s representatives, and anyone who wishes to make public sworn testimony on this case. All persons are requested to state their name for the record when they address the Council and if presenting testimony as an expert, shall state their qualifications and area of expertise. Town Council shall vote to accept or reject the testimony as expert testimony. No statement of qualifications or additional vote is needed if the individual has been previously accepted as an expert in a particular area and this is stated in the record.
5. The applicant presents its case, including any testimony by its experts or others in support of the applicant’s request. Town Council may ask clarification questions of the applicant and others giving testimony in support of the applicant’s request. *
6. Town staff presents its report and recommendation. Town Council may ask for clarification or questions of staff. *
7. Local Planning Agency representative, if available, presents LPA recommendation. Town Council may ask clarification questions of the LPA representative.
8. Public sworn testimony is opened. At its conclusion, the Chair closes the public sworn testimony portion of the hearing.
9. Applicant presents rebuttal, if any. Town Council may ask detailed informational questions of applicant. **
10. Staff presents rebuttal, if any. Town Council may ask detailed informational questions of staff. **
11. The testimony portion of the hearing is closed, and Council discussion starts.
12. Council votes on a resolution or Order, or takes other action if approval by ordinance is required.
13. Thereafter the hearing is closed or continued, or other action is taken in conformity with the successful motion, and the time of closure is verbally noted for the record.

*Council has determined that these Council questions are to clarify the applicant’s and staff’s presentations of information and are intended to be short Qs and As.

**Council has determined that these Council questions are to discuss detailed, substantive matters involving the application.

EXHIBIT “A”

NOTE: The above is intended as a guide and the Council may conduct the quasi-judicial hearing utilizing another procedure, so long as due process requirements are met.

If new evidence is submitted prior to or at a Town Council hearing for a quasi-judicial matter after the final LPA hearing, Town Council can choose to:

1. Send the matter back to the LPA for review and recommendation.
2. To continue the hearing to provide sufficient time for the staff and Town Attorney to make recommendations; or
3. To complete the hearing if agreeable to the staff and Town Attorney.

8. Reimbursement Procedures

Travel Expenses:

It is the desire of the Town of Fort Myers Beach that Town Council members be reimbursed for certain expenses incurred while traveling on Town business. Appropriate allowances, forms and procedures are documented in the Town Personnel Manual.

Business Expenses:

From time to time, it may be necessary for members of Town Council to entertain various Federal, State and County officials while transacting official Town business. Such business expenses would normally include lunches and/or dinners. A Direct Expense Voucher may be submitted for reimbursement and must be signed by the person requesting reimbursement, and the Town Manager. Invoices must be attached as supporting documentary evidence.

Educational Reimbursement:

The Educational Reimbursement Program is used to encourage Town Council members to improve their knowledge and skills needed for the Town’s effectiveness. Reimbursement conditions, forms and procedures are documented in the Town Personnel Manual.

9. Council Communications Policy and Processing Procedures

Council Communications Policy:

Any communication by individual Council members to the media, other governmental agencies, or in public forums should, as clearly as possible, distinguish between personal opinions and actions or direction taken by Town Council. This policy in no way means to censor viewpoints or restrict individual rights but is solely suggested to preserve the integrity of the Council, staff, and the Town.

EXHIBIT “A”

Mail Processing Procedures:

Mail for the Town should be addressed to the current address. All mail is opened stamped and distributed (it is all public record). Council mail is given to the Administrative Assistant to log and process. Any Council mail that needs a prompt or detailed answer is pulled, copied, and a draft response is prepared for review, usually by the Mayor. The original is distributed, along with other mail, with a note stating a draft response is being prepared. When the response is finalized, it is copied and distributed to all Council members for reading at their leisure.

Communications with Potential Applicants for Zoning and Communications with Vendors or Service Providers:

Section 34-52 of the LDC specifies regulations regarding communications with public officials in non-quasi-judicial matters and ex parte communications with public officials in quasi-judicial matters.

10. Non-Discrimination and Harassment

Policies:

These policies are documented in the Town Personnel Manual

EXHIBIT “A”

11. Interview/Selection Process for Legal Services

The Town Council shall competitively procure Legal Services (Town Attorney) candidates in accordance with the Town’s adopted procurement policies and procedures. The following applicant form, and ranking sheet shall be used in the selection of Legal Services candidates. The Town Council may direct the Town Manager or designee to review the proposals submitted by the applicants for Legal Services and provide the Town Council with a list of five (5) candidates, with two (alternates) for interviews as provided for herein. If there are less than five (5) qualified candidates (i.e., meet the criteria in the RFP/RFQ) all candidates shall be interviewed.

INTERVIEW PROCESS FOR LEGAL SERVICES

Individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP#: _____. Interview date: _____

	9:00-9:30 (Public Gathering)	9:30 – 10:00	10:00- 10:30	10:30- 11:00	11:00- 11:30	11:30- 12:00	12:00- 1:00
Councilor 1		Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2		Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3		Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4		Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5		Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant 1: _____

Applicant 2: _____

Applicant 3: _____

Applicant 4: _____

Applicant 5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5

EXHIBIT “A”

2:40 – 3:00	Break
3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant’s combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period of legal services, if necessary, is discussed including assignment of representation for ongoing municipal litigation cases.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

EXHIBIT “A”

TOWN COUNCIL RANKING SHEET FOR LEGAL SERVICES

RFP# _____

DATE: _____

Councilor Name:

Councilor Signature:

Ranking (#1 is top choice)

1. _____
2. _____
3. _____
4. _____
5. _____

EXHIBIT “A”

12. Interview/Selection Process for Town Manager

The Town Council shall competitively procure Town Manager candidates in accordance with the Town’s adopted procurement policies and procedures. The following applicant form, and ranking sheet shall be used in the selection of Manager candidates. The Town Council may direct the acting current Town Manager or designee to review the proposals submitted by the applicants for Town Manger Services and provide the Town Council with a list of five (5) candidates, with two (alternates) for interviews as provided for herein. If there are less than five (5) qualified candidates (i.e., meet the criteria in the RFP/RFQ) all candidates shall be interviewed.

INTERVIEW PROCESS FOR TOWN MANAGER

Councilors rank top 5 candidates from applications. Top 5 overall are invited and scheduled for individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP# _____ Interview date: _____

	9:00-9:30 Public Gathering	9:30 – 10:00	10:00- 10:30	10:30- 11:00	11:00- 11:30	11:30- 12:00	12:00- 1:00
Councilor 1		Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2		Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3		Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4		Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5		Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant

1: _____

Applicant

2: _____

Applicant

3: _____

Applicant

4: _____

Applicant

5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

EXHIBIT “A”

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5
2:40 – 3:00	Break
3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant’s combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period, if necessary, is discussed.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

EXHIBIT “A”

TOWN COUNCIL RANKING SHEET FOR TOWN MANAGER

RFP# _____

DATE: _____

Councilor Name: _____

Councilor Signature: _____

Ranking (#1 is top choice)

1. _____
2. _____
3. _____
4. _____
5. _____

EXHIBIT “A”

13.Appointment to Vacant Council Seats

In the event of a vacancy on the Town Council pursuant to Sec. 4-06 of the Town Charter, the Town Council shall:

- 1.Declare and announce at a public meeting the reason the vacancy has been created;
- 2.Direct the Town Manager or designee to notify the public as soon as reasonable by the most appropriate means, including but not limited to posting on the Town’s website, a press release, social media, advertisement, that a vacancy on the Town Council has occurred with instructions on how to apply to serve as a Town Council member and notice that a Form 6 must be filed with the Florida Commission on Ethics pursuant to Florida law.
- 3.Thereafter the Town Council shall appoint an individual, who is qualified as provided in Section 4.01(c) of the Town Charter, to serve as a Town Council member prior to the expiration of the term of the vacant seat.

1. **Request:**

Meeting Date: June 17, 2024

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

Why the action is necessary:

The Town Council approves or denies CPD amendments.

What the action accomplishes:

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

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

Jason Smalley, Senior Planner

5. **Background:**

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

Attachments:

1. 24-16, CPD20240049 Second Reading Sandy Bottoms _jas_ns
2. Sandy Bottoms CPD TC Staff Report second reading_jas
3. Exhibit A Application
4. Exhibit B Uses and Conditions
5. Exhibit C Master Concept Plan
6. Exhibit D 22-06, Amending Tuckaway Cafe CPD to Allow On-site Brewing of Beer
7. LPA AND TC postcard 2301-2307 ESTERO BLVD
8. 24-16, business-impact-estimate_Sandy Bottoms

Financial Impact:

unknown

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Schedule a second hearing for the CPD amendment.

8. **Recommended Approval:**

Jason Freeman, Legislative Liaison / Deputy Town Clerk
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

ORDINANCE 24-16

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

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

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

WHEREAS, 1249 Estero Adventures, LLC ("Applicant") is the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030 - comprising .66 - acre of land ("Property"); and

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

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

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

WHEREAS, Exhibit B is the approved Master Concept Plan ("MPC"), updated per the adopted Ordinance 24-16; and

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

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

WHEREAS, a public hearing was held before the Local Planning Agency (“LPA”) on May 14, 2024, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted by roll call 6 to 0 finding consistency with the CP and to recommend **approval with conditions** of the amended and restated CPD to the Town Council; and

WHEREAS, on June 3, 2024, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council scheduled a second reading of the proposed Ordinance and a held an advertised public hearing before the Town Council on June 17, 2024, at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, at the advertised public hearing, the Town Council determined the proposed ordinance to amend and restate Ordinance 22-16 is/ is not **consistent** with the CP and LDC and by roll call voted ___ to ___ to **approve/ approve with conditions/ deny** the Application.

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

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

Section 2. The Town Council has determined that the Applicant **did/ did not** meet its burden of proof that the requested zoning amendment meets the requirements of the CP and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/ APPROVES WITH CONDITIONS/ DENIES** the requested amendment to the CPD zoning of the Property, which will allow on-site brewing and consumption of malt liquor.

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

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

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

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

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

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by _____, and upon being put to a roll vote, the result was as follows:

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

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Gretchen R. H. Vose, Town Attorney

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

Exhibits

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

Exhibit "B" Master Concept Plan

EXHIBIT A

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

Schedule of Allowable Uses:

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

Conditions of Approval:

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

3. The parking lot must be stabilized in accordance with the provisions in Section 34- 2017(b) of the LDC.
4. Any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval shall require approval by the LPA and Town Council. Approval of an expansion shall address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required in the event of an expansion by the LPA or Town Council, including but not limited to payment of additional impact fees.
5. Bicycle racks shall be provided for a minimum of 8 bicycles.
6. The hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.
7. Amplified music or entertainment is permitted outdoors until 10 pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
8. All brewing activities shall be contained within the building.
9. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except: a) spent grain may be placed outdoors for a period not to exceed 24 hours; b) spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
10. The project must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the "CMBP" permit and any applicable state laws.
11. Only vertical support posts for the outdoor seating structure will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.
12. No outdoor seating or entertainment area will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.

Approved Deviations:

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

Deviation #1

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

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

Deviation #2

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

Deviation #3

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

Deviation #4

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

Deviation #5

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

Deviation #6

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

Deviation #7

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

Deviation #8

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

Deviation #9

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

EXHIBIT B

[TO BE INCLUDED]



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

TYPE OF CASE: CPD AMENDMENT

CASE NUMBER: DCI20240049

CASE NAME: 2301/2307 Estero Blvd (and associated properties incl. 2311 Estero Blvd & 111 and 121 Mango St) to allow development of a new restaurant with outdoor seating and a structurally connected shade structure

**TOWN COUNCIL
HEARING DATES:** June 3rd and 17th, 2024, at 9 AM

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

**STAFF
RECOMMENDATION:** APPROVAL WITH CONDITIONS

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

I. APPLICATION SUMMARY

Applicant/Owner: 1249 Estero Adventures LLC

Request: An amendment of Ord. 22-06

Subject property: See attached Master Concept Plan

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

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

FLU: Boulevard

Zoning: Commercial Planned Development (CPD)

Adjacent zoning and land uses:

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

II. BACKGROUND AND ANALYSIS

Background:

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

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

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

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

- 8 Conditions of Approval
- 11 Deviations

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

- 11 Conditions of Approval included
- 11 Deviations

Analysis:

Schedule of Uses

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

Deviation #1:

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

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

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

Applicant Justification: A. This deviation was previously approved due to the existing building's 2ft. setback from the property line.

B. This deviation exceeds the Type “C” buffer previously approved by including the proposed plantings with a wall. The only difference is the 5 ft. width instead of the previously approved 14 ft. The overall intent of the Type “C” buffer will be exceeded within the 5 ft. width. This 5 ft. width accommodates the new dumpster enclosure location.

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

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

Deviation #2 to remain:

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

Deviation #3:

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

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

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

Staff: The current CPD language provided a deviation to maximum built-to line distances from the Estero property line, the applicant’s plan includes the development of a new tiki shade covering which is proposed to be approximately 3-feet from the Estero

property line, this change would allow the structure to be closer than the previously approved 5-feet to the property line.

Deviation #4:

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

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

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

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

Deviation #5 to remain:

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

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

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

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

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

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

Deviation #8 (to be renumbered 6):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Neighborhood Compatibility:

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

Findings and Conclusions:

LDC Sec. 34-85(b) and (c) and 34-216(2) sets forth the required considerations and

findings for the approval of a rezoning.

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

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

Staff response: No errors or ambiguities exist.

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

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

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

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

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

Staff response: The proposed development is in compliance with the intensity of the district. The use is permitted use in the existing CPD zoning.

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

Staff response: The proposed development will meet performance standards set forth in 34-2031.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on environmentally critical areas and natural resources.

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

Staff response: The proposed use has been in existence in this location for many years. It

is not anticipated to have any detrimental impact on existing or planned uses.

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

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

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

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

(1) The Fort Myers Beach Comprehensive Plan.

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

(2) This chapter.

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

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes, except in regard to the deviations.

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

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

Staff response: A restaurant is permitted use by right in existing CPD zoning district. The proposed use has existed in this location without creating a nuisance.

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

Staff response: Sufficient safeguards are provided for the public interest.

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

Staff response: All conditions are related to the impacts on the public interest.

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

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

Staff response: Not applicable.

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

Staff response: Not applicable.

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

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

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

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

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and

Staff response: The requested deviations are predominantly existing. The new deviations will allow reduced parking and will allow the tiki structure closer to the right of way

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

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

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

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

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

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

I. RECOMMENDATION

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

At the May 14th LPA hearing the Don Sudduth made a motion that the recommended approval with conditions, finding the CPD amendment is in compliance with the Comprehensive Plan and the LDC. Jane Plummer seconded the motion. The LPA voted 5-1 in favor of the recommendation.

IV. CONDITIONS

The below conditions were provided by the applicant with two adjustments: 1) The applicant had proposed outdoor entertainment until midnight, staff has amended the condition to reflect the time that outdoor music was permitted at this location previously. 2) Condition 5 is being removed, the applicant was provided an administrative waiver for a Traffic Impact Study (TIS) on this amendment, the previous language referred to designated seating areas which are not consistent with the proposed uses, and reference to a previous determination by the Town Council which isn't consistent with the determinations made by the current Community Development Director.

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

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3 and 4 5, ~~6, and 7~~ will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017(b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
5. ~~A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking~~

- ~~for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.~~
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
 7. ~~The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week. The~~ hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.
 8. ~~No amplified music or entertainment is permitted outdoors.~~ Amplified music or entertainment is permitted outdoors until 10 pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
 9. All brewing activities shall be contained within the building.
 10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
 11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.
 12. Only vertical support posts for the outdoor seating structure will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.
 13. No outdoor seating or entertainment area will be permitted within the designated "RESTRICTED USE AREA" as shown on the MCP.

V. TOWN COUNCIL OUTCOME

During the June 3rd, 2024 Town Council meeting a vote to approve the CPD amendment with the noted deviations and conditions of approval was approved by a vote of 5-0 and moved to second reading on June 17th, 2024

VI. EXHIBITS

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



February 7, 2024

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

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

Intake Team:

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

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

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

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



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

Sincerely,

The Neighborhood Company

Kenrick Gallander, AICP
Vice President, Partner

Attachments: Application Submittal Requirements (listed above)

cc: Mike and Dawn Miller, 1249 Estero Adventures LLC



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

FILING FEE

Town Fee Schedule 2023:

- PD Rezone = \$6,500

TOTAL: \$6,500



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

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

Applicant: 1249 ESTERO ADVENTURES LLC Phone: _____

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

Email: kg@theneighborhood.company Fax: _____

Current Zoning District: CPD

Future Land Use Map (FLUM) Category: Boulevard

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

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Kenrick Gallander, AICP Phone: 850-803-5621

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

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

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

Email: kg@theneighborhood.company Fax: _____

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: 20210115
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____

**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

1249 Estero Adventures LLC

100%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Michael R. Miller (name), as Manager (title)
of 1249 ESTERO ADVENTURES LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

1249 Estero Adventures, LLC

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

Signature

Michael R. Miller

Typed or Printed Name

Manager

Title

02-02-23

Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 2nd day of February 2024, by Michael Miller ☒ who is personally known to me OR ☐ who has produced _____ as identification.



Lori Maroney
Notary Public Signature

PART VI- Property Information

A. Legal Description:

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

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

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

☒ Yes. Property identified in subdivision: see below

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 218 +/- feet
Depth (please provide an average width if irregular in shape) 146 +/- feet
Frontage on street: 218 +/- feet. Frontage on waterbody: N/A feet
Total land area: +/- 0.66 ☒ acres ☐ square feet

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

South on San Carlos Blvd. from Matanzas Pass Bridge approximately 0.3 miles
San Carlos Blvd. turns slightly left and becomes Estero Blvd. continue approximately
0.7 miles and the subject property will be on the left.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

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

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

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

- | | |
|--|--|
| ☐ Low Density | ☐ 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 Michael R. Miller, as authorized member of 1249 ESTERO ADVENTURES LLC owner of property located at 2301, 2307, & 2311 Estero Blvd. and 111 & 112 Mango St., Fort Myers Beach, FL, identified by STRAP Numbers 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Rezone Application.

1249 ESTERO ADVENTURES LLC

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

STATE OF Florida
CITY OF Fort Myers Beach

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

(NOTARY STAMP)

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





Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

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

Waiver is requested for items required for:

Public Hearing

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

Administrative Action

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

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



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

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

Scope of project and reasons for request

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

See attached Waiver Narrative.

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

[Signature] January 31, 2024

Signature

Date

Director's Decision ☒ Approved ☐ Denied

Comments:

Charlie Kopack
Signature

2-2-24
Date

Revised 1/6/2017

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

Page 2 of 2

SUBMIT



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

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

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

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

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



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

EXHIBIT 6-1: STRAP # & LEGAL DESCRIPTION

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

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

and

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

North

SCALE 1" = 20'

FAIRWEATHER LANE (R/W VARIES)

Lot 3 Block D

Recovered 5/8" rebar with aluminum cap stamped Sanibel Surveys LB 7443

4' Chain Link Fence

8' Chain Link Fence

Wood Dock

N 68°01'56" W (M) 100.00' (P/M)

1.16'

40.10'

10.40'

11.00'

2301 Estero Boulevard (3654 Sq. Ft. to Exterior Footprint)

Planter

Ramp Concrete

Wood Deck

Steps

Asphalt Parking (10 Spaces)

Lot 1 Block D Zone CB

Lot 2 Block D Zone CB

S 68°30'00" E 99.66' (P)

S 68°30'00" E 100.00' (Plot) 99.68' (M)

Estero Boulevard County Road 865 (50' R/W)

N 83°53' W 199' (M) (from property corner to Fire Hydrant)

E/P

R/W

EOP

Lot 1, Block E Seagrape Subdivision Plat Book 4, Page 17 Zone RM

Found Concrete Monument X top

Building Parapet Wall approximately 17 feet above adjacent grade

Lot 2, Block E Seagrape Subdivision Plat Book 4, Page 17 (Zone RM)

VACANT

Concrete Parking Stop

Shell Parking Area

Paper Boxes

Trolley Stop Bench on Concrete

Found Concrete Monument Lee County Public Water Access Brass Cap (through access in Concrete Sidewalk)

Found Concrete Monument Lee County Public Water Access Brass Cap

Found 5/8" rebar JWH (Between two chain link fences) S 89°50'47" E 109.97' (M) N 90°00'00" E 110.00' (Deed)

4' Chain Link Fence 4" South of North Line Lot 3

Found 1/2" rebar LB 6753

Mango Street

40' R/W

Lee County Public Water Access Brass Cap

To:

Eagle Equity Capital LLC
First American Title Insurance Company

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

Date: 1/11/12 Signed: [Signature]

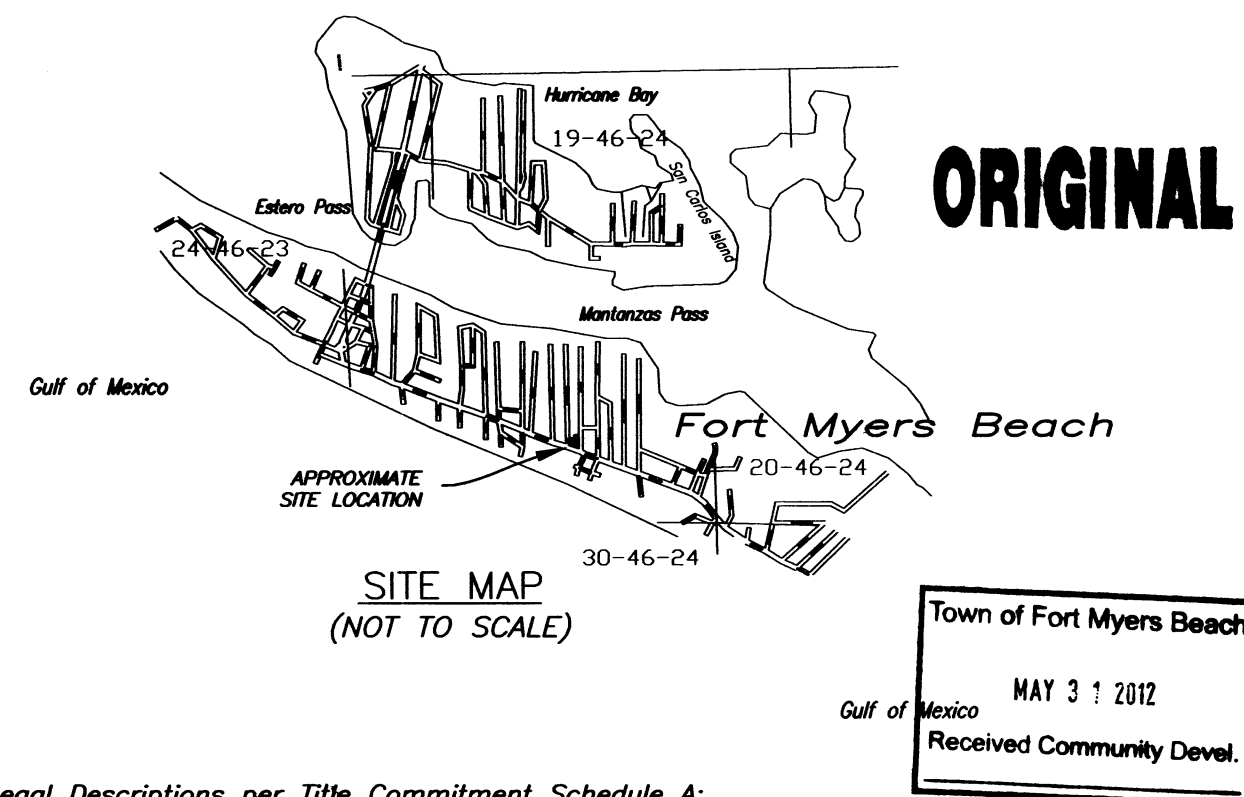
PSM Registration No. 6256

SANIBEL SURVEYS
2410 Palm Ridge Road
Sanibel Florida 33957
472-0095
sanibelsurveys@gmail.com
Licensed Business No. 744
986-00236-ALTA

NO. 6256
STATE OF
FLORIDA

Valid only with embossed seal

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



Legal Descriptions per Title Commitment Schedule A:

Parcel 1

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

Parcel 2

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

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 4. REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS SEALED WITH SIGNERS EMBOSSED SURVEYOR'S SEAL.
 5. THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
- NATIONAL FLOOD INSURANCE INFORMATION:
- | | |
|----------------------|--------------|
| COMMUNITY NUMBER | 120 673 |
| PANEL NUMBER | 0554 |
| SUFFIX | F |
| EFFECTIVE DATE | 08/28/2008 |
| FIRM ZONE | AE |
| BASE FLOOD ELEVATION | +13' NAVD 88 |
6. BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, BLOCK 4, BEACH ESTATES, AS MONUMENTED IN THE FIELD, BEING NORTH.
 7. DATE OF LAST FIELD WORK : 1/19/2011

ABBREVIATIONS.

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

SYMBOL KEY:

- = MONUMENT AS NOTED
- = CONCRETE MONUMENT
- △ = NAIL AND DISK
- WM = WATER METER
- WV = WATER VALVE
- 🔥 = FIRE HYDRANT
- 🚰 = CATCH BASIN
- ◼ = CONCRETE POWER POLE
- 🔌 = WOOD POWER POLE
- ⌋ = GUY ANCHOR
- ☀ = LAMP
- ⓓ = STORM SEWER MANHOLE
- Ⓢ = SANITARY SEWER MANHOLE
- 🔧 = SEWER CLEAN OUT
- 📞 = TELEPHONE PEDESTAL
- 📺 = CABLE TELEVISION PEDESTAL
- ⚡ = 240 VOLT ELECTRIC SERVICE
- 📍 = BENCHMARK

To:

Eagle Equity Capital LLC
First American Title Insurance Company

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

Date: 4/1/12 Signed: [Signature]
PSM Registration No. 6256



SANIBEL SURVEYS
2410 Palm Ridge Road
Sanibel Florida 33957
472-0095
sanibelsurveys@gmail.com
Licensed Business No. 744

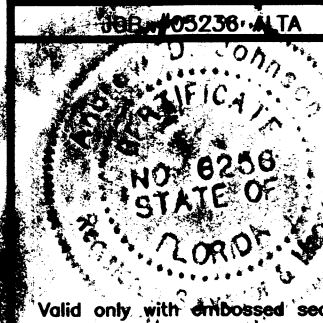
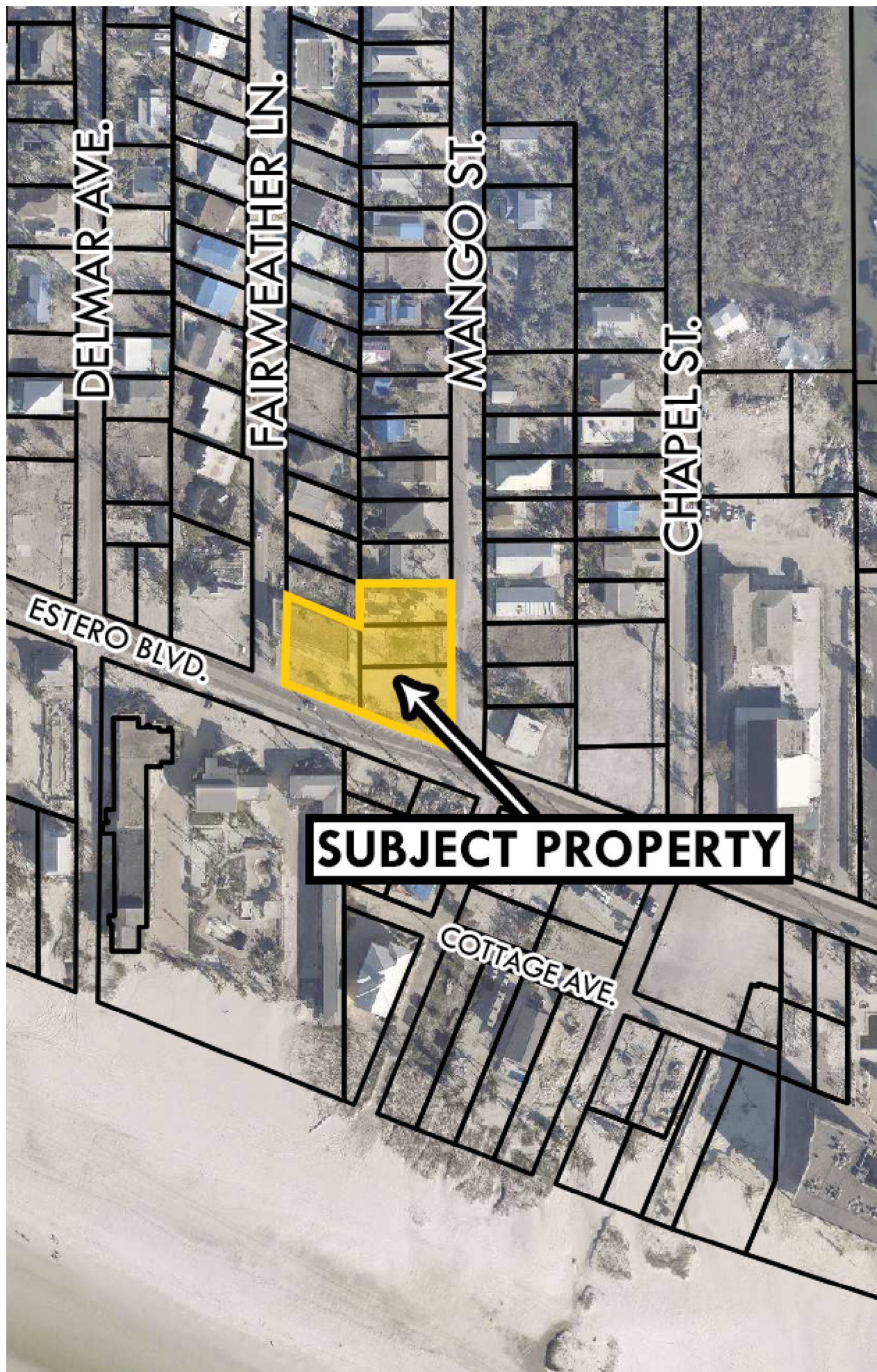


EXHIBIT 6-3 LOCATION MAP



EXHIBT 6-6 PROPERTY OWNER LIST

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

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

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

EXHIBIT 6-7 PROPERTY OWNER MAP



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

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

2201 ESTERO LLC
8360 SW 112TH ST
MIAMI FL 33156

2201 ESTERO LLC
8360 SW 112 ST
MIAMI FL 33156

2201 ESTERO LLC
8360 SW 112 ST
MIAMI FL 33156

BROWN LENNDA JOE TR
16210 LARSEN AVE
GOWEN MI 49326

JMP&W LLC
7906 ARIEL WAY
MCLEAN VA 22102

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

MATTHEWS JOHN MORRIS
221 S ADAMS ST
WEST CHESTER PA 19382

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

TOLLETTE JEFFREY R &
1959 135TH AVE NW
ANDOVER MN 55304

MGNM PROPERTIES LLC
1009 N TOWN & RIVER DR
FORT MYERS FL 33919

CHG NEPTUNE ACQUISITIONS LLC
MARK A DAMANTE
150 E BROAD ST STE 800
COLUMBUS OH 43215

B + B CASH GROCERY STORES INC
PO BOX 1808 #78
TAMPA FL 33601

BC MASTERPIECE LLC
12601 LAS OLAS LANE # 123
FORT MYERS FL 33919

BIRKART HANS +
12601 LAS OLAS LN #123
FORT MYERS FL 33919

DEWESE BRUCE R +
14685 WESTON RD
WESTON OH 43569

WHITE SWAN INVESTMENTS LLC
148 BAYLOR AVE
HILLSDALE NJ 07642

COULTER BEAU & TRACY R
760 STONEGATE PASS
COLGATE WI 53017

BLUE RHINO LLC
751 RESERVE CT
SOUTH ELGIN IL 60177

BURNS PROPERTY MANAGEMENT LLC
213 FAIRWEATHER LN
FORT MYERS BEACH FL 33931

DYE GARY A & LOIS +
S53 W31115 OLD VILLAGE RD
MUKWONAGO WI 53149

DEWEY KEITH CARTER & AMANDA
118 FAIRWEATHER LN
FORT MYERS BEACH FL 33931

MAIER SIMEON E II
1999 92ND ST
CALEDONIA MI 49316

WOAD LLC
1999 92ND ST
CALEDONIA MI 49316

WD RETREAT LTD
330 LOUISIANA AVE
PERRYSBURG OH 43551

WD RETREAT LTD
330 LOUISIANA AVE
PERRYSBURG OH 43551

KATTA DAN II LLC
TIMOTHY HALEY
6526 S KANNER HWY STE 308
STUART FL 34997

CHITTENDEN DALE R & JOANN TR
15925 138TH AVE
SPRING LAKE MI 49456

LOGAN GARY D II +
2914 BARBERRY DR
HOBART IN 46342

ROUSSEAU DONNA L
22 PINEHURST DR
WAREHAM MA 02571

NAM THOMAS
21530 INDIAN BAYOU DR
FORT MYERS BEACH FL 33931

DORBAD PATRICK J &
495 ECHO CIRCLE
MARCO ISLAND FL 34145

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

NANKO RAYMOND S
919 WEST JACKSON ST
MUNCIE IN 47305

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

THOMAS E SWANBECK PA
2450 ESTERO BLVD
FORT MYERS BEACH FL 33931

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

EMPIRE HOLDING CORP TR
RAINBOW REALTY GROUP INC
6104 E 21ST ST
INDIANAPOLIS IN 46219

FRENCH EDWIN T III
PO BOX 22538
INDIANAPOLIS IN 46222

COASTAL COTTAGES LLC
6850 W SOUTH LAKE GAGE DR
ANGOLA IN 46703

COASTAL COTTAGES LLC
6850 W SOUTH LAKE GAGE DR
ANGOLA IN 46703

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

GOLDBERG GENNIE M TR
11793 ROYAL TEE CT
CAPE CORAL FL 33991

FMB COTTAGE LLC
2440 COTTAGE AVE
FORT MYERS BEACH FL 33931

BONFIGLI ANDREW & SUSAN
2434 COTTAGE AVE
FORT MYERS BEACH FL 33931

PAISLEY LLC
414 MARKET ST
IOWA CITY IA 52245

MCLAUGHLIN SAMUEL R &
4700 EDEN PARK DR
ZANESVILLE OH 43701

SCHLICHTE EDITH
61 MANGO ST
FORT MYERS BEACH FL 33931

CHAPEL BY THE SEA
PO BOX 2997
FORT MYERS BEACH FL 33932

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

ZENG GORDON & ZHU DONGHE
3312 AUGUSTA LN
ONALASKA WI 54650

ZENG GORDON & ZHU DONGHE
3312 AUGUSTA LN
ONALASKA WI 54650

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

ROTH ALLAN T & RHONDA K
12232 JAY CIR NW
COON RAPIDS MN 55448

MORRIS TIMOTHY E & JOAN E
2092 NORBORN DR
LEXINGTON KY 40502

REILLY MICHAEL J &
222 MANGO ST
FORT MYERS BEACH FL 33931

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

DUMERS JEANEEN
203 CHAPEL ST
FORT MYERS BEACH FL 33931

GERSTENHABER RAM TR
BEACH CONNECTION
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

CZULEWICZ MARYLU TR
4281 ORANGE RIVER LOOP RD
FORT MYERS FL 33905

BOREK TINA D
1605 PENNSAUKEN ST
CINNAMINSON NJ 08077

MANGO STREET LLC
126 MANGO ST
FORT MYERS BEACH FL 33931

PAOLERCIO WILLIAM
2367 JIM HENRY RD
DANDRIDGE TN 37725

MERIDIAN ENTERPRISES II LLC
2248 OLD STATE RD
BEAUFORT MO 63013

BURNS PROPERTY MANAGEMENT LLC
536 SONOMA DR
BOLINGBROOK IL 60490

ROTH ALLAN T & RHONDA K
12232 JAY CIR NW
COON RAPIDS MN 55448

STALTER RICHARD
169 CHAPEL ST
FORT MYERS BEACH FL 33931

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

MEEHAN PATRICIA LYNN
293 ELM ST W
SUDBURY ON P3C 1V6
CANADA

BIG MARLIN PROPERTIES LLC
4704 VINCENNES BLVD
CAPE CORAL FL 33904

PFÄFFINGER HEDWIG TR
JAMES SCHULTZ
1030 SPINDLE HILL RD
WOLCOTT CT 06716

RYAN JAMES
139 CHAPEL ST
FORT MYERS BEACH FL 33931

CHAPEL BY THE SEA
PO BOX 2997
FORT MYERS BEACH FL 33932

BESSEY JAMES D
2 BARTLETT RD
NANTUCKET MA 02554

TOMMAR INC
9616 ROUND LAKE BLVD
WHITE LAKE MI 48386

SOTO JESUS +
PO BOX 366265
BONITA SPRINGS FL 34136

WICKETT LLOYD A &
5647 SHADDELEE LN W
FORT MYERS FL 33919

WICKETT LLOYD A &
5647 SHADDELEE LN W
FORT MYERS FL 33919

ROTH ALLAN
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN T
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN & RHONDA
12232 JAY CIRCLE
COON RAPIDS MN 55448

ROTH ALLAN T
12232 JAY CIR NW
COON RAPIDS MN 55448

ANGIULO MICHAEL J & JAYME R
215 MANGO ST
FORT MYERS BEACH FL 33931

174 FROST STREET LLC
103 WEEKS RD
EAST WILLISTON NY 11596

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

EMPIRE HOLDING CORP TR
PO BOX 19492
INDIANAPOLIS IN 46219

L OLOUGHLIN LLC
30111 BATES RD
PERRYSBURG OH 43551

SEA BREEZE ESTATES CONDO ASSN
325 W LOCUST LN
KENNETT SQUARE PA 19348

71 MANGO LLC
15440 CATALPA COVE LANE
FORT MYERS FL 33908

71 MANGO LLC
15440 CATALPA COVE LN
FORT MYERS FL 33908

NEPTUNE INN CONDO ASSN INC
BLUE VISTA CAPITAL LLC
PO BOX 508
RICHMOND IL 60071

PALMA FRED JR & RHONDA +
139 S PARK BLVD
GLEN ELLYN IL 60137

MAUGANS ALICE B
12890 SPENCER STREET
FORT MYERS FL 33908

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

LANGLEY COLIN M TR
130 PEARL ST
FORT MYERS BEACH FL 33931

LANGLEY COLIN M & DIONE C TR
130 PEARL ST
FORT MYERS BEACH FL 33931

HORKAN CHAD M TR
1189 FOUR WINDS WAY
HARTLAND WI 53029

PAREDERO CLEMENTE & MARY L
140 PEARL ST
FORT MYERS BEACH FL 33931

NEAF JAMES C
125 PEARL ST
FORT MYERS BEACH FL 33931

2085 ESTERO LLC
2001 ESTERO BLVD
FORT MYERS BEACH FL 33931

BUICE NANCY HURD TR
15174 PORTSIDE DR
FORT MYERS FL 33908

PEARL STREET PROPERTY HOLDINGS
PO BOX 2611
FORT MYERS BEACH FL 33931

JENKINS WAYNE +
829 NORWEST RD STE 421
KINGSTON ON K7P 2N3
CANADA

SURFUS JOHN D
PO BOX 2415
FORT MYERS BEACH FL 33932

ALFARO-MALDONADO LINDA
121 DELMAR AVE
FORT MYERS BEACH FL 33931

127 DELMAR LLC
7449 CEDAR RIDGE DR
PORTLAND MI 48875

FRIEDRICH CHARLES DAVID +
114 FAIRBANKS ST
SANTA CRUZ CA 95060

DELMAR BROTHERS LLC
135 DELMAR AVE
FORT MYERS BEACH FL 33931

MARTIN RICHARD E &
11034 E KRAMER RD
BOWLING GREEN OH 43402

BAISCH GAYLE LYNN +
1443 CLARET CT
FORT MYERS FL 33919

CBD LLC
414 E MARKET ST
IOWA CITY IA 52245

SURF SONG CONDO ASSOC INC
2088 ESTERO BLVD UNIT 2H
FORT MYERS BEACH FL 33931

POLYNESIAN VACATION VILLAS
2096 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHG NEPTUNE ACQUISITIONS LLC
MARK A DAMANTE
150 E BROAD ST STE 800
COLUMBUS OH 43215

BENNETT ROBERT W
5889 WATSON RD
EAU CLAIRE MI 49111

R DOUGLAS HOVENDEN TRUST +
2088 ESTERO BLVD #2A
FORT MYERS BEACH FL 33931

JOHNSON ROGER A TR
2088 ESTERO BLVD APT 2B
FORT MYERS BEACH FL 33931

KAUFMAN CHRISTINE V TR
26442 BRICK LN
BONITA SPRINGS FL 34134

HILL DOUGLAS E & KAYLA K
43 ONONDAGA ST
SKANEATELES NY 13152

HAMILTON ROGER A & JANE M
2088 ESTERO BLVD #2E
FORT MYERS BEACH FL 33931

OLIVER KENT D & JO-ANN A
18900 NALLE RD
NORTH FORT MYERS FL 33917

MENDENHALL MURRAY J III &
10407 WOODLAND RIDGE WEST
FORT WAYNE IN 46804

RAUSHEL JAN R TR
103 SOUTH DR
AITKIN MN 56431

WALCHLI JAMES
2088 ESTERO BLVD #3B
FORT MYERS BEACH FL 33931

FERGUS CHARLOTTE TR
2088 ESTERO BLVD #3C
FORT MYERS BEACH FL 33931

JACKSON JOHN K TR
1400 N 100 E
HARTFORD CITY IN 47348

MIZEL WILLIAM C & THERESA L
2088 ESTERO BLVD UNIT 4B
FORT MYERS BEACH FL 33931

DUNDEE NICHOLAS J & LINDA M
2088 ESTERO BLVD #3F
FORT MYERS BEACH FL 33931

SURF SONG CARNEY LLC
2809 GREAT NORTHERN LOOP #100
MISSOULA MT 59808

HAPKIEWICZ ANNIS M TR
2088 ESTERO BLVD # 4A
FORT MYERS BEACH FL 33931

MIZEL WILLIAM C & THERESA L
2088 ESTERO BLVD 4B
FORT MYERS BEACH FL 33931

COURRIER DAWN LARAE
16005 25TH AVE N
PLYMOUTH MN 55447

RAVENS CROFT JEAN A TR
69525 CHRISTIANN CREEK DR
EDWARDSBURG MI 49112

KEITH THOMAS E & EILEEN M
5853 HACKER DR
WEST BEND WI 53095

THREE SISTERS MANAGEMENT
3340 WELLINGTON BLVD
CRAWFORDSVILLE IN 47933

MAZER BERNARD A & DIANNE M TR
W221S7455 CAROL DRIVE
MUSKEGO WI 53150

WILLIAMS MARY J TR
11131 WOODS BAY LN
INDIANAPOLIS IN 46236

FRANTZ M RYAN & ERIKA E
5480 LARISSA PL
CARMEL IN 46033

FRIEDMAN JEFFREY &
2013 WILDERNESS TR
SPRINGFIELD IL 62711

DECONCINI CHRISTOPHER M TR
45281 RED PINE LOOP
PERHAM MN 56573

SCHOLTZ STEPHEN A
124 KINGSWAY CRESCENT
TORONTO ON M8X 2S2
CANADA

NELSON ROBERT A TR
1302 STANFIELD ST
SOUTH BEND IN 46617

STENSRUDE LARRY C TR
2088 ESTERO BLVD UNIT 5G
FORT MYERS BEACH FL 33931

LYONS KRISTIN E
2096 ESTERO BLVD #1
FORT MYERS BEACH FL 33931

RAGAN JOHN
5600 REVERE RUN
CANFIELD OH 44406

JONES FRANK TR
2010 46TH AVE #2
GREELEY CO 80634

SAVERY TIMOTHY LYDEN &
406 SW 30TH AVE
CAPE CORAL FL 33991

MOGLIA SANDRA
17 DIVISION ST W APT 2
GREENWICH CT 06830

DUNFEE ALLEN MARK & SUSAN M
402 SW 30TH AVE
CAPE CORAL FL 33991

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

MALOTT PATRICK T
7840 MELBOURNE RD
SAGINAW MI 48604

BERMEL STEVEN
900 PARK AVE
MUSCATINE IA 52761

LEINDECKER ROBERT JOHN
6961 WILLOW HWY
GRAND LEDGE MI 48837

STRONG DANIEL
3610 BAYNARD DR
PUNTA GORDA FL 33950

GABRIEL RUSTIE L +
6961 WILLOW HWY
GRAND LEDGE MI 48837

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

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

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

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

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

Project Name: Sandy Bottoms CPD Amendment
Authorized Applicant: 1249 Estero Adventures LLC
STRAP Number(s): 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030

Current Property Status:
Current Zoning: CPD
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ☐ yes, ☒ no FLUM Density Range: 6 du/ac

Requested Action:

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

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☐	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)
SEE ENCLOSED NARRATIVE	

B. Phasing of Construction

☒	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)
SEE ENCLOSED NARRATIVE	



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

[illegible]

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

[illegible]



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

[illegible]

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

[illegible]



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

[illegible]

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

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

3/30/2021

Guide to Filing Supplement PH-D for Planned Developments

Amendments Applications for amendments to an approved Master Concept Plan or its attendant documentation will require as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in surrounding land uses that have occurred since the original application. Some amendments can be approved administratively as provided in LDC Section 34-219, but all other amendments must proceed through the public hearing process.

Through a pre-application meeting with Community Development staff, prospective applicants can determine whether proposed amendments will require a public hearing, and can request waivers from any submittal requirements that are not necessary to specify the changes requested.

All other planned developments All other applications must complete and submit the Request for Public Hearing and Supplement PH-D, along with all required documents. Refer also to the instructions for the Request for Public Hearing form.

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate whether the request is a DRI (Development of Regional Impact) that requires rezoning, a Planned Development, or an amendment to a Planned Development.

Part 1 Narrative Statements:

Comprehensive Plan Amendments

If Comprehensive Plan Amendments are pending that might affect the future use of the property, explain the amendments' possible effects.

Construction Phasing

If the project is to be constructed in multiple phases, describe the ordering and timing of the proposed phasing. In the absence of a phasing plan, phasing of development would be governed by the limitations of LDC Section 34-220.

Comprehensive Plan Compliance

Explain how the proposed development complies with the Fort Myers Beach Comprehensive Plan. Address the Future Land Use Map category or categories applicable to the subject property and any other relevant policies.

Design Standards Compliance

For properties and/or projects as described in LDC Section 34-992, explain how the proposed development will comply with the standards in LDC Sections 34-991 through 34-997.

Decision-making compliance

Explain how the proposed development will comply with the standards for decision-making in LDC Section 34-85.

Schedule of deviations and written justification

Identify the deviations from the requirements of the Land Development Code that are requested for the proposed development and justify them in relation to the guidance in LDC Section 34-932(b).

Administrative amendments

If the request is for an amendment to a planned development, indicate which of the requested changes could not be approved administratively as allowed by LDC Section 34-219.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for rezoning, including Planned Developments and Planned Development amendments for which public hearing is required, consist of the Public Hearing form and the supplemental form PH-D. Both parts of the application form must be completed and submitted.

Master Concept Plan. The master concept plan consists of maps, graphic illustrations, and written statements concerning the development. Space has

been provided on this form for many of the required narrative statements, though they can be attached on separate sheets. A master concept plan must include the following required information:

- a. The general size, configuration, and location of each development phase, and a description of the phasing of construction, unless the development is to be constructed in a single phase.
- b. The maximum height of any proposed buildings or structures, using the Land Development Code's method of measuring building height (see LDC Section 34-631).
- c. Proposed principal and accessory uses, identified using the terminology employed in the Land Development Code. Employ the groupings of uses in Tables 34-1 and 34-2 of the Land Development Code, or specify individual uses if necessary.
- d. The density and intensity of the proposed uses, in terms of dwelling units by type, or through conversion factors for hotel/motel units. Provide gross square footages for types of commercial uses, and maximum Floor-Area Ratio.
- e. The minimum width and composition of proposed buffers along the perimeter of the property. References to the types of buffers required by LDC chapter 10 are acceptable.
- f. The location of any environmentally sensitive land and water, based on standard environmental data capable of verification by Town staff. Developments larger than one acre in size may require a protected species survey under LDC Section 10-473.
- g. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development, with distances from other existing or planned rights-of-way or access points.
- h. Access and facilities for public transit, if applicable.
- i. The general location of stormwater management areas.
- j. The specific locations of requested deviations, including sample detail drawings illustrating their effects if applicable.
- k. The exact location of existing rights-of-way and easements, whether or not those easements are recorded.
- l. Proposed dedications, if any, including beach access, boat ramps, park or recreation areas, open space, or other easements.

Traffic Impact Statement. A traffic impact statement in the same format and to the same degree of detail required for development orders (LDC Section 10-286).

TIS WAIVER GRANTED

Architectural Elevations. Architectural elevations or three-dimensional renderings that show at minimum all building façades adjoining public streets. These drawings will serve for the sketch requirement of LDC Section 34-202(b)(5) as well. If aspects of the proposed design will not comply with the commercial design standards of LDC Sections 34-991 through 34-997 (if required), the applicant may request deviations from those standards.

Schedule of uses. A list of all proposed principal and accessory uses. Identify these uses by reference to the groups of uses in Tables 34-1 and 34-2 of the Land Development Code unless greater specificity is necessary. For amendments to planned developments that were approved under different regulations, the enumeration of uses in the schedule of uses supplied for the amendment must be specific enough to explain what uses were previously approved without future reference to prior regulations or approvals.



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

NARRATIVE

BACKGROUND & REQUEST

The Applicant, 1249 Estero Adventures LLC as represented by The Neighborhood Company, is submitting this Planned Development Rezone Application to request an amendment to the existing CPD Ordinance 22-06. The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *Commercial Boulevard* Zoning District.

The subject property is located at 2301/2307 & 2311 Estero Boulevard, 111 & 121 Mango St. and is comprised of four parcels, that total +/- 0.65 acres (See Figure 1). The STRAP #s include: 194624W30110D0010, 194624W30120E0010, 194624W30120E0020, 194624W30120E0030. The subject property is located approximately 3/4+/- mile from the Matanza Pass Bridge (See Figure 2).

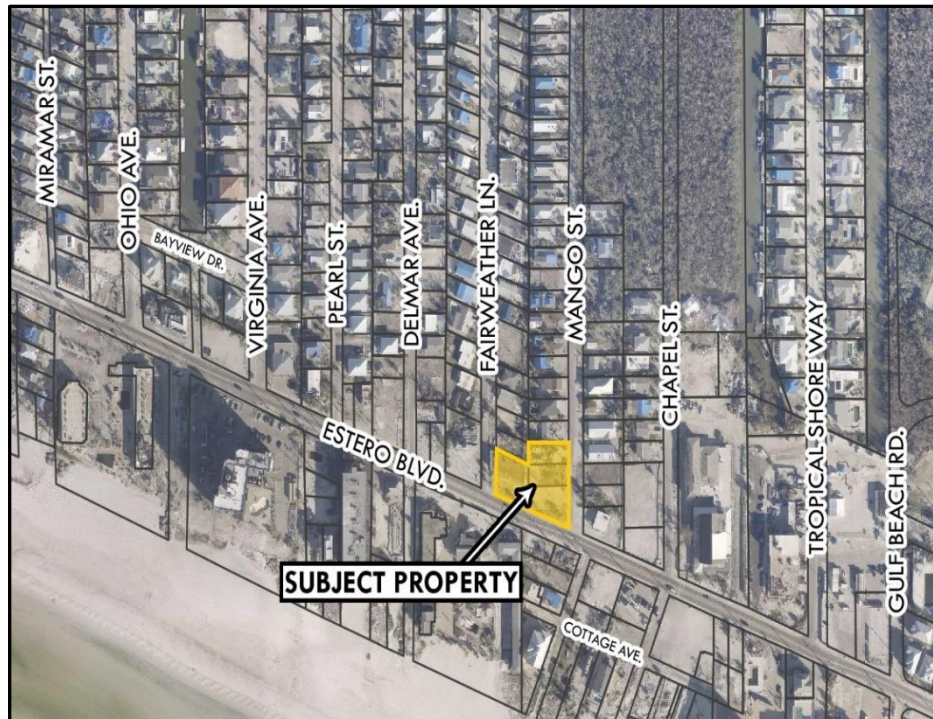


Figure 1. Location Map

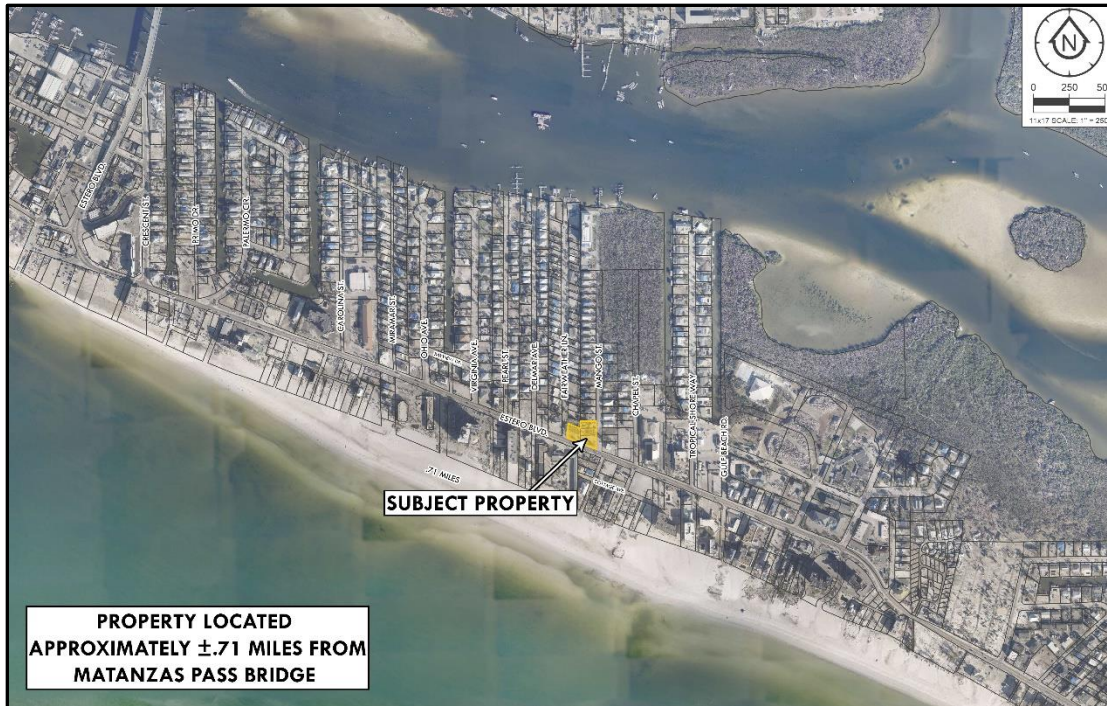


Figure 2. Vicinity Map

PROPOSED USE/REDEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 22-06. Prior to Hurricane Ian, the subject properties included a commercial building that housed a restaurant, fka Big John's Board Walk Eatery and the recent Tuckaway Café, an ice cream shop, outdoor seating area and parking for those uses. Subsequent to Hurricane Ian, the building still stands but with considerable damage. The property was sold to 1249 Estero Adventures LLC in 2023. The new owner proposes to redevelop the property and renovate the existing restaurant and expand the outdoor seating area previously approved.

The expansion of the outdoor seating area will include a Tiki structure and the addition of outdoor entertainment. The applicant is also requesting to replace the current 2COP to a 4COP to allow the serving of liquor along with the previously permitted beer and wine. The applicant is aware of the State requirements to obtain a 4COP but first needs the approval of the activity from the Town Council. The previously approved "Manufacturer of Malt Beverages in Vendor Premises" (CMBP) License for production and consumption on premises of malt beverages will remain.

The prior approval included eleven (11) conditions and eleven (11) deviations. This proposal includes eight (8) deviations as some of the prior deviations are no longer relevant. Some of the prior approved deviations will continue, and some of the deviations reflect the minor site design changes. The following includes the existing and proposed uses and development standards as depicted on the MCP. The referenced deviation requests and justifications are provided in the attached schedule.



Schedule of Uses:

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

Development Standards:

Minimum Lot Size:

- Lot Area: 0.65 +/- Acres
- Lot Width: 220 +/- Feet
- Lot Depth: 110 +/- Feet

Build-To Line:

- Estero Blvd.: 3 – 10 Feet (Deviation #3)

Minimum Setbacks (Primary Structures):

- Streets (Other Than Estero): 10 Feet (Deviation #4)
- Rear: 2 Feet (Deviation #5)
- Side: 5 Feet

Minimum Setbacks (Accessory Structures):

- Streets (Other Than Estero): 10 Feet (Deviation #4)
- Rear: 2 Feet (Deviation #5)
- Side: 5 Feet

Maximum Zoned Height: 30 Feet Above Base Flood Elevation

Maximum Zoned Stories: 2 Above Base Flood Elevation

Maximum Intensity:

Maximum floor area of 4,000 square feet of enclosed commercial space.

Maximum 2,750 square feet of outdoor seating area.



LOCATION, SITE DESIGN & COMPATIBILITY

Location

The subject properties are located approximately three quarters of a mile from Times Square and are located at the north end of the Civic Complex area of Fort Myers Beach. The properties front on the northeast side of Estero Boulevard between Fairweather Lane and Mango Street. The project is surrounded by vacant and damaged commercial properties as well as various resorts and residential properties. The customer base for this project will pull from the surrounding area as well as passerby pedestrian and vehicular traffic. Based on the smaller size of this project compared to those in the Times Square area, it will provide a neighborhood scale restaurant and entertainment option primarily for the more immediate area.

Site Design

The location of the existing building and the unusual shape of the property has presented design challenges that resulted in the prior approval of eleven (11) deviations. This amendment includes deviations previously approved with some additional requests. It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

The existing building is located approximately 2.3ft from Fairweather Lane and is approximately 46ft. from Estero Boulevard. The Tiki structure will be 5+/- ft. from the west property line (Fairweather Lane) and 3+/- ft. from the south property line (Estero Boulevard).

The proposed hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area. Outdoor entertainment will be permitted until 11pm and located as depicted on the MCP to minimize any sound spillage to the north.

A dumpster enclosure will be relocated along the western fence line and buffer. This location was determined based on its accessibility for the waste management trucks. The parking area will include a stormwater dry detention island.

Outdoor Seating

The proposed expanded outdoor seating and Tiki structure will create a more inviting space that adds character to the pedestrian experience along Estero Boulevard. In addition, the Tiki structure will provide protection from the elements while keeping the open-air atmosphere. Along with the Tiki structure a landscape buffer along Estero Boulevard will add to the ambience of the public realm. The proposed outdoor entertainment will be located within the Tiki footprint and as clearly defined on the MCP where the music can be performed. The Tiki structure will be located approximately three (3) feet from the front property line corresponding with Deviation #3 to allow a 3ft. to 10ft. build-to line.



Vehicular and Pedestrian access

The site design provides a direct connection to a transit stop, on property bicycle racks and a walkway connection from the existing sidewalk to the restaurant. These elements further encourage bicycle and pedestrian activity and minimize the need to accommodate vehicular traffic.

Vehicular access will be provided from two points of access on Mango Street, which were previously approved (see Deviation #8). The parking lot is reconfigured to allow both directions of traffic on the drive aisles instead of the one-way on the north drive aisle. This will allow for a logical circulation pattern and will provide safer ingress and egress movements from Mango Street.

Buffers and Screening

The proposed buffers along the north and northeast property lines target the existing and vacant residential properties. Due to the existing building located approximately two (2) feet from the rear property line, two deviations were previously approved to allow a 2ft setback instead of the required 20ft setback and a deviation to allow an 8ft. 100% opaque fence in place of a C/F buffer. Both of these are memorialized on the MCP and in Deviations #1 and #5.

The proposed buffer along the northeastern property line adjacent to a vacant residential property will include the following: a minimum 12-foot-wide buffer adjacent to the northern parking lot spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15ft. to 12ft. The 3ft. difference allowed the parking area to accommodate the two-way circulation. This buffer exceeds the previously approved Type “C” Buffer with the proposed plantings and wall.

The proposed buffer at the northwestern property line running perpendicular to the commercial building will include a minimum 5 ft. wide buffer with 10 trees and 30 shrubs per 100 linear feet along with the existing 8-foot opaque fence. The proposed dumpster enclosure will be placed adjacent to this buffer as depicted on the MCP.

The perimeter of the parking area will have a 5ft. Type “D” buffer adjacent to Mango Street and Estero Boulevard rights of way. This deviation was previously approved (see Deviation #2).

In order to add to the public realm ambience and compatibility the applicant is proposing to include landscaping at the southwest corner along Fairweather Lane and Estero Boulevard as shown on the MCP. Although buffers are not required along rights of way, the 5ft. area along Fairweather Lane will have a Type “B” buffer planting which includes trees and a hedgerow and the 3ft. area in front of the Tiki structure will have a 3ft. hedgerow.



Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Mixed Residential/Platted Overlay	Residential Multi-Family, Residential Conservation	Single-Family Residences and vacant parcels.
SOUTH	Boulevard	Commercial Planned Development, Commercial Boulevard, Commercial Resort	Estero Blvd., Neptune Resort and vacant parcels
EAST	Boulevard	Commercial Boulevard & Residential Multi-Family	Mango Street, Vacant/Commercial
WEST	Boulevard	Commercial Boulevard	Fairweather Lane, Residential & Vacant Commercial

Compatibility

Based on the surrounding uses, compatibility with the residential uses existing and permitted immediately north of the property was considered with the site design and layout. The development standards, buffers and screening, further ensure compatibility with adjacent uses and are appropriate for property located in the Commercial Boulevard District. This property has operated as a restaurant for many years including Big John's Board Walk Eatery and the recent Tuckaway Café. The previously established restaurants have a proven history of being compatible at this location with the surrounding uses over the years. The addition of the Tiki structure and outdoor entertainment will be located on the Estero Boulevard side of the existing building. The location and restricting the outdoor entertainment to no later than 11pm, an hour before closing, will limit any perceived impacts to the surrounding area. In addition, the applicant will provide landscape buffers at the corner of Fairweather and Estero Boulevard to further mollify any perceived impacts and to add to the pedestrian experience along Estero Boulevard. Based on the above, this amendment will readily meet the definition of compatibility per the LDC.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.



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

A. COMPREHENSIVE PLAN AMENDMENTS

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

Mixed Use Districts Designation - Civic Center and Coconut Village RV Park Mixed-Use District



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

(intentionally left blank)



C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed redevelopment proposes enhancements to the frontage along Estero Boulevard and throughout the site. These enhancements will include improved vehicular circulation within the parking area, a more attractive façade along Estero Boulevard created by the proposed Tiki structure. The direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard fulfill the intent of Objective 1-A and Policy 1-A-1.

These enhancements create a development with improved accessibility and safety for pedestrians, while improving the appearance for residents and visitors on the primary circulation route of Fort Myers Beach, thus supporting the “Estero Blvd” vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

FUTURE LAND USE ELEMENT:

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

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

The proposed project will reestablish a restaurant business that has been in business for several years. The proposed redevelopment of the neighborhood scale restaurant that has pedestrian friendly elements including the direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard. Through the implementation of these elements, the development will enhance the public realm of Fort Myers Beach and add to its unique small-town character.

Finally, in an effort to minimize the damage that a future hurricane could inflict, the renovations of the existing building and Tiki structure will be built to meet current applicable codes.



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

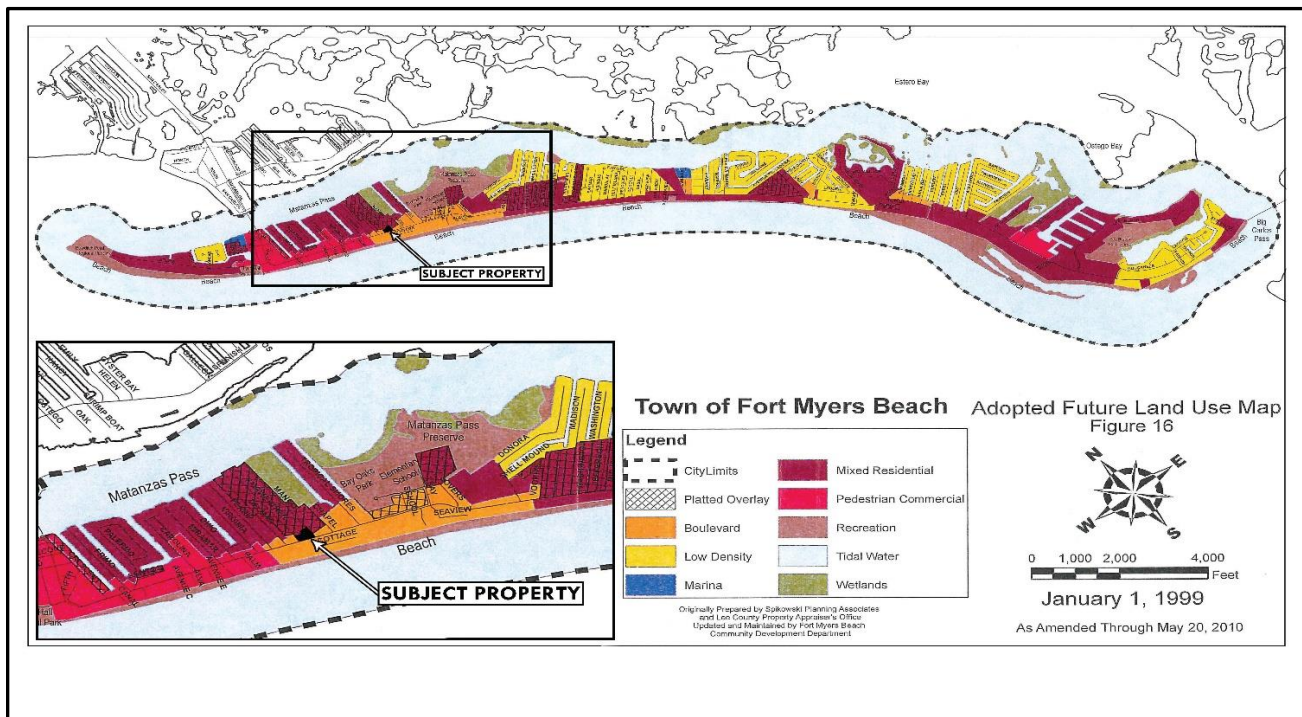
Located along Estero Boulevard, and in close proximity to civic uses, resorts, and residential uses, the proposed project will re-establish a long-standing restaurant that has provided a neighborhood scale gathering location for decades.

The proposed site configuration will provide the elements to contribute to the pedestrian oriented public realm including on property bike racks, a connection to the bus/trolley stop, pedestrian connection to the restaurant directly from Estero Boulevard. The addition of the Tiki structure and landscaping will create a more inviting, safer, visually attractive development ensuring locational compatibility and improved pedestrian oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and contribute to the pedestrian-oriented public realm. The site plan proposes to provide enhancements to the public realm through the improved vehicular patterns on the site, clearly defined pedestrian connections to the transit stop and bicycle racks connect to the existing sidewalk along Estero Boulevard. These proposed enhancements will contribute to the pedestrian-oriented public realm of Fort Myers Beach and are consistent with Policy 4-B-5.

The maximum Floor Area Ratio (FAR) specified under the Commercial Boulevard District described in the Land Development Code (LDC) may be as high as 1.0. The existing 4,000 sq. ft. building is well within the allowed 28,314 sq. ft.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The various buffers and layout of the project that directs the more intense activity toward Estero Boulevard are taking into consideration the residential properties to the north and west of the property. As previously stated, contribution to the public realm is fulfilled through the various elements of the project.

OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards.

For flood- and wind-resistance, and by improving the current post-disaster build back policy.

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



COASTAL MANAGEMENT ELEMENT:

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

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

As stated per Objective 4-D, the proposed redevelopment of the site and renovations of the existing building will be in compliance with all applicable federal, state and local regulations to develop a more resilient commercial property to serve the residents and visitors of Fort Myers Beach.

TRANSPORTATION ELEMENT

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

POLICY 7-D-3 ALTERNATE TRAVEL MODES

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

To better serve the public, the proposed site design includes improvements to the parking layout and circulation. The project encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking and will maintain a pedestrian connection to the existing transit top located on the property.

UTILITIES ELEMENT

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

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

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



D. DESIGN STANDARDS COMPLIANCE

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case the existing building is not expanding and would not be required to adhere to design standards. However, by the addition of a Tiki structure and the public realm elements such as the transit stop, bicycle racks, direct connections to and from the existing sidewalk, this project would be consistent with the intent of the Commercial design standards pursuant to sec.34-991 through 34-1010.

(intentionally left blank)



E. DECISION-MAKING COMPLIANCE

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

There are no known errors or ambiguity that must be corrected in relation to the requested CPD amendment. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Through the proposed CPD rezone request, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

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

The Town of Fort Myers Beach has been devastated by Hurricane Ian. The proposed CPD amendment will allow the re-establishment of a neighborhood restaurant that has been at this location for decades.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(4) The testimony of any applicant.

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

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

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

(6) The testimony of the public.

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

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

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



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

It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

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

All urban services are in place to adequately serve the subject site.

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

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

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

Based on the layout and design elements of the development, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to person or property as the proposed use existed prior to the catastrophic events of Hurricane Ian.

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

Given that this CPD amendment reestablishes a restaurant that has been located here for decades, there will be no net changes on public facilities and the proposed request does not create any burden upon existing transportation or other services and facilities. A waiver to LDC Section 10-286, Traffic Impact Statement (TIS), was granted by the Town. The CPD does improve the site design to facilitate and enhance bicycle and pedestrian access.

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

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

- a. The proposed restaurant use, as provided for within the Schedule of Uses, is appropriate for the subject location due to the fact that a restaurant previously existed on the property for decades without issue.



- b. Sufficient safeguards are in place to protect the public interest through the proposed CPD and supporting MCP. The design, location and proposed use and development standards are generally consistent with the mixture of uses and pedestrian nature of the area and will meet the needs of the town's residents and visitors. As depicted on the MCP, access and circulation will be safer and more functional, the pedestrian experience will be improved.
- c. If recommended special conditions are presented and are deemed reasonable and feasible, the applicant will be willing to accept them to further ensure sufficient safeguards are established.
- d. The proposed rezoning request meets specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
 - 1. Policy 4-C-3: See Section "C" and the above narrative.
 - 2. Policies 4-B-5 and 4-C-3: See Section "C" above and the narrative.
 - 3. Policy 4-C-4: Proposed height of 30 feet is not taller than the standard height limit allowed under the Land Development Code.
 - 4. Policy 4-C-8: Density transfers. Not applicable.
 - 5. Policy 4-E-1: The existing development was consistent with and well below the allowed intensity (FAR 1.0) prior to the natural disaster (Hurricane Ian). The existing 4,000sq.ft. building will not be expanded and will continue to meet the limits of the FAR.
 - 6. Policy 7-D-3 Alternate Travel Modes: See Section "C" and the narrative.

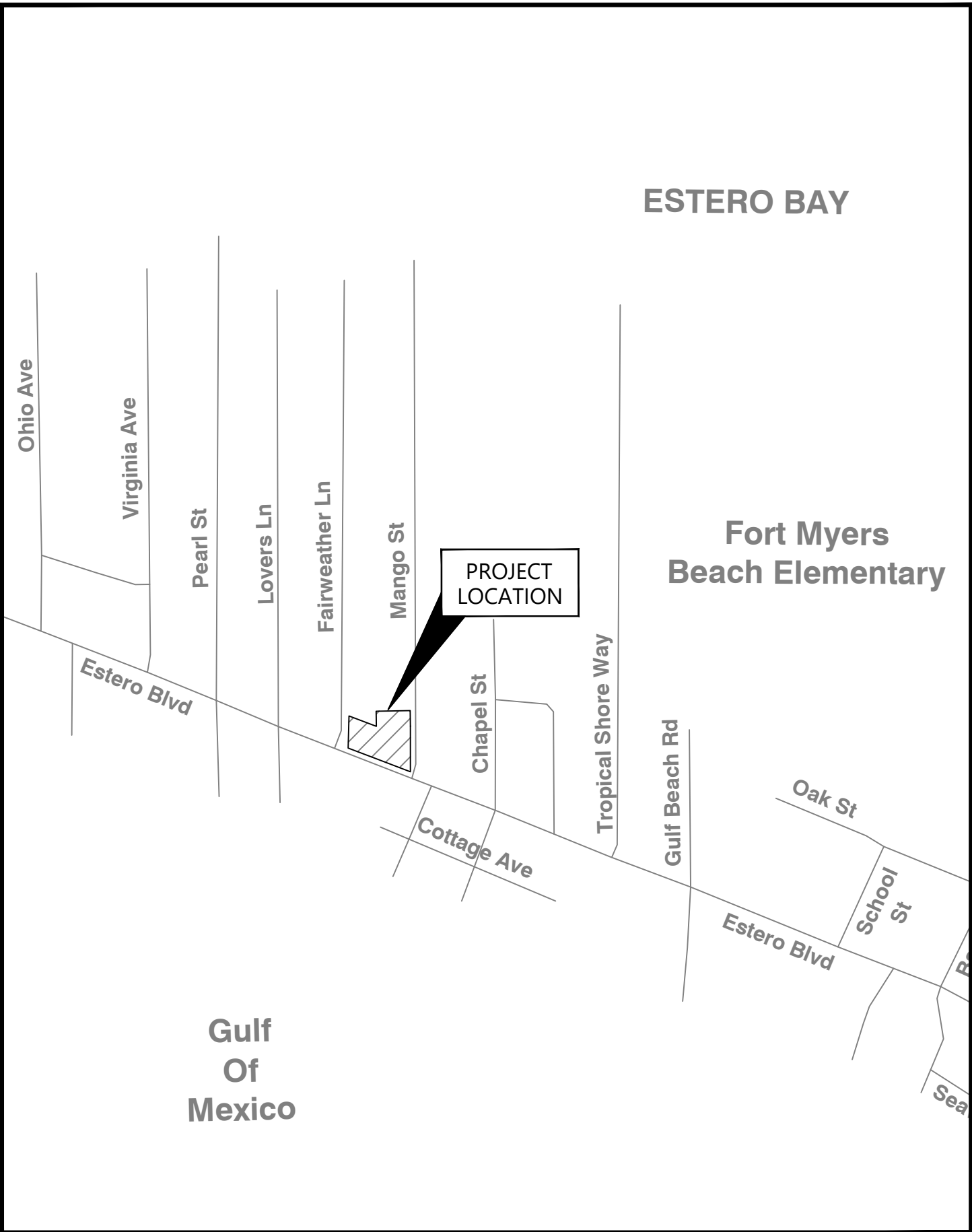
CONCLUSION:

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process, to reestablish a much-revered neighborhood restaurant.

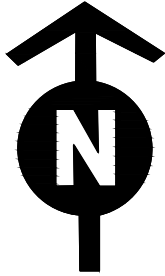
MASTER CONCEPT PLAN FOR

SANDY BOTTOMS CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

1249 ESTERO ADVENTURES LLC

290 BAHIA VIA
FORT MYERS BEACH, FL 33931

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
December, 2023	220050.01.01	1 OF 3

GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3. TOTAL CPD/DEVELOPMENT AREA: 0.66 +/- ACRES
4. FUTURE LAND USE MAP CATEGORY: BOULEVARD
5. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
6. THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
7. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
8. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.

SCHEDULE OF USES:

- RESIDENTIAL - OPEN
- LODGING - LIMITED
 - o OFFICES - LIMITED
 - o OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- RETAIL - LIMITED
 - o RESTAURANT (LIMITED TO 2) WITH OUTDOOR SEATING AS INDICATED ON THE MCP.
 - o ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED ONLY IN CONJUNCTION WITH RESTAURANT(S) AND INCLUDING APPROXIMATELY 2,750 SQUARE FEET OF OUTDOOR SEATING AREA AS INDICATED ON THE MCP.
 - o ON-SITE BREWING OF BEER FOR CONSUMPTION ON PREMISES.
 - o 4COP AND GMBP FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO PERMITS.
- CIVIC - OPEN
- ENTERTAINMENT - INDOOR AND OUTDOOR, LIMITED TO MUSIC BOTH LIVE AND RECORDED.
- TYPICAL ACCESSORY USES INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE USES.

MAXIMUM INTENSITY:

- MAXIMUM FLOOR AREA RATIO (F.A.R.)/GROSS FLOOR AREA ALLOWED: 1.0 OR 43,124.4 SF
- MAXIMUM GROSS FLOOR AREA PROVIDED: 4,000 SF OF ENCLOSED COMMERCIAL SPACE

PARKING:

- REQUIRED:
 - o RESTAURANT (INDOOR AND OUTDOOR SEATING AREA) 8 SPACES PER 1,000 SF (1 SPACE PER 125 SF)
- o $6,750 \text{ SF } (4,000 \text{ SF INDOOR AREA} + 2,750 \text{ SF}) / 125 = 54 - 2 \text{ SPACE REDUCTION FOR 8 BICYCLE SPACES} = 52$
- PROVIDED:
 - o 34 (INCLUDING 2 ADA SPACES) PER DEVIATION #6

DEVIATIONS:

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ADJACENT TO SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:
 - AN EXISTING 8 FOOT HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.
 - A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN EXISTING 8 FOOT HIGH OPAQUE FENCE.
 - A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4 TO 8 FOOT HIGH OPAQUE FENCE.
2. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)
3. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.
4. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.39 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.
5. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)
6. DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.
7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)
8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTION SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE:

- LOT AREA: 0.65 +/- ACRES
- LOT WIDTH: 220 +/- FEET
- LOT DEPTH: 110 +/- FEET

BUILD-TO LINE:

- ESTERO BLVD.: 3 - 10 FEET (DEVIATION #3)

MINIMUM SETBACKS (PRIMARY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MINIMUM SETBACKS (ACCESSORY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

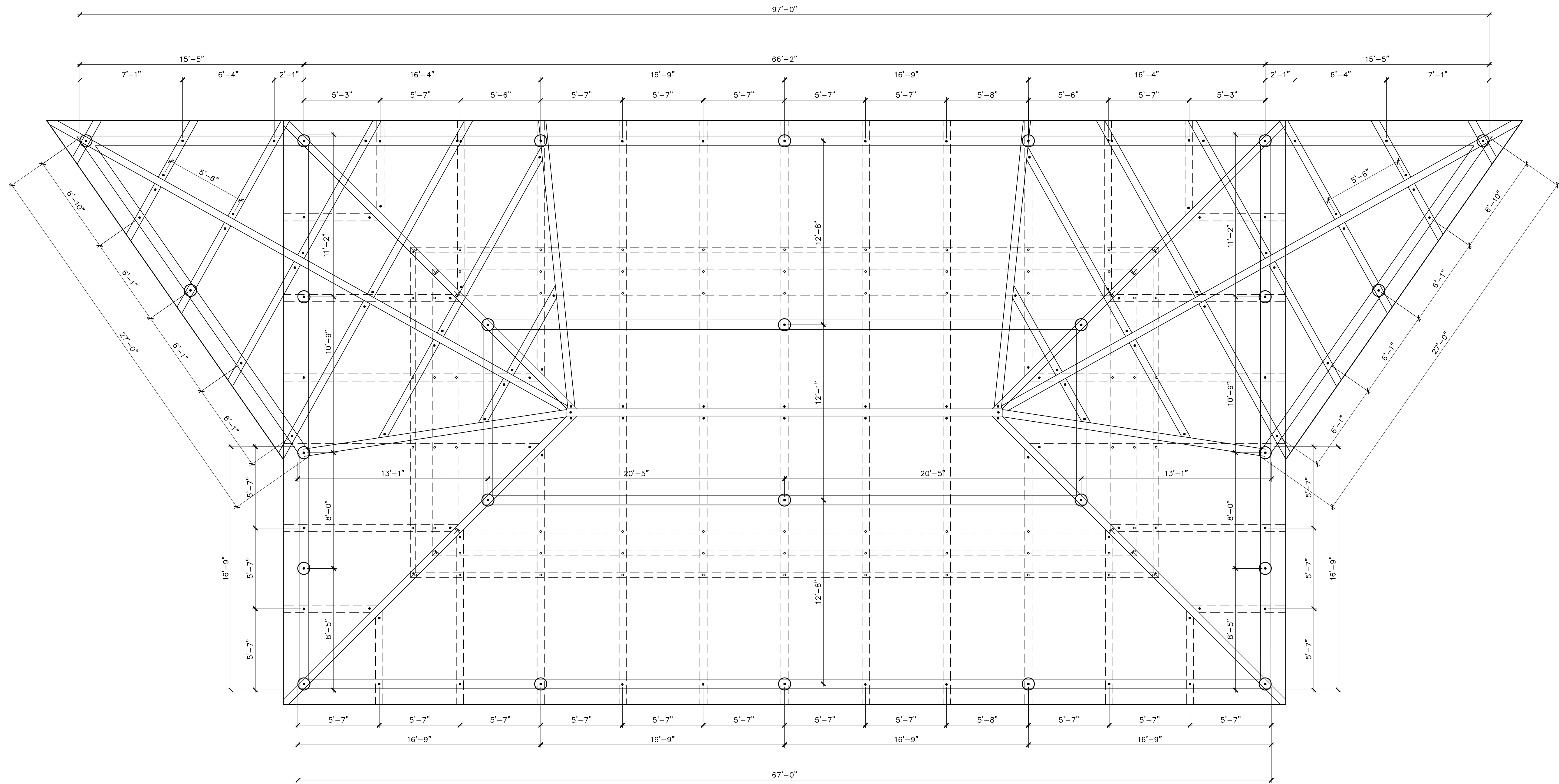
MAXIMUM ZONED HEIGHT: 30 FEET ABOVE BASE FLOOD ELEVATION

MAXIMUM ZONED STORIES: 2 ABOVE BASE FLOOD ELEVATION

[illegible]

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/ANY

CLIENT: 1249 ESTERO ADVENTURES LLC	PROJECT NO.: 220050.01.01	
	DATE: 11/23	DRAWN: F.L.
	DESIGN: K.G.	
	TITLE: SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)	
SHEET NUMBER: 3 OF 3		NOTES



PLAN

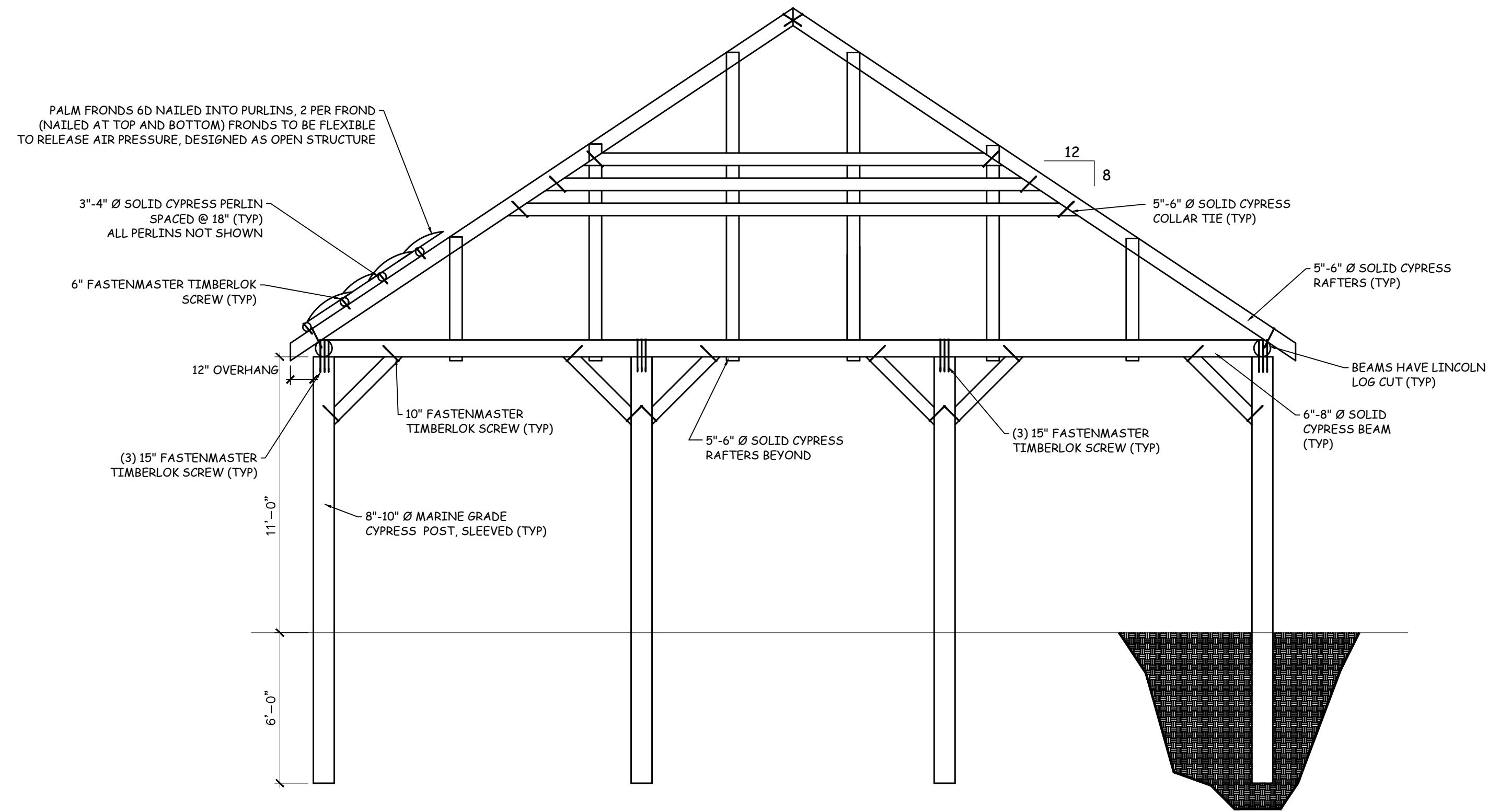
I HEREBY CERTIFY:
THAT THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH
CHAPTER 16, SECTION 1609 OF THE 2020, 7th EDITION, FLORIDA BUILDING CODE FOR
170 M.P.H. ULTIMATE DESIGN WIND SPEED (RISK CATEGORY II) ALONG WITH
THE ENTIRE 2020 FLORIDA BUILDING CODE, COMMERCIAL.

PROJECT: BIG KAHUNA – MILLER 2307 Estero Blvd Fort Myers Beach, FL 33931		 ENGINEER OF RECORD: 4-D ENGINEERING LLC 1074 S FLORIDA AVE SUITE 201 LAKELAND, FL 33803 PHONE: (386) 937-1949 FL CERTIFICATE OF AUTHORIZATION # 31557 CAREY L. WILKINSON, P.E. – FL # 80472	CONTRACTOR:		REVISIONS #	DISCRIPTION	DATE
DATE: 10-3-2023							
DRAWN BY: KJS							
SCALE: AS NOTED							
SHEET							
1							

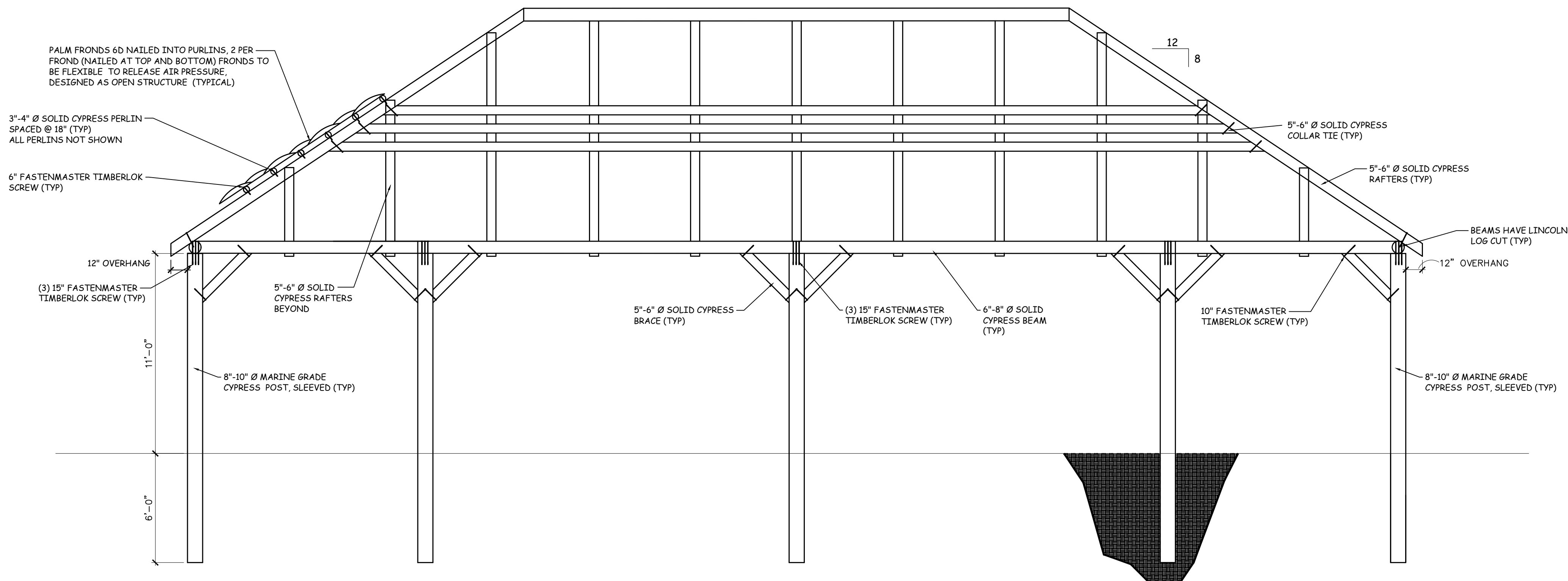
1. PILE TIP TO BE MINIMUM OF 4'-0" BELOW GRADE. PILE TO BACKFILLED AND COMPACTED IN 12" LIFTS

2. THESE PLANS WERE DRAWN BASE UPON A MINIMUM SOIL BEARING CAPACITY OF 3,000 LBS (DEVELOPED FROM END BEARING AND SKIN FRICTION) PER PILE.
3. 4-D ENGINEERING SHALL NOT BE RESPONSIBLE FOR THE SITE SOILS ABILITY TO SUPPORT THE BUILDING LOADS.
4. ALL FASTENERS TO BE FASTENMASTER TIMBERLOCK HEAVY DUTY SCREWS WITH MINIMUM 2" EMBED
5. ALL TIMBERS SHALL BE SOLID CYPRESS NO. 1 GRADE
6. CONSTRUCTION CLASSIFICATION: TYPE VB
7. STRUCTURE HAS BEEN DESIGNED AS OPEN
8. WIND EXPOSURE: D
9. USE GROUP: COMMERCIAL
10. TREAT THATCH W/ FIRE PROOF RETARDANT

- 6" FASTENMASTER TIMBERLOK SCREW
- 10" FASTENMASTER TIMBERLOK SCREW
- 15" FASTENMASTER TIMBERLOK SCREW



SECTION B-B



SECTION A-A

I HEREBY CERTIFY:
THAT THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH
CHAPTER 16, SECTION 1609 OF THE 2020, 7TH EDITION, FLORIDA BUILDING CODE FOR
170 M.P.H. ULTIMATE DESIGN WIND SPEED (RISK CATEGORY II) ALONG WITH
THE ENTIRE 2020 FLORIDA BUILDING CODE, COMMERCIAL.

PROJECT:		ENGINEER OF RECORD:		CONTRACTOR:		REVISIONS #		DATE	
BIG KAHUNA – MILLER		4-D ENGINEERING LLC							
2307 Estero Blvd		1074 S FLORIDA AVE SUITE 201							
Fort Myers Beach, FL 33931		LAKELAND, FL 33803							
		PHONE: (386) 937-1949							
		FL CERTIFICATE OF AUTHORIZATION # 31557							
		CAREY L. WILKINSON, P.E. – FL # 80472							
SHEET									
2									

1. PILE TIP TO BE MINIMUM OF 4'-0" BELOW GRADE. PILE TO BACKFILLED AND COMPACTED IN 12" LIFTS

3. 4-D ENGINEERING SHALL NOT BE RESPONSIBLE FOR THE SITE SOILS ABILITY TO SUPPORT THE BUILDING LOADS.

4. ALL FASTENERS TO BE FASTENMASTER TIMBERLOCK
HEAVY DUTY SCREWS WITH MINIMUM 2" EMBED

6. CONSTRUCTION CLASSIFICATION: TYPE VB

8. WIND EXPOSURE: D

10. TREAT THATCH W/ FIRE PROOF RETARDANT

- PALM FRONDS 6D NAILED INTO PURLINS, 2 PER FROND —
(NAILED AT TOP AND BOTTOM) FRONDS TO BE FLEXIBLE
TO RELEASE AIR PRESSURE, DESIGNED AS OPEN STRUCTURE
(TYPICAL)

3"-4" Ø SOLID CYPRESS PERLIN —
SPACED @ 18" (TYP)
ALL PERLINS NOT SHOWN

6" FASTENMASTER ———
TIMBERLOK SCREW (TYP)

STRUCTURE BEYOND

5"-6" Ø SOLID
CYPRESS RAFTERS
BEYOND

8"-10" Ø MARINE GRADE
CYPRESS POST, SLEEVED (TYP)

6"-8" Ø SOLID CYPRESS BEAM (TYP)

5"-6" Ø SOLID CYPRESS - BRACE (TYP)

— (3) 15" FASTENMASTER
TIMBERLOK SCREW (TYP)

100

STENMASTER —
RLOK SCREW (TYPE)

8"-10" Ø MARINE GRADE ———
CYPRESS POST, SLEEVED (TYP)

12" OVERHANG

✓ 5"-6" Ø SOLID CYPRESS
COLLAR TIE (TYP)

5"-6" Ø SOLID CYPRESS
RAFTERS (TYP)

BEAMS HAVE LINCOLN LOG CUT (TYP)

12" OVERHANG

I HEREBY CERTIFY:
THAT THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH
CHAPTER 16, SECTION 1609 OF THE 2020, 7th EDITION, FLORIDA BUILDING CODE FOR
170 M.P.H. ULTIMATE DESIGN WIND SPEED (RISK CATEGORY II) ALONG WITH
THE ENTIRE 2020 FLORIDA BUILDING CODE, COMMERCIAL.

PROJECT: BIG KAHUNA – MILLER 2307 Estero Blvd Fort Myers Beach, FL 33931	ENGINEER OF RECORD: 4-D ENGINEERING LLC 1074 S FLORIDA AVE SUITE 201 LAKELAND, FL 33803 PHONE: (386) 937-1949 FL CERTIFICATE OF AUTHORIZATION # 31557 CAREY L. WILKINSON, P.E. – FL # 80472		CONTRACTOR:	REVISIONS #	DISCRIPTION	DATE
DATE: 10-3-2023 DRAWN BY: KJS SCALE: AS NOTED						
SHEET						
3						



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

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ABUT SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:

- a. AN EXISTING 8-FOOT-HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.**

Justification: This deviation was previously approved due to the existing building's 2ft. setback from the property line.

- b. A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 8-FOOT-HIGH OPAQUE FENCE.**

Justification: This deviation exceeds the Type "C" buffer previously approved by including the proposed plantings with a wall. The only difference is the 5 ft. width instead of the previously approved 14 ft. The overall intent of the Type "C" buffer will be exceeded within the 5 ft. width. This 5 ft. width accommodates the new dumpster enclosure location.

- c. A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4- TO 8-FOOT-HIGH OPAQUE FENCE.**

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



2. **DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)**

3. **DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.**

Justification: This deviation was previously approved to accommodate the existing building which is 46 ft. from Estero Boulevard. With the proposed placement of the Tiki structure in front of the building a revised deviation is proposed to allow a 3 ft. build-to distance. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm.

4. **DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.3 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.**

Justification: This deviation was previously approved to accommodate the existing building which is 2.39 ft. from Fairweather Lane. With the proposed placement of the Tiki structure in front of the building a revised deviation is proposed to allow a 5 ft. setback from Fairweather Lane. There will be a 5ft. landscape buffer along Fairweather Lane and a 3ft. landscape buffer along Estero Boulevard in front of the Tiki structure. This deviation will allow a greater presence along Estero Boulevard and add to the ambience of the public realm and pedestrian experience.

5. **DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)**

6. **DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.**



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

- 7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)**

- 8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTON SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)**



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

SCHEDULE OF USES

The following uses were previously approved pursuant to CPD Ordinance 22-06 and LDC Table 4-2 with the exception of the added uses in **bold**. These include increasing the outdoor seating area from 1,000 sq.ft. to 2,750 sq.ft., a 4COP in place of the 2COP and amplified music/entertainment outdoors.

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

ORDINANCE 22-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Tre and Amy, Inc. ("Applicant"), the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030 - comprising .66 +/- acre of land ("Property"), filed an application to amend the Property's Commercial Planned Development ("CPD") to allow on-site brewing and consumption of beer; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on March 22, 2022, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 6-0 to recommend approval of the CPD amendment with conditions, and

WHEREAS, on April 18, 2022 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on April 18, 2022; at which time the Town Council gave full and complete consideration to the request of the Applicant,

the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council finds the proposed CPD amendment with conditions of approval are **consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve** the Application.

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

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

Section 2. The Town Council determines the Applicant **did** meet its burden of proof that the requested zoning amendment **does** meet the requirements of the Town Comprehensive Plan and LDC and approving the request to allow the use of on-site brewing and consumption of malt liquor with conditions **is** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES** the requested amendment to the CPD zoning of the Property.

Section 3. Town Resolution 12-07 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit "A," attached hereto and incorporated herein by this reference is approved.

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

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

Section 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

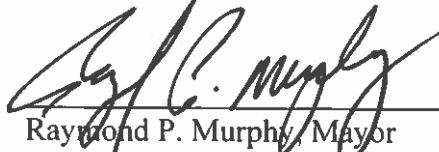
Section 10. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 2nd day of May 2022.

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	recused
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

TOWN OF FORT MYERS BEACH



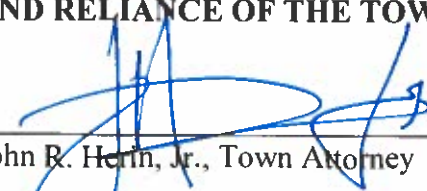
Raymond P. Murphy, Mayor

ATTEST:



Amy Baker, Town Clerk

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



John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 5 day of May 2022.

Exhibits

Exhibit "A" Schedule of Uses and Conditions of Approval

Exhibit "B" Master Concept Plan

EXHIBIT "A"

The Town Council APPROVES the applicant's request for an amendment to the existing CPD, formerly known as Big John's Board Walk Eatery, now known as CJT Properties LLC, to provide required parking on-site for the existing restaurant uses, stormwater management improvements, and landscape buffers, with such approval subject to the Schedule of Allowable Uses, 8 11 conditions and 11 deviations set forth with specificity below.

Schedule of Allowable Uses:

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical

- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4000 square feet of indoor space with additional outdoor seating as indicated on the MCP)

- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1000 square feet of outdoor seating in conjunction with the proposed deck.

- On-site brewing of beer for consumption on premises.

Civic – Open

In approving the amendment to the CPD zoning of the Property, the following conditions of approval are imposed on the Applicant and the Property:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017 (b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.

5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week.
8. ~~No outdoor entertainment is permitted.~~
8. No amplified music or entertainment is permitted outdoors.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

The following limits apply to the Property and its development

Council grants the following deviations:

Deviation #1

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

Deviation #2

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

Deviation #3

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

Deviation #4

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

accommodate the existing building is APPROVED.

Deviation #5

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

Deviation #6

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

Deviation #7

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

Deviation #8

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

Deviation #9

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

Deviation #10

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

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk is APPROVED.

Nothing in this rezoning, including any of the attached conditions, constitute a variance or deviation from the provisions of Chapter 6, Article IV "Floodplain Regulations" of the LDC. Approval of this rezoning does not exempt the subject property from any provisions of the LDC with the exception of any approved deviation contained herein.



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

NARRATIVE

BACKGROUND & REQUEST

The Applicant, 1249 Estero Adventures LLC as represented by The Neighborhood Company, is submitting this Planned Development Rezone Application to request an amendment to the existing CPD Ordinance 22-06. The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *Commercial Boulevard* Zoning District.

The subject property is located at 2301/2307 & 2311 Estero Boulevard, 111 & 121 Mango St. and is comprised of four parcels, that total +/- 0.65 acres (See Figure 1). The STRAP #s include: 194624W30110D0010, 194624W30120E0010, 194624W30120E0020, 194624W30120E0030. The subject property is located approximately 3/4+/- mile from the Matanzas Pass Bridge (See Figure 2).

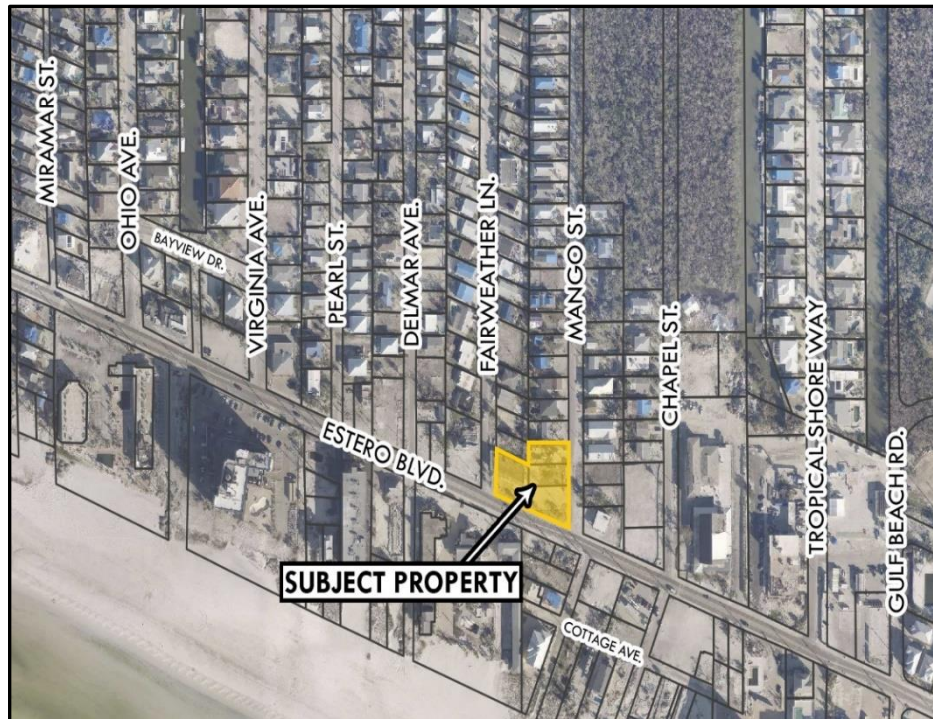


Figure 1. Location Map

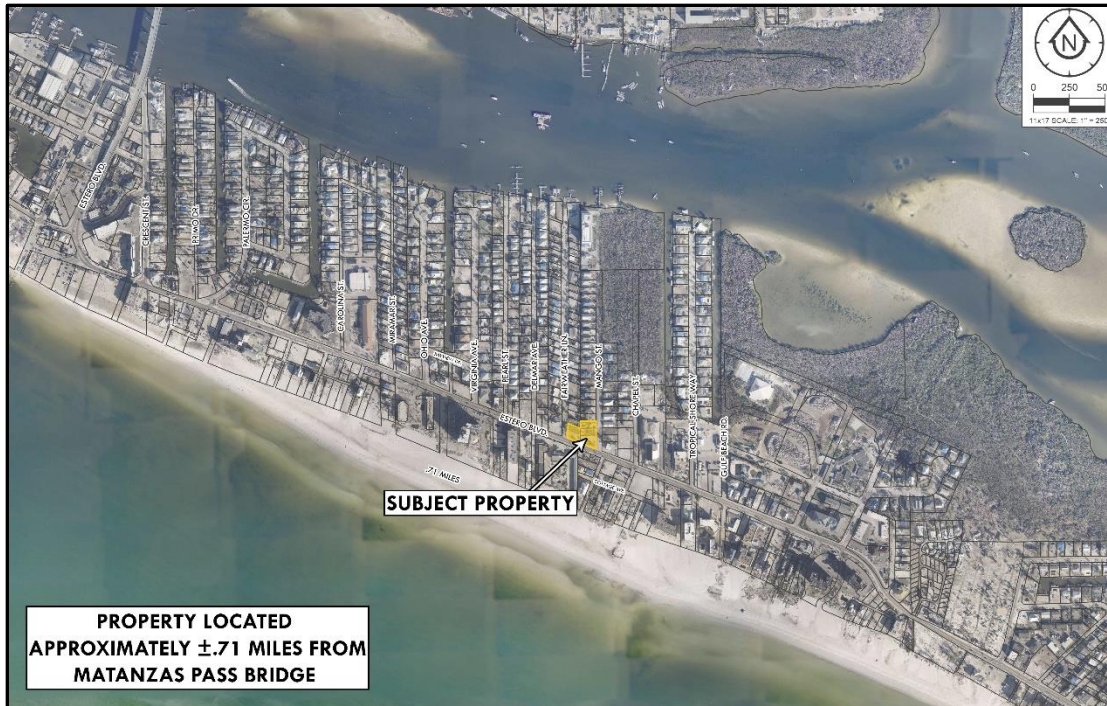


Figure 2. Vicinity Map

PROPOSED USE/REDEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 22-06. Prior to Hurricane Ian, the subject properties included a commercial building that housed a restaurant, fka Big John's Board Walk Eatery and the recent Tuckaway Café, an ice cream shop, outdoor seating area and parking for those uses. Subsequent to Hurricane Ian, the building still stands but with considerable damage. The property was sold to 1249 Estero Adventures LLC in 2023. The new owner proposes to redevelop the property and renovate the existing restaurant and expand the outdoor seating area previously approved.

The expansion of the outdoor seating area will include a Tiki structure and the addition of outdoor entertainment. The applicant is also requesting to replace the current 2COP to a 4COP to allow the serving of liquor along with the previously permitted beer and wine. The applicant is aware of the State requirements to obtain a 4COP but first needs the approval of the activity from the Town Council. The previously approved "Manufacturer of Malt Beverages in Vendor Premises" (CMBP) License for production and consumption on premises of malt beverages will remain.

The prior approval included eleven (11) conditions and eleven (11) deviations. This proposal includes nine (9) deviations as some of the prior deviations are no longer relevant. Some of the prior approved deviations will continue, and some of the deviations reflect the minor site design changes. The following includes the existing and proposed uses and development standards as depicted on the MCP. The referenced deviation requests and justifications are provided in the attached schedule.

**Maximum Intensity:**

Maximum floor area of 4,000 square feet of enclosed commercial space.

Maximum 2,750 square feet of outdoor seating area.

LOCATION, SITE DESIGN & COMPATIBILITY**Location**

The subject properties are located approximately three quarters of a mile from Times Square and are located at the north end of the Civic Complex area of Fort Myers Beach. The properties front on the northeast side of Estero Boulevard between Fairweather Lane and Mango Street. The project is surrounded by vacant and damaged commercial properties as well as various resorts and residential properties. The customer base for this project will pull from the surrounding area as well as passerby pedestrian and vehicular traffic. Based on the smaller size of this project compared to those in the Times Square area, it will provide a neighborhood scale restaurant and entertainment option primarily for the more immediate area.

Site Design

The location of the existing building and the unusual shape of the property has presented design challenges that resulted in the prior approval of eleven (11) deviations. This amendment includes deviations previously approved with some additional requests. It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

The existing building is located approximately 2.3ft from Fairweather Lane and is approximately 46ft. from Estero Boulevard. The Tiki structure will be 5+/- ft. from the west property line (Fairweather Lane) and 3+/- ft. from the south property line (Estero Boulevard).

The proposed hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area. Outdoor entertainment will be permitted until 11pm and located as depicted on the MCP to minimize any sound spillage to the north.

A dumpster enclosure will be relocated along the western fence line and buffer. This location was determined based on its accessibility for the waste management trucks. The parking area will include a stormwater dry detention island.

Outdoor Seating

The proposed expanded outdoor seating and Tiki structure will create a more inviting space that adds character to the pedestrian experience along Estero Boulevard. In addition, the Tiki structure will provide protection from the elements while keeping the open-air atmosphere. Along with the Tiki structure a landscape buffer along Estero Boulevard will add to the ambience of the public realm. The proposed outdoor entertainment will be located within the Tiki footprint and as clearly defined on the MCP where the music can be performed. The Tiki structure will be located approximately three (3) feet from the front property line corresponding with Deviation #3 to allow a 3ft. to 10ft. build-to line.



Vehicular and Pedestrian access

The site design provides a direct connection to a transit stop, on property bicycle racks and a walkway connection from the existing sidewalk to the restaurant. These elements further encourage bicycle and pedestrian activity and minimize the need to accommodate vehicular traffic.

Vehicular access will be provided from two points of access on Mango Street, which were previously approved (see Deviation #8). The parking lot is reconfigured to allow both directions of traffic on the drive aisles instead of the one-way on the north drive aisle. This will allow for a logical circulation pattern and will provide safer ingress and egress movements from Mango Street.

Buffers and Screening

The proposed buffers along the north and northeast property lines target the existing and vacant residential properties. Due to the existing building located approximately two (2) feet from the rear property line, two deviations were previously approved to allow a 2ft setback instead of the required 20ft setback and a deviation to allow an 8ft. 100% opaque fence in place of a C/F buffer. Both of these are memorialized on the MCP and in Deviations #1a and #5.

The proposed buffer along the northeastern property line adjacent to a vacant residential property will include the following: a minimum 12-foot-wide buffer adjacent to the northern parking lot spaces providing 10 trees and 30 shrubs per 100 linear feet with a 4- to 8-foot-high opaque fence. The fencing has already been installed and the existing plantings will be augmented to meet the requirements, if needed. The 4-foot segment of the fence accommodates the visibility triangle required at connections to a public road. The only change from the previous approval is the width going from 15ft. to 12ft. The 3ft. difference allowed the parking area to accommodate the two-way circulation. This buffer exceeds the previously approved Type “C” Buffer with the proposed plantings and wall.

The proposed buffer at the northwestern property line running perpendicular to the commercial building will include a minimum 5 ft. wide buffer with 10 trees and 30 shrubs per 100 linear feet along with the existing 8-foot opaque fence. The proposed dumpster enclosure will be placed adjacent to this buffer as depicted on the MCP.

The perimeter of the parking area will have a 5 ft. Type “D” buffer adjacent to Mango Street and Estero Boulevard rights of way. This deviation was previously approved (see Deviation #2).

In order to add to the public realm ambience and compatibility the applicant is proposing to include landscaping at the southwest corner along Fairweather Lane and Estero Boulevard as shown on the MCP. Although buffers are not required along rights of way, the 5ft. area along Fairweather Lane will have a Type “B” buffer planting which includes trees and a hedgerow and the 3ft. area in front of the Tiki structure will have a 2ft. hedgerow.



Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Mixed Residential/Platted Overlay	Residential Multi-Family, Residential Conservation	Single-Family Residences and vacant parcels.
SOUTH	Boulevard	Commercial Planned Development, Commercial Boulevard, Commercial Resort	Estero Blvd., Neptune Resort and vacant parcels
EAST	Boulevard	Commercial Boulevard & Residential Multi-Family	Mango Street, Vacant/Commercial
WEST	Boulevard	Commercial Boulevard	Fairweather Lane, Residential & Vacant Commercial

Compatibility

Based on the surrounding uses, compatibility with the residential uses existing and permitted immediately north of the property was considered with the site design and layout. The development standards, buffers and screening, further ensure compatibility with adjacent uses and are appropriate for property located in the Commercial Boulevard District. This property has operated as a restaurant for many years including Big John's Board Walk Eatery and the recent Tuckaway Café. The previously established restaurants have a proven history of being compatible at this location with the surrounding uses over the years. The addition of the Tiki structure and outdoor entertainment will be located on the Estero Boulevard side of the existing building. The location and restricting the outdoor entertainment to no later than 11pm, an hour before closing, will limit any perceived impacts to the surrounding area. In addition, the applicant will provide landscape buffers at the corner of Fairweather and Estero Boulevard to further mollify any perceived impacts and to add to the pedestrian experience along Estero Boulevard. Based on the above, this amendment will readily meet the definition of compatibility per the LDC.

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.



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

A. COMPREHENSIVE PLAN AMENDMENTS

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

Mixed Use Districts Designation - Civic Center and Coconut Village RV Park Mixed-Use District



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

(intentionally left blank)



C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed redevelopment proposes enhancements to the frontage along Estero Boulevard and throughout the site. These enhancements will include improved vehicular circulation within the parking area, a more attractive façade along Estero Boulevard created by the proposed Tiki structure. The direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard fulfill the intent of Objective 1-A and Policy 1-A-1.

These enhancements create a development with improved accessibility and safety for pedestrians, while improving the appearance for residents and visitors on the primary circulation route of Fort Myers Beach, thus supporting the “Estero Blvd” vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

FUTURE LAND USE ELEMENT:

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

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

The proposed project will reestablish a restaurant business that has been in business for several years. The proposed redevelopment of the neighborhood scale restaurant that has pedestrian friendly elements including the direct connection to the transit stop, on site bicycle racks and sidewalks along Estero Boulevard. Through the implementation of these elements, the development will enhance the public realm of Fort Myers Beach and add to its unique small-town character.

Finally, in an effort to minimize the damage that a future hurricane could inflict, the renovations of the existing building and Tiki structure will be built to meet current applicable codes.



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

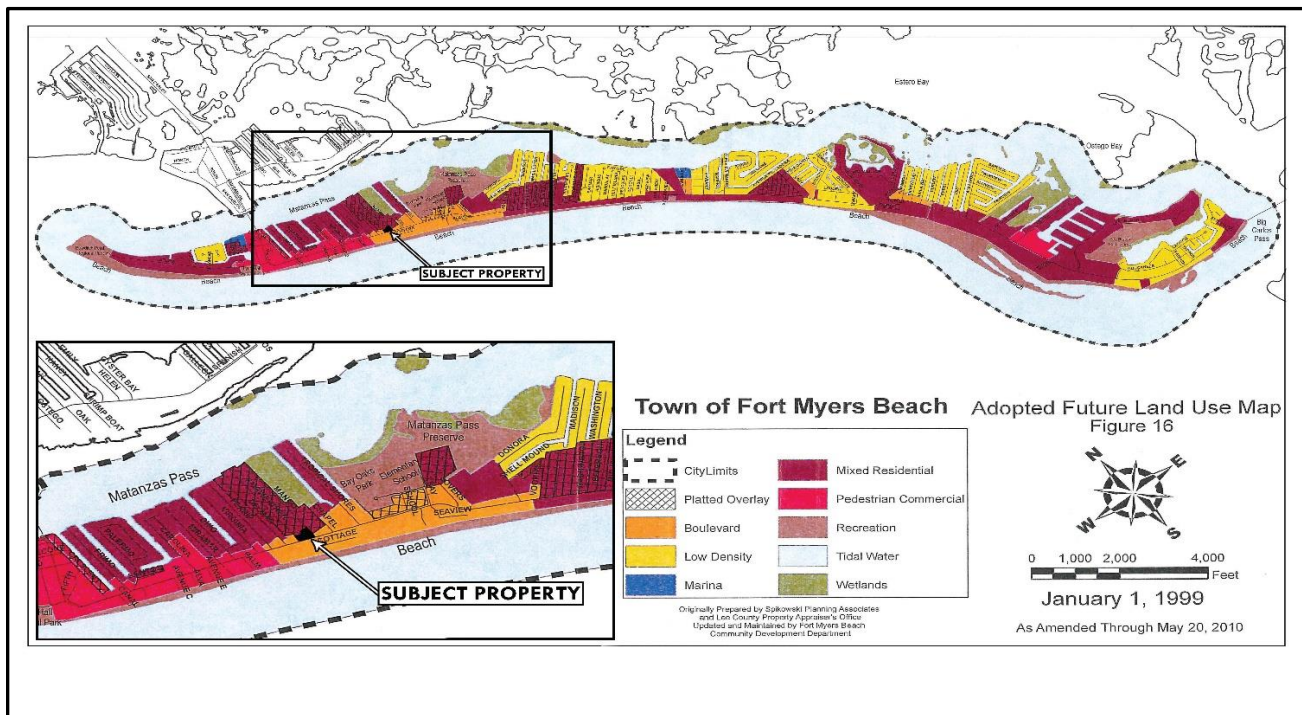
Located along Estero Boulevard, and in close proximity to civic uses, resorts, and residential uses, the proposed project will re-establish a long-standing restaurant that has provided a neighborhood scale gathering location for decades.

The proposed site configuration will provide the elements to contribute to the pedestrian oriented public realm including on property bike racks, a connection to the bus/trolley stop, pedestrian connection to the restaurant directly from Estero Boulevard. The addition of the Tiki structure and landscaping will create a more inviting, safer, visually attractive development ensuring locational compatibility and improved pedestrian oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and contribute to the pedestrian-oriented public realm. The site plan proposes to provide enhancements to the public realm through the improved vehicular patterns on the site, clearly defined pedestrian connections to the transit stop and bicycle racks connect to the existing sidewalk along Estero Boulevard. These proposed enhancements will contribute to the pedestrian-oriented public realm of Fort Myers Beach and are consistent with Policy 4-B-5.

The maximum Floor Area Ratio (FAR) specified under the Commercial Boulevard District described in the Land Development Code (LDC) may be as high as 1.0. The existing 4,000 sq. ft. building is well within the allowed 28,314 sq. ft.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The various buffers and layout of the project that directs the more intense activity toward Estero Boulevard are taking into consideration the residential properties to the north and west of the property. As previously stated, contribution to the public realm is fulfilled through the various design elements of the project.

OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards.

For flood- and wind-resistance, and by improving the current post-disaster build back policy.

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



COASTAL MANAGEMENT ELEMENT:

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

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

As stated per Objective 4-D, the proposed redevelopment of the site and renovations of the existing building will be in compliance with all applicable federal, state and local regulations to develop a more resilient commercial property to serve the residents and visitors of Fort Myers Beach.

TRANSPORTATION ELEMENT

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

POLICY 7-D-3 ALTERNATE TRAVEL MODES

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

To better serve the public, the proposed site design includes improvements to the parking layout and circulation. The project encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking and will maintain a pedestrian connection to the existing transit top located on the property.

UTILITIES ELEMENT

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

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

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



D. DESIGN STANDARDS COMPLIANCE

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case the existing building is not expanding and would not be required to adhere to design standards. However, by the addition of a Tiki structure and the public realm elements such as the transit stop, bicycle racks, direct connections to and from the existing sidewalk, this project would be consistent with the intent of the Commercial design standards pursuant to sec.34-991 through 34-1010.

(intentionally left blank)



E. DECISION-MAKING COMPLIANCE

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

There are no known errors or ambiguity that must be corrected in relation to the requested CPD amendment. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Through the proposed CPD rezone request, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

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

The Town of Fort Myers Beach has been devastated by Hurricane Ian. The proposed CPD amendment will allow the re-establishment of a neighborhood restaurant that has been at this location for decades.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(4) The testimony of any applicant.

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

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

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

(6) The testimony of the public.

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

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

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



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

It is important to note that as a Commercial Planned Development there is the ability to provide regulatory flexibility that allows for creative design to address site constraints. The proposed Master Concept Plan (MCP) depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the parking layout, a more attractive façade along Estero Boulevard created by the proposed Tiki structure, and pedestrian and public realm improvements.

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

All urban services are in place to adequately serve the subject site.

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

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

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

Based on the layout and design elements of the development, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to person or property as the proposed use existed prior to the catastrophic events of Hurricane Ian.

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

Given that this CPD amendment reestablishes a restaurant that has been located here for decades, there will be no net changes on public facilities and the proposed request does not create any burden upon existing transportation or other services and facilities. A waiver to LDC Section 10-286, Traffic Impact Statement (TIS), was granted by the Town. The CPD does improve the site design to facilitate and enhance bicycle and pedestrian access.

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

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

- a. The proposed restaurant use, as provided for within the Schedule of Uses, is appropriate for the subject location due to the fact that a restaurant previously existed on the property for decades without issue.



- b. Sufficient safeguards are in place to protect the public interest through the proposed CPD and supporting MCP. The design, location and proposed use and development standards are generally consistent with the mixture of uses and pedestrian nature of the area and will meet the needs of the town's residents and visitors. As depicted on the MCP, access and circulation will be safer and more functional, the pedestrian experience will be improved.
- c. If recommended special conditions are presented and are deemed reasonable and feasible, the applicant will be willing to accept them to further ensure sufficient safeguards are established.
- d. The proposed rezoning request meets specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
 - 1. Policy 4-C-3: See Section "C" and the above narrative.
 - 2. Policies 4-B-5 and 4-C-3: See Section "C" above and the narrative.
 - 3. Policy 4-C-4: Proposed height of 30 feet is not taller than the standard height limit allowed under the Land Development Code.
 - 4. Policy 4-C-8: Density transfers. Not applicable.
 - 5. Policy 4-E-1: The existing development was consistent with and well below the allowed intensity (FAR 1.0) prior to the natural disaster (Hurricane Ian). The existing 4,000sq.ft. building will not be expanded and will continue to meet the limits of the FAR.
 - 6. Policy 7-D-3 Alternate Travel Modes: See Section "C" and the narrative.

CONCLUSION:

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process, to reestablish a much-revered neighborhood restaurant.



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

SCHEDULE OF USES

The following uses were previously approved pursuant to CPD Ordinance 22-06 and LDC Table 4-2 with the exception of the added uses and amended language in **bold**. These include increasing the outdoor seating area from 1,000 sq. ft. to 2,750 sq. ft., a 4COP in place of the 2COP, amplified music/entertainment outdoors, and transient merchant/mobile vendor – food truck/trailer.

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



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

PROPOSED CONDITIONS

The following conditions were previously approved pursuant to CPD Ordinance 22-06 and are proposed to be amended (highlighted, strikethrough and underlined) due to specific deviations being deleted as they would no longer be applicable based on this amendment and based on the desired operations of the new restaurant and outdoor seating area.

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, and 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34- 2017(b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week. The hours of operation will be 7am to 12 midnight seven days a week for both the restaurant and outdoor seating area.

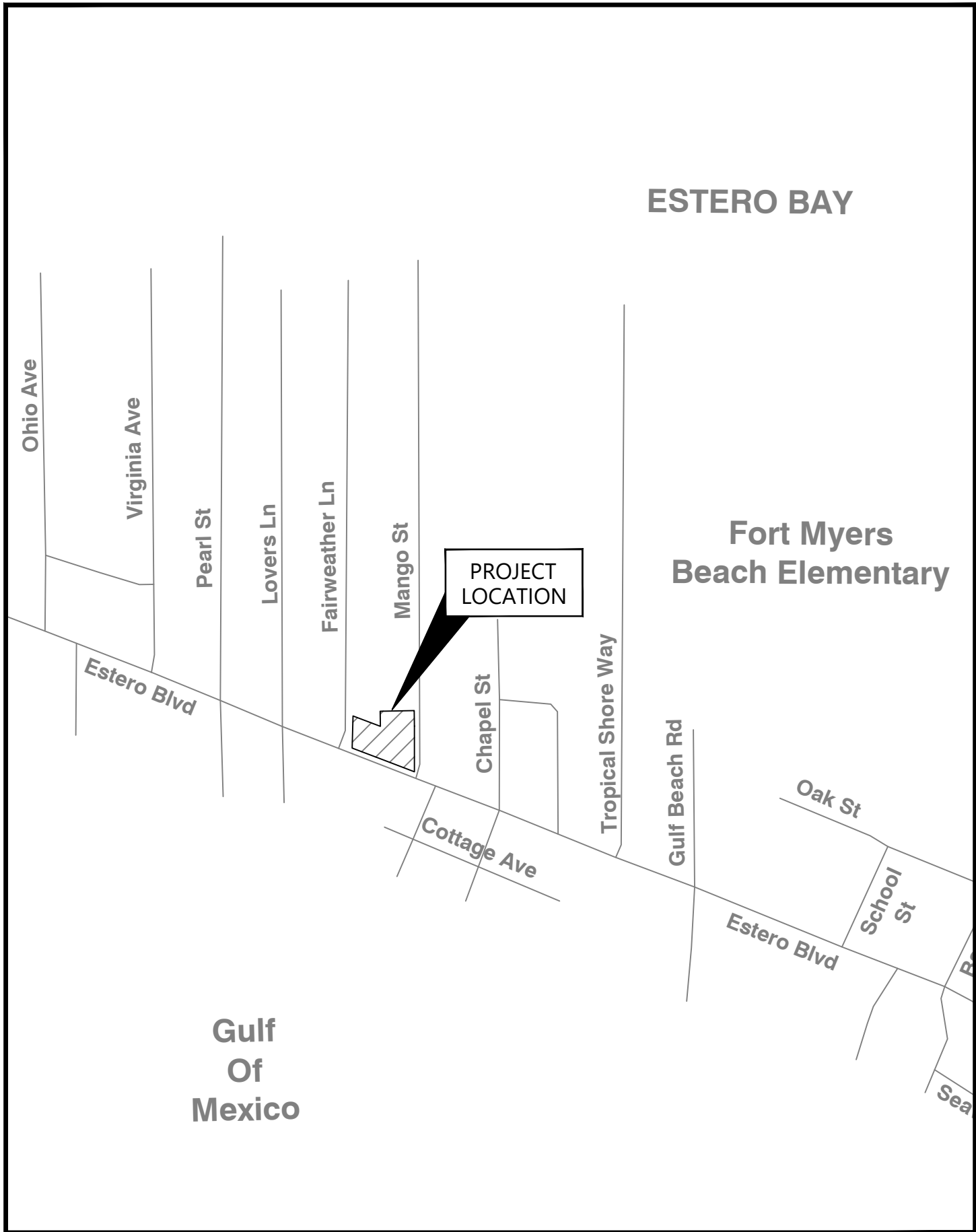


8. ~~No amplified music or entertainment is permitted outdoors.~~ Amplified music or entertainment is permitted outdoors until 11pm within the designated areas on the master concept plan and will not be oriented toward residential uses.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

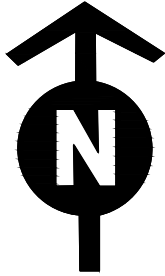
MASTER CONCEPT PLAN FOR

SANDY BOTTOMS CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

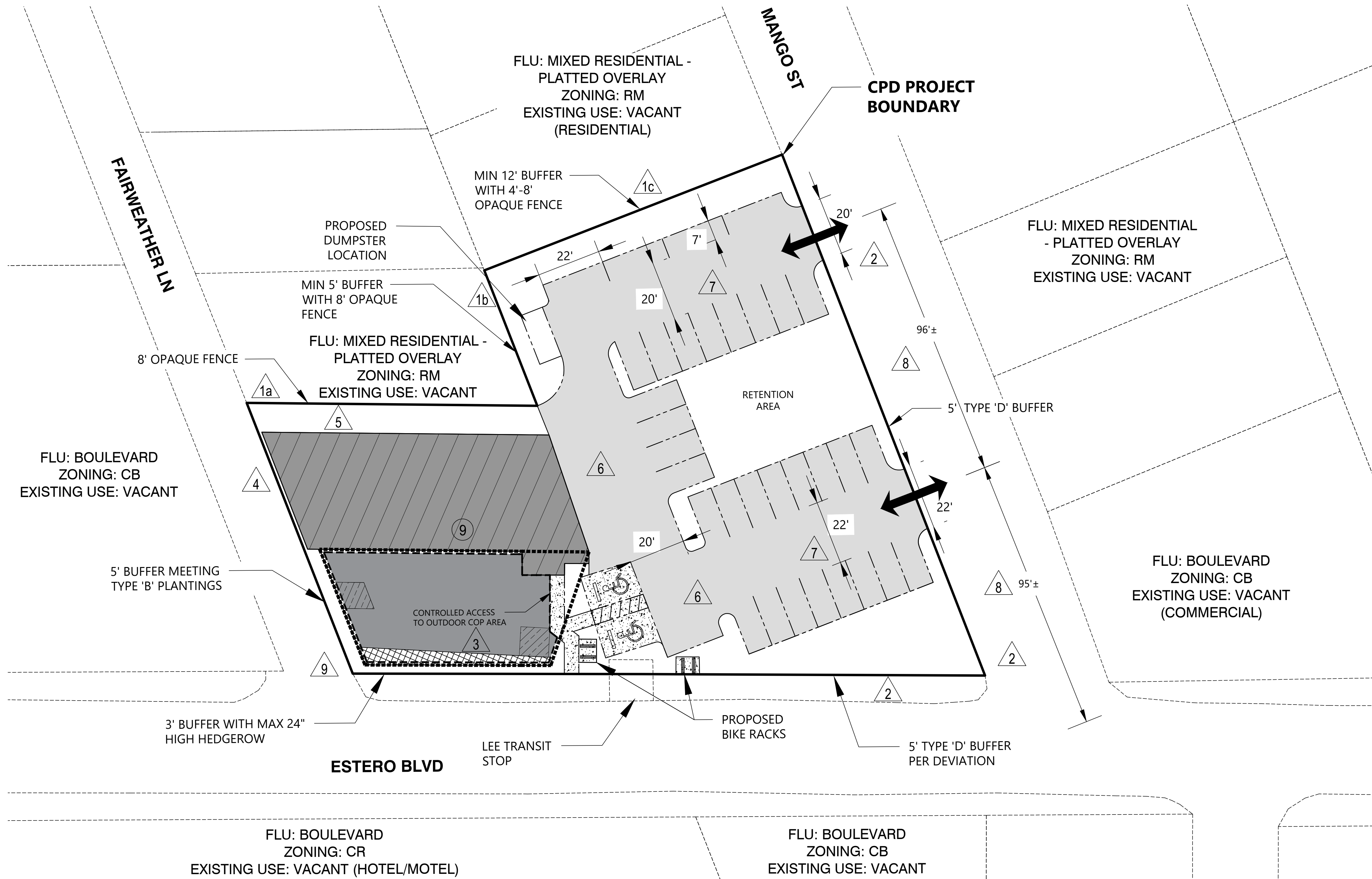
PREPARED FOR:

1249 ESTERO ADVENTURES LLC

290 BAHIA VIA
FORT MYERS BEACH, FL 33931

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION		
1	COVER SHEET		
2	MASTER CONCEPT PLAN		
3	NOTES		
DATE:	December, 2023	PROJECT No.:	220050.01.01
		SHEET No.:	1 OF 3



LEGEND	
	CPD BOUNDARY
	EXISTING STRUCTURE FOOTPRINT
	PROPOSED OUTDOOR SEATING AREA STRUCTURE LIMITS
	PROPOSED OUTDOOR SEATING AREA
	OUTDOOR ENTERTAINMENT AREA
	RESTRICTED USE AREA - NO SEATING OR ENTERTAINMENT
	OUTDOOR COP BOUNDARY
	AT GRADE PARKING AREA
	VEHICULAR INGRESS / EGRESS
	DEVIATIONS
	GENERAL NOTES

PROJECT NO:
220050.01.01

DATE:
12/23

DESIGN:
K.G.

SHEET NUMBER:
2 OF 3

CLIENT:
1249 ESTERO ADVENTURES LLC

PROJECT:
SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)

TITLE:
MASTER CONCEPT PLAN

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOODCOMPANY

THE NEIGHBORHOOD
COMPANY

FL 47124
DATE
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#

PER TOWN COMMENTS
REVISION
1

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GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3. TOTAL CPD/DEVELOPMENT AREA: 0.66 +/- ACRES
4. FUTURE LAND USE MAP CATEGORY: BOULEVARD
5. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
6. THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
7. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
8. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
9. OUTDOOR SEATING AREA STRUCTURE WILL BE STRUCTURALLY INTEGRATED/ATTACHED TO THE EXISTING PRIMARY STRUCTURE.

SCHEDULE OF USES:

- RESIDENTIAL - OPEN
- LODGING - LIMITED
 - o OFFICES - LIMITED
 - o OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- RETAIL - LIMITED
 - o RESTAURANT (LIMITED TO 2) WITH OUTDOOR SEATING AS INDICATED ON THE MCP.
 - o ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED ONLY IN CONJUNCTION WITH RESTAURANT(S) AND INCLUDING APPROXIMATELY 2,750 SQUARE FEET OF OUTDOOR SEATING AREA AS INDICATED ON THE MCP.
 - o ON-SITE BREWING OF BEER FOR CONSUMPTION ON PREMISES.
 - o 4COP AND GMBP FLORIDA DEPARTMENT OF ALCOHOLIC BEVERAGES AND TOBACCO PERMITS.
 - o TRANSIENT MERCHANT/MOBILE VENDOR - FOOD TRUCK/TRAILER ONLY.
- CIVIC - OPEN
- ENTERTAINMENT - INDOOR AND OUTDOOR, LIMITED TO MUSIC BOTH LIVE AND RECORDED.
- TYPICAL ACCESSORY USES INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE USES.

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE:

- LOT AREA: 0.65 +/- ACRES
- LOT WIDTH: 220 +/- FEET
- LOT DEPTH: 110 +/- FEET

BUILD-TO LINE:

- ESTERO BLVD.: 3 - 10 FEET (DEVIATION #3)

MINIMUM SETBACKS (PRIMARY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MINIMUM SETBACKS (ACCESSORY STRUCTURES):

- STREETS (OTHER THAN ESTERO): 10 FEET (DEVIATION #4)
- REAR: 2 FEET (DEVIATION #5)
- SIDE: 5 FEET

MAXIMUM ZONED HEIGHT: 30 FEET ABOVE BASE FLOOD ELEVATION

MAXIMUM ZONED STORIES: 2 ABOVE BASE FLOOD ELEVATION

DEVIATIONS:

1. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A TYPE C/F BUFFER WHERE PROPOSED COMMERCIAL AND PARKING USES ADJUT SINGLE FAMILY RESIDENTIAL USES, TO ALLOW THE FOLLOWING AS INDICATED ON THE MCP:
 - a. AN EXISTING 8 FOOT HIGH OPAQUE FENCE ADJACENT TO THE EXISTING BUILDING.
 - b. A MINIMUM 5 FOOT BUFFER ADJACENT TO THE DUMPSTER ENCLOSURE AREA PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN EXISTING 8 FOOT HIGH OPAQUE FENCE.
 - c. A MINIMUM 12 FOOT BUFFER ADJACENT TO THE NORTHERN PARKING LOT SPACES PROVIDING 10 TREES AND 30 SHRUBS PER 100 LINEAR FEET WITH AN 4 TO 8 FOOT HIGH OPAQUE FENCE.
2. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 10-416(D)(2) AND LDC TABLE 10-8, WHICH REQUIRES A 15 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY, TO ALLOW FOR A 5 FOOT TYPE D BUFFER BETWEEN PARKING AREAS AND RIGHT-OF-WAY. (PRIOR APPROVED)
3. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(A), WHICH REQUIRES BUILDINGS TO BE CONSTRUCTED BETWEEN FIVE (5) TO TEN (10) FEET FROM ESTERO BOULEVARD, TO ALLOW A BUILD-TO DISTANCE BETWEEN THREE (3) TO TEN (10) FEET FROM ESTERO BOULEVARD.
4. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-707(B)(1)A, WHICH REQUIRES A MINIMUM 10 FOOT STREET SETBACK TO ALLOW FOR A MINIMUM 2.39 FOOT STREET SETBACK FROM FAIRWEATHER LANE TO THE EXISTING BUILDING AND A MINIMUM 5 FOOT STREET SETBACK FROM FAIRWEATHER LANE FOR THE PROPOSED OUTDOOR SEATING AREA STRUCTURE.
5. DEVIATION FROM THE REQUIREMENT OF LDC SECTION 34-704(B)(1)B, WHICH REQUIRES A MINIMUM 20 FOOT REAR SETBACK, TO ALLOW FOR A TWO-FOOT REAR SETBACK TO ACCOMMODATE THE EXISTING BUILDING. (PRIOR APPROVED)
6. DEVIATION FROM LDC SECTION 34-2020(D)(2)H, WHICH REQUIRES 8 PARKING SPACES PER 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING ANY OUTDOOR SEATING AREA AND A REDUCTION OF 2 SPACES FOR 8 BICYCLE SPACES (FOR A TOTAL OF 52 REQUIRED PARKING SPACES) TO ALLOW FOR A 35% REDUCTION FROM THE LDC REQUIREMENT FOR A TOTAL OF 34 PROVIDED SPACES.
7. DEVIATION FROM LDC SECTION 34-201 7, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE, TO ALLOW FOR A CRUSHED SHELL OR LIMEROCK SURFACE. (PRIOR APPROVED)
8. DEVIATION FROM LDC SECTION 34-285 AND TABLE 10-1, WHICH REQUIRES 125 OF CONNECTION SEPARATION ALONG LOCAL ROADS, TO ALLOW FOR 96+/- FEET OF CONNECTION SEPARATION ALONG MANGO STREET. (PRIOR APPROVED)
9. DEVIATION FROM THE REQUIREMENTS OF LDC SECTION 34-662(b)(4)(a) AND FIGURE 34-5 REQUIRING THAT VISIBILITY TRIANGLES MUST BE MAINTAINED ON BOTH SIDES OF INTERSECTING STREETS AND EXITING DRIVEWAY AS SHOWN IN FIGURES 34-4 AND 34-5 OR TO PROVIDE EQUIVALENT VISIBILITY, TO ALLOW FOR A REDUCTION IN THE DEPTH OF THE SIGHT VISIBILITY TRIANGLE ALONG THE OTHER STREET OR EXISTING DRIVEWAY FROM 10 FEET TO 3 FEET.

MAXIMUM INTENSITY:

- MAXIMUM FLOOR AREA RATIO (F.A.R.)/GROSS FLOOR AREA ALLOWED: 1.0 OR 43,124.4 SF
- MAXIMUM GROSS FLOOR AREA PROVIDED: 4,000 SF OF ENCLOSED COMMERCIAL SPACE

PARKING:

- REQUIRED:
 - o RESTAURANT (INDOOR AND OUTDOOR SEATING AREA) 8 SPACES PER 1,000 SF (1 SPACE PER 125 SF)
 - o $6,750 \text{ SF (4,000 SF INDOOR AREA + 2,750 SF)} / 125 = 54 - 2 \text{ SPACE REDUCTION FOR 8 BICYCLE SPACES} = 52$
- PROVIDED:
 - o 34 (INCLUDING 2 ADA SPACES) PER DEVIATION #6

[illegible]

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/COMPANY

PROJECT NO: 220050.01.01		CLIENT: 1249 ESTERO ADVENTURES LLC	
DATE: 11/23	DRAWN: F.L.	PROJECT: SANDY BOTTOMS PLANNED DEVELOPMENT (CPD)	
DESIGN: K.G.		TITLE: NOTES	
SHEET NUMBER: 3 OF 3			

ORDINANCE 22-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Tre and Amy, Inc. ("Applicant"), the owner of the property generally located at 2301, 2307 & 2311 Estero Blvd., and 111 and 121 Mango St. and identified by STRP numbers 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030 - comprising .66 +/- acre of land ("Property"), filed an application to amend the Property's Commercial Planned Development ("CPD") to allow on-site brewing and consumption of beer; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on March 22, 2022, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 6-0 to recommend approval of the CPD amendment with conditions, and

WHEREAS, on April 18, 2022 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on April 18, 2022; at which time the Town Council gave full and complete consideration to the request of the Applicant,

the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council finds the proposed CPD amendment with conditions of approval are **consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve** the Application.

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

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

Section 2. The Town Council determines the Applicant **did** meet its burden of proof that the requested zoning amendment **does** meet the requirements of the Town Comprehensive Plan and LDC and approving the request to allow the use of on-site brewing and consumption of malt liquor with conditions **is** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES** the requested amendment to the CPD zoning of the Property.

Section 3. Town Resolution 12-07 is repealed and replaced by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit "A," attached hereto and incorporated herein by this reference is approved.

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

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

Section 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

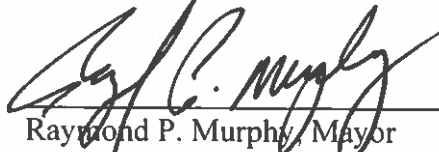
Section 10. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 2nd day of May 2022.

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	recused
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

TOWN OF FORT MYERS BEACH



Raymond P. Murphy, Mayor

ATTEST:



Amy Baker, Town Clerk

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



John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 5 day of May 2022.

Exhibits

Exhibit "A" Schedule of Uses and Conditions of Approval

Exhibit "B" Master Concept Plan

EXHIBIT "A"

The Town Council APPROVES the applicant's request for an amendment to the existing CPD, formerly known as Big John's Board Walk Eatery, now known as CJT Properties LLC, to provide required parking on-site for the existing restaurant uses, stormwater management improvements, and landscape buffers, with such approval subject to the Schedule of Allowable Uses, 8 11 conditions and 11 deviations set forth with specificity below.

Schedule of Allowable Uses:

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical

- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4000 square feet of indoor space with additional outdoor seating as indicated on the MCP)

- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1000 square feet of outdoor seating in conjunction with the proposed deck.

- On-site brewing of beer for consumption on premises.

Civic – Open

In approving the amendment to the CPD zoning of the Property, the following conditions of approval are imposed on the Applicant and the Property:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
3. The parking lot must be stabilized in accordance with the provisions in Section 34-2017 (b) of the LDC.
4. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.

5. A Traffic Impact Study (TIS) is not warranted, and the Town Council hereby overrules the Director's decision to require a TIS. The Applicant has provided mitigation for traffic impacts by providing the following: additional on-site parking for tenants and customers, landscape buffers, bicycle racks, extension of the sidewalk along Estero Boulevard in front of the property, elimination of the back out parking in front of the existing building, a reduction in the outdoor dining area to 1,000 square feet, and provision of storm water management improvements. The current restaurant use has demonstrated that it is mainly a pedestrian and bicycle-oriented destination and, as a result, the traffic impacts may actually be less than would be expected from a traffic impact study.
6. Bicycle racks shall be provided for a minimum of 8 bicycles.
7. The hours of operation for business use are 6am to 12 midnight. The hours of operation for indoor restaurant uses are 7am to 12 midnight with outdoor seating area limited to between the hours of 7am and 10 pm, seven days a week.
8. ~~No outdoor entertainment is permitted.~~
8. No amplified music or entertainment is permitted outdoors.
9. All brewing activities shall be contained within the building.
10. No outdoor storage shall be allowed including the use of portable storage units, cargo containers and tractor trailers except as follows: spent grain may be placed outdoors for a period not to exceed 24 hours. Spent grain must be stored in fully enclosed containers that are screened from adjacent properties and Estero Blvd.
11. Must comply with guidelines set forth by the Florida Department of Alcoholic Beverages and Tobacco for the CMBP permit.

The following limits apply to the Property and its development

Council grants the following deviations:

Deviation #1

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

Deviation #2

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

Deviation #3

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

Deviation #4

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

accommodate the existing building is APPROVED.

Deviation #5

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

Deviation #6

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

Deviation #7

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

Deviation #8

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

Deviation #9

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

Deviation #10

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

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk is APPROVED.

Nothing in this rezoning, including any of the attached conditions, constitute a variance or deviation from the provisions of Chapter 6, Article IV "Floodplain Regulations" of the LDC. Approval of this rezoning does not exempt the subject property from any provisions of the LDC with the exception of any approved deviation contained herein.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

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

TIME: 9 AM

DATE: LPA May 14, 2024, 1st Town Council June 3, 2024 and 2nd Town Council June 17, 2024

CASE: DCI20240049

ADDRESS: 2301/2307 Estero Blvd (incl. all associated "Sandy Bottoms" CPD properties)

APPLICANT: Kenrick Gallander AICP

REQUEST: Applicant is requesting an amendment of Ord. 22-06 to allow development of a new restaurant with outdoor seating and a structurally-connected shade structure.

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

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

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



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

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Fort Myers Beach, FL 33931

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

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

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

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

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

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



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Ordinance 24-16 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.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Fort Myers Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town of Fort Myers Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

¹ See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Fort Myers Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance is to allow a commercial planned development amendment proposed by the owner of the property.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Fort Myers Beach, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with the ordinance.

The ordinance does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

One property owner will be impacted by this proposed ordinance.

4. Additional information the governing body deems useful (if any):

None

1. **Request:**

Meeting Date: June 17, 2024

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

Why the action is necessary:

The Town Council hears and decides rezoning requests.

What the action accomplishes:

Approval of this CPD would allow the development of a 45-room hotel with retail, office, and restaurant space.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

ordinance

4. **Submitter of Information:**

Sarah Propst, Community
Development, Planning
Manager

5. **Background:**

The applicant for the property located at 125, 131-151 School St and 2661-2681 Estero Blvd, is requesting a rezoning from Commercial Planned Development zoning adopted in Ordinance 21-02 to Commercial Planned Development to allow a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area. The proposed development will have a two-way access on School Street and one right-only point of egress on Oak Street.

Attachments:

1. Ordinance 24-15 (1) ns
2. TC staff report
3. Exhibit A Master Concept Plan
4. Exhibit B Landscape Betterment Plan
5. Exhibit C Complete Application
6. Exhibit D LPA AND TC ORD postcard
7. business-impact-estimate Myerside

Financial Impact:

unknown

6. **Alternative Action**

deny

7. **Management Recommendations:**

Recommend approval with conditions

8. **Recommended Approval:**

Sarah Propst, Community Development, Planning Manager
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/10/2024
Approved - 6/12/2024
Approved - 6/12/2024
Approved - 6/13/2024
Final Approval - 6/13/2024

ORDINANCE 24-15

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 STREET 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 IN FORT MYERS BEACH, TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Cottages at Myerside, LLC, the owner, and The Neighborhood Company, as agent for the property located at 125, 131-151 School Street and 2661-2681 Estero Blvd., parcels generally identified as STRAP numbers 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD with Master Concept Plan (MCP) adopted in Ordinance 21-02 to CPD with Master Concept Plan (MCP) with certain deviations to the Land Development Code (LDC) in order to develop a mixed use development with 45 lodging units, 4 live-work units, and 9,000 square feet of commercial area; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 14, 2024; and

WHEREAS, at the May 14, 2024 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Town Land Development Code; and

WHEREAS, at the May 14, 2024 public hearing the LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval with conditions by a 6-0 vote; and

WHEREAS, on June 3, 2024 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by 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 noticed in the Fort Myers News-Press more than 10 days prior to the Town Council on June 17, 2024; and

WHEREAS, at the June 17, 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 Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, with the following terms, conditions, and requirements which the LPA finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

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

WHEREAS, Exhibit B is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD with MCP adopted in Ordinance 21-02 to CPD with MCP with six deviations to the LDC in order to develop a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area, is a unique application, which does not set precedent for future development or rezoning applications; and

WHEREAS, the requested deviations from the LDC include:

Deviation #1

Deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP).

Deviation #2

Deviation from LDC Sec. 10-416 – Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This

section states applications are entitled to demonstrate that the intent of the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.

Deviation #3

Deviation from LDC Sec. 34-1804(A) and Sec. 34-2020, which regulates parking for hotels/motels non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development.

Deviation #4

Deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.

Deviation #5

Deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.

Deviation #6

Deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. The previous development on the subject property was destroyed by fire and adoption of the rezoning with deviations ameliorates longstanding design issues on the site due to the lot's odd shape and orientation.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set

forth for the proposed use.

- g. Urban services are available and adequate to serve the proposed use.
- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council made the following formal findings before making final decisions on the eight requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216):

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

WHEREAS, the Town Council finds that this application to approve Ordinance 24-15 which is, **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **deny/ approve/ approve with conditions** the Application.

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

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof, that the request to approve Town of Fort Myers Beach's Ordinance 24-15 and the conditions of approval for the commercial planned development zoning, **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **DENY/ APPROVE/ APPROVE WITH CONDITIONS** the requested application.

Section 3. Town Ordinance 24-15 is adopted and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A and the attached Master Concept Plan in Exhibit B, attached hereto and incorporated herein by this reference are approved.

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

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

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

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

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

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

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

Attachments:

- A – Conditions of Approval and Schedule of Uses
- B – Master Concept Plan (MCP)

Exhibit A: CONDITIONS OF APPROVAL & SCHEDULE OF USE

Conditions of Approval

Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20230246 with the attached conditions:

1. Any tenant with consumption on premises would be required to acquire a separate COP license.
2. The live-work units shall only be occupied by the owner or employees of the commercial establishments at Myerside. At no time shall the live work units be used as an extension to the lodging units or as a part of the boutique hotel. Any other tenants will have to demonstrate employment on the island.
3. The restaurant area shall be limited to 2,250 sq ft of the total 9,000 sq ft of commercial square footage.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval.
5. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
6. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.
7. The property owner commits to encouraging visitors and staff to arrive without an automobile. If the proposed development's parking needs exceed the on-site parking provided, the applicant shall provide valet parking and/or coordinate with adjacent property owners, and/or consider other parking options to provide adequate parking.
8. If the applicant is able to attract the following uses: 1) a doctor, pa, nurse practitioner or an urgent care type facility; 2) a dentist; 3) or a physical therapist, chiropractor or other rehabilitative specialist; the Town agrees to lease to the development five (5) spaces per medical uses listed.
9. The final development must be generally consistent with the Master Concept Plan, renderings, and landscape betterment plan attached to this ordinance.

SCHEDULE OF USE

Lodging

Principal:

- Hotel/Motel (Inclusive of Hotel Condominiums)
- Guest Units

Accessory:

- Hotel/Motel Accessory Uses
- Personal Services
- Recreational Facilities

Residential

- Work/Live Units

Commercial

- Offices, General or Medical
- Personal Services
- Restaurant with Bar Area
- Retail Store, Small & Large
- Subordinate Commercial Uses



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT STAFF
REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: DCI Rezoning, 20230246

CASE NAME: 125, 131-151 School St and 2661-2681 Estero Blvd; rezone from Commercial Planned Development (CPD) Zoning to CPD to allow a mixed-use development with lodging, residential, and commercial uses.

2nd TOWN COUNCIL HEARING DATE: June 17, 2024 at 9 AM

1st TOWN COUNCIL HEARING DATE: June 3, 2024 at 9 AM

LPA HEARING DATE: May 14, 2024 at 9 AM

STAFF RECOMMENDATION: Approve with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: The Neighborhood Company/ Cottages At Myerside, LLC

Request: Rezone from CPD to CPD for a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area.

Subject property: See attached site plan.

Physical Address: 125, 131-151 School St and 2661-2681 Estero Blvd

STRAP #: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270;
19-46-24-W3-0020C.0290

FLU: Boulevard

Zoning: Commercial Planned Development (Ord 21-02)

Adjacent zoning and land uses:

North:	Institutional/ Elementary school with baseball field
South:	Commercial Office, Mixed Residential /Offices, multi-family residential
East:	Institutional / Library
West:	Institutional & Residential Conservation/ single-family and Town's Parking Lot

II. BACKGROUND AND ANALYSIS

Background:

The Neighborhood Company, applicant for Cottages at Myerside, LLC, is requesting a rezoning for the property at 125, 131-151 School St and 2661-2681 Estero Blvd. The request is to rezone from Commercial Planned Development (CPD) zoning adopted as defined by Ordinance 21-02 to CPD to construct a mixed-use development with 45 lodging units, 4 live-work units and 9,000 square feet of commercial area. The proposed development will have a two-way access on School Street and one right-only point of egress on Oak Street.

In May 2021, the Town Council adopted ordinance 21-02 to approve rezoning of the subject property from Residential Conservation zoning district to a Commercial Planned Development with a Master Concept Plan for hotel, retail and restaurant uses. Prior to the 2021 CPD, the property supported seven cottages. These seven cottages were used as 12 short-term rentals. The intent of the CPD was to preserve the existing seven historic cottages by redeveloping them along with construction of another seven units and retail uses into a boutique resort. However, the original seven cottages were destroyed during Hurricane Ian. The Applicant is now proposing a mixed-use development of higher intensity and density and has applied for rezoning to a new CPD. Six deviations are requested from the land development code requirements.

Analysis:

The subject property consists of three parcels (19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0230) totaling 1.03+/- acres, north of Estero Boulevard, west of School Street, and south of Oak Street. The Applicant is requesting a rezoning to a CPD for a mixed-use development of higher intensity and density than what existed on the parcel prior to hurricane Ian.

The property has the Future Land Use designation of Boulevard which allows a maximum

of 1.5 Floor Area Ratio (FAR). As per LDC Section 34-953, Building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging. The CR zoning district permits a maximum FAR of 1.2 or 53,840 square foot building area for the subject property. The Applicant is proposing a FAR of 1.19 (53,463 square feet) which is compliant with Town' regulations and distributed as follows:

First floor:

- commercial area and utilities = 12,533 SF
- Under building parking area = 5,752 SF

2nd Floor:

Lodging space, circulation space and utilities = 17,636 SF

3rd Floor:

Floor area (excluding open pool deck) = 11,183 SF

4th Floor:

Floor area (excluding penthouse balconies) = 6,359 SF

TOTAL: 53,463 SF

Boulevard Future Land Use designation further allows a density of six dwelling units per acre or six dwelling units on the 1.03-acre subject property. The Applicant is proposing four live/work dwelling units. Therefore, if the remaining two dwelling units are used for rooms that are less than 450 square feet in area, the multiplier of 2.5 is applicable to them, subsequently, permitting 5 ($2 \times 2.5=5$) lodging units by right. If the size of the units exceeds 450 sq ft in area but are less than 750 square feet in area, a multiplier of 2 is applicable; permitting four lodging units by right.

Using the minimum Use determination (MUD) justification, the subject property included 12 lots in the original plat, theoretically permitting up to 12 dwelling units by right. Since the application includes four live/work dwelling units, the multiplier of 2.5 is applicable to the remaining eight dwelling units permitting 20 ($8 \times 2.5=20$) lodging units of less than 450 square feet by right. If the area of the proposed lodging units are between 450 sq ft but is less than 750 square feet, a multiplier of 2 is applicable. This would permit 16 lodging units by right. The request for 45 lodging units exceeds the permitted lodging units by 29 or 25 lodging units.

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

Requested Deviations:

- 1) A deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP). The MCP shows a 76 foot separation from Oak Street where the code requires 125 feet of separation.**

Applicant Justification: *LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from*

all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. School Street and Oak Street are classified as local streets, requiring streets and accessways to be spaced 125 feet from centerline to centerline.

The proposed site configuration has removed several nonconforming access points from the site along Estero Boulevard and School Street. This application proposes to use existing access point locations, one on School Street and one on Oak Street. School Street will provide full ingress/egress into the site and Oak Street will be a right-out only egress point.

The separation between the egress point on Oak Street and the nearest accessway to the west measures approximately 95 feet. This distance is approximately 30 feet short of the required separation of 125 feet needed per the LDC. The point of ingress/egress for the redevelopment is proposed on School Street. This access point has a separation distance from Oak Street of approximately 60 feet, an approximate separation of 55 feet from the Beach United Methodist Church access into their overflow parking area, and 148 feet from the Fort Myers Beach Public Library access onto School Street. The School Street ingress/egress point is approximately 65 feet short of the required 125 feet from the Oak Street intersection.

The proposed improvements address operational and safety issues on the property and Estero Boulevard, enhance functionality through the decreased width of the accessway and the relocation of on-site parking to a more desirable and appropriate onsite location behind the primary structure. Providing for these improvements and site layout achieves general consistency with the intent of LDC Section 10-285 to provide as much connection separation as possible while protecting the health, safety and welfare of island residents and visitors.

Staff Comment: The proposed layout pushes the entrances away from Estero Boulevard. From a traffic perspective it is more ideal for the entrances to be closer to the secondary streets than to Estero Boulevard where a backup could be dangerous.

- 2) A deviation from LDC Sec. 10-416 – Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This section states applications are entitled to demonstrate that the intent of the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.**

Applicant Justification: *The deviation from LDC Sec. 10-416 is requested to allow the use of an alternate landscape betterment plan for all landscaping and buffering associated with the redevelopment of the subject property. Please see the plans*

prepared by James McCord, L.A. with RWA Engineering signed and sealed on 04-17-2024.

The limited size of the property and the need to redevelop the site due to damages received from Hurricane Ian has created unique circumstances that limit the ability to meet the strict landscaping standards as outlined in the LDC such as proposing underbuilding parking and limited surface area parking located behind the primary structure. The proposed surface parking is not visible by the majority of the public but will still be heavily landscaped within appropriately located landscape islands of adequate size to sustain the required trees and approved grass/ground cover landscape materials. In addition, the alternative landscape betterment plan includes enhanced buffer plantings in place of the required wall for a Type "C" buffer along a portion of the western boundary. The enhanced plantings within the buffer area (See planting plan and rendering elevation – page 3 of 9) will create a more natural, lush and complementary buffer rather than a "walled, locked in" setting adjacent to the neighboring property.

The intent of the alternative landscape betterment plan approved under the Development Order will provide additional landscaped areas along the perimeter of the project to help offset any potential landscape island size reduction. The alternative landscape betterment plan as allowed per LDC Sec. 10-419, demonstrates the proposed landscaping effectively meets and exceeds the minimums intended under LDC Sec. 10-416 and will not cause or result in any negative impacts to the community's health, safety, and welfare.

Staff Comment: The proposed landscape betterment plan appears to complement the proposed development and allow for a design that is more cohesive in the neighborhood. Application of the required landscaping buffers would have included a wall, which would not be appropriate in this location.

- 3) A deviation from LDC Sec. 34-1804(A) and Sec. 34-2020, which regulates parking for hotels/motels non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development. This request is a reduction from 89 required spaces (89.9 spaces minus 1 for a bike rack) to 60 provided spaces.**

Applicant Justification: The requested deviation from LDC Sec. 34-1804(A) and Sec. 34-2020 is to allow a 30% reduction in the required parking by promoting and providing alternatives such as bicycle parking, valet parking and off-site parking through potential shared parking agreements with adjacent property owners. Under the intent of regulations provided in the town's LDC, the proposed mixed-use development would require approximately 84 parking spaces, which includes a reduction of 4 vehicle spaces by providing 16 bicycle spaces throughout the development. This parking requirement utilizes the intent of LDC Sec. 34-2020(d)(4)(b)(1) which allows for two (2) spaces per 1,000 square feet for combined

uses (5 or more; not inclusive of a hotel and restaurants are limited to 25 percent of the gross floor area) of a “multiple-occupancy complex” or in this instance a master planned mixed use development. This deviation is also specifically requesting a reduction from the 5 or more “individual business establishments” as part of the multiple-occupancy complex” under LDC Sec. 34-2020(d)(4)(b)(1) to 3 or more commercial establishments that are integrated within a master planned mixed use development.

Other areas of the town allow for substantial parking reductions between 50 and 67 percent. In an effort to benefit from this desire to “park once” and promote alternative parking options and modes of transportation around the island, The Myerside is proposing a 30% parking reduction for this area of town, thus, providing approximately 60 on-site parking spaces along with the commitment to integrate at least 16 bicycle parking spaces throughout the development. The developer will also ensure connectivity through integrated pedestrian infrastructure to the surrounding rights-of-way and sidewalks to the existing trolley stop within 100 feet of the property; will evaluate valet parking and/or shared parking agreement solutions at time of final development order if the proposed parking is deemed insufficient. The developer also commits to work with the town and other local hotel proprietors to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

The proposed parking plan, utilizing a 30% required parking reduction, commitment of providing 3 or more commercial uses within the master planned mixed use development, and access to alternative modes of transportation will further reduce over-parked developments, help alleviate traffic congestion on the island, and in turn reduce any significant associated negative impacts to the health, safety and welfare of the island’s residents and visitors.

Staff Comment: Staff disagrees with the number of required spaces. The provision of additional bicycle parking spaces is encouraged but this code section has only allowed the reduction of a single parking space historically. In order to treat this request the same as other requests, the number of required parking spaces is 89. The applicant is proposing a reduction of 29 spaces for a total of 60 parking spaces provided on site. If all rooms are full and each room occupant arrived via a car, this would leave 15 spaces for the other uses on site.

Staff would recommend adoption of a program that encourages guests to arrive without a car, in order to ensure visitors of the property are not utilizing the Bay Oaks Park or Pool parking spaces.

- 4) A deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.**

Applicant Justification: *The Town’s comprehensive plan allows for additional height*

through Policy 4-C-4 for parcels of land that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59'± and has an adjacent residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop.

The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that are next to the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a "wedding cake" (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings. Based on the above justification, the granting of this deviation will not be injurious to the neighborhood or negatively impact the overall health, safety, and welfare of the island or its residents.

Staff Comment: The requested deviation seems appropriate given the adjacent properties. The applicant is proposing a building that transitions lower near the residential property and higher toward the taller library. This design appears to be in line with the comprehensive plan language that allows buildings near taller buildings to ask for additional height and to provide transitions.

- 5) A deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.**

Applicant Justification: *The proposed Myerside development is meant to be*

consistent with the Town's vision to enhance the public realm and promote a building form that engages the public along Estero Boulevard and other streets such as School Street. An effective design element to achieve this is the use of build-to lines rather than front setbacks.

Under the CR zoning district, build-to lines are not required to be utilized for development/redevelopment in this area of town. The Myerside property is located within the area identified in the town's Comprehensive Plan as the "Heart of the Island" and within the Boulevard future land use category. Both of these identified areas focus on the public realm and walkability through the following policies or vision statements:

- Estero Boulevard needs to be an interesting place to walk along; scaled for people to feel comfortable walking along.*
- Bring buildings closer to sidewalks.*
- Parking should be placed at the rear of buildings.*
- Adopting design guidelines that encourage architecture and urbanism along Estero Boulevard which contributes to the human scale.*
- Maintaining the town's current "human scale."*
- Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.*
- Contribute to the public realm*

By allowing The Myerside to deviate from the required front setbacks and replacing that requirement with build-to lines of 5 to 10 feet along Estero Boulevard and School Street helps implement the Comprehensive Plan's vision for the Heart of the Island and the Boulevard future land use category. The Myerside concept, as shown below in the submitted renderings, is committed to enhancing the public realm and contributing to the desired aesthetic described in the town's Comprehensive Plan.

The proposed deviation to allow for build-to lines along Estero Boulevard and School Street.

Staff Comment: The proposed design is appropriate for a lesser setback. The decreased setbacks create a walkable, pedestrian scale space.

- 6) A deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.**

Applicant Justification: *The Myerside property consists of 1.03+ acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per*

acre with the equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1803(a)(1) for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet.

The subject property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses, including consumption of alcohol on premises. However, it should be noted that under the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property.

When starting with a base of 12 dwelling units it is necessary to reduce that base number by 4 units to 8 dwelling units due to the 4 work/live dwelling units proposed as part of the mixed-use development. Applying 8 dwelling units to the equivalency ratio of 2 or 2.5 to the remaining 8, the allowed lodging units would range from 16 – 20. A maximum of 20 units could be achieved by right per current LDC provisions.

The proposed additional 25 hotel rooms/transient lodging units are requested pursuant to LDC Sec. 34-1803(a)(2), which allows for additional units under “exceptional circumstances” and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contribute to the project’s consistency with LDC Sec. 34-1803(a)(2):

- Elimination of numerous non-conformities*
- Rebuilding resilient and hardened site improvements and structure*
- Increasing existing buffers and setbacks where abutting residential and civic uses*
- Enhancing the public realm and creating a pedestrian-friendly environment*
- Encouraging bicycle and pedestrian activity*
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike*
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents*
- Providing complimentary uses to the Civic Center as envisioned for this part of the island*
- Providing outstanding coastal architecture*
- Contributing to the redevelopment of the island and strengthening the Town’s tax base.*

These exceptional circumstances and public benefits support the additional hotel rooms/transient lodging units requested.

Myerside is asking for a total of 45 lodging units as an integrated and significant component of the mixed-use redevelopment encouraged by the Town. This is a 25 unit increase from what could be achieved by-right as described above but is much less than the Margaritaville approval that allowed a 300% increase from the underlying zoning district's "by right" density. The requested deviation and justification outlined above will ensure a public benefit, results from exceptional circumstances and will not adversely impact the public's health, safety, and welfare.

Staff Comment: The request would increase the density multiplier from 2 or 2.5 up to 5.6. However, staff notes that the proposed development meets the FAR allowed in this district, by right. While the current comprehensive plan utilizes the multiplier, the new comprehensive plan that has been transmitted to the state for approval applies only FAR to commercial uses. Per the not yet fully adopted comprehensive plan, this request would be appropriate.

Neighborhood Compatibility:

These parcels are not directly adjacent to any residential units. The closest residential property is located on the other side of the Town owned vacant parcel with an entry to the pool parking lot. This proposed development will be adjacent to the public pool and surrounded by Bay Oaks Park, the library and the elementary school. None of the proposed uses appear to create conflict with the adjacent uses.

Findings and Conclusions:

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

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

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

Staff response: No errors or ambiguities exist.

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

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

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

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

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

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

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

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

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on environmentally critical areas and natural resources.

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

Staff response: The property has provided short-term rentals for a number of years, without incident. The proposed addition of office, restaurant, and retail uses is unlikely to have a negative impact on the adjacent uses.

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

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

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

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

(1) The Fort Myers Beach Comprehensive Plan.

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

(2) This chapter.

Staff response: The proposed uses comply with this chapter except in regard to the deviations.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes, except in regard to the deviations.

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

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

Staff response: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use and will be located in the Civic Center Mixed-Use District.

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

Staff response: Sufficient safeguards are provided for the public interest.

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

Staff response: All conditions are related to the impacts on the public interest.

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

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

Staff response: Not applicable.

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

Staff response: The proposal is in compliance with these policies.

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

Staff response: The request for additional height is proposed as part of the planned development rezoning process. The requested height appears to be appropriate for the location, providing a lower transition on the side of the building adjacent to a residence.

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

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

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and
Staff response: The requested deviations allow the development of the site.

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

Staff response: The proposed deviations preserve public health.

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

Staff response: The deviations are not a detriment to the public interest, additional parking may need to be provided at a later date depending on impacts to surrounding uses.

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

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

III. RECOMMENDATION

Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends approval of DCI20230246 with the attached conditions.

James Boan made a motion finding the request is consistent with the comp plan and land development code and recommended approval of the ordinance with conditions as discussed in the hearing. The motion was seconded by Don Sudduth. The LPA voted 6-0 in favor of the request. The additions recommended by the LPA are underlined in the conditions below.

At the June 3rd Town Council hearing the Town Council voted to move the ordinance to a second hearing on June 17th. Council member King made a motion for approval and Council member Woodson seconded the motion. The motion was approved on a vote of 4 to 1.

IV. CONDITIONS OF APPROVAL

1. Any tenant with consumption on premises will be required to acquire a separate COP license.
2. The live-work units shall only be occupied by the owner or employees of the commercial establishments at Myerside. At no time shall the live-work units be used as an extension to the lodging units or as a part of the boutique hotel. Any other tenants will have to demonstrate employment on the island.
3. The restaurant area shall be limited to 2,250 sq ft of the total 9,000 sq ft of commercial square footage.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval and consistent with the

approved MCP.

5. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
6. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131
7. The property owner commits to encouraging visitors and staff to arrive without an automobile. If the proposed development's parking needs exceed the on-site parking provided, the applicant shall provide valet parking and/or coordinate with adjacent property owners, and/or consider other parking options to provide adequate parking.
8. The final development must be generally consistent with the Master Concept Plan, renderings, and landscape betterment plan attached to this ordinance.

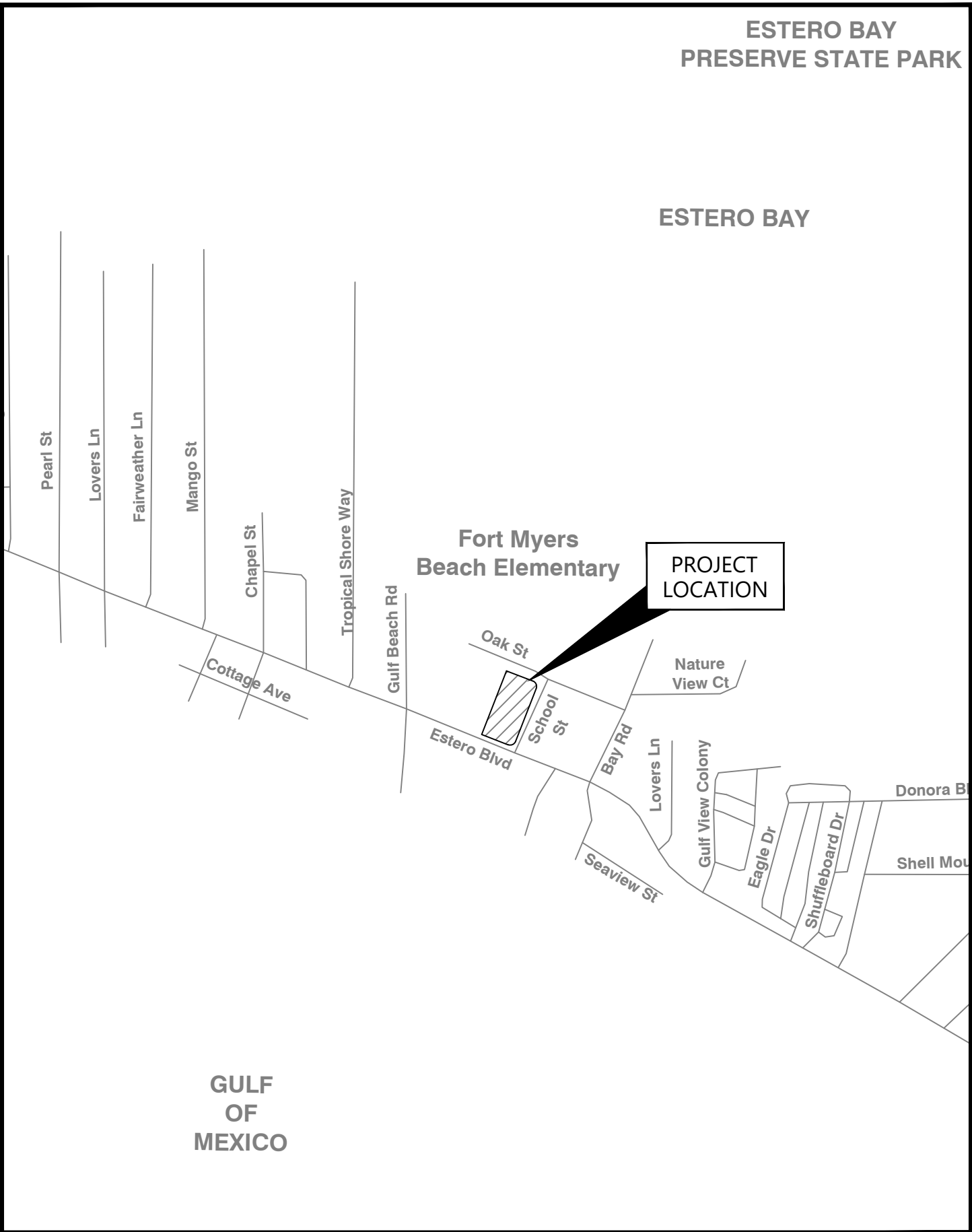
Staff Report Exhibits:

- A – Master Concept Plan
- B – Landscape Betterment Plan
- C – Complete Application
- D – Postcards to Adjacent Properties

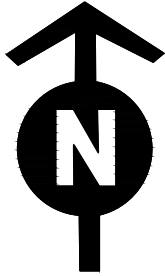
MASTER CONCEPT PLAN FOR

THE MYERSIDE CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

COTTAGES AT MYERSIDE, LLC
& MYERSIDE, LLC

145 SCHOOL ST
FORT MYERS BEACH, FL 33931

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
October, 2023	220050.01.01	1 OF 3

GENERAL NOTES:

1.

THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2.

WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3.

TOTAL CPD/DEVELOPMENT AREA: 1.03 +/- ACRES
4.

FUTURE LAND USE MAP CATEGORY: BOULEVARD
5.

THE PROJECT WILL BE DEVELOPED IN ONE PHASE.
6.

NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
7.

ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
8.

IN COMPLIANCE WITH LDC SECTION 34-1803(A)(2), THE MAXIMUM OF 45 ROOMS/LODGING UNITS AND FOUR (4) WORK/LIVE UNITS ARE ALLOWED DUE TO EXCEPTIONAL CIRCUMSTANCES AND PUBLIC BENEFIT PROVIDED BY THIS CPD.

SCHEDULE OF USES:

LODGING:

PRINCIPLE:

- HOTEL/MOTEL (INCLUSIVE OF HOTEL CONDOMINIUMS)
- GUEST UNITS

ACCESSORY:

- HOTEL/MOTEL ACCESSORY USES
- PERSONAL SERVICES
- RECREATIONAL FACILITIES

RESIDENTIAL:

- WORK/LIVE UNITS

COMMERCIAL:

- OFFICES. GENERAL, OR MEDICAL
- PERSONAL SERVICES
- RESTAURANT WITH BAR AREA
- RETAIL STORE, SMALL, & LARGE
- SUBORDINATE COMMERCIAL USES

MAXIMUM INTENSITY:

- MAXIMUM OF 45 HOTEL ROOMS/TRANSIENT LODGING UNITS
- MAXIMUM OF 4 WORK/LIVE UNITS
- MAXIMUM OF 9,000 SF OF COMMERCIAL SPACE
- MAXIMUM FLOOR AREA RATIO (F.A.R.): 1.2 OR 53,840 SF

PARKING:

- REQUIRED: 90 SPACES WITH A 4 SPACE REDUCTION BY PROVIDING 16 BICYCLE SPACES = 86 SPACES
- PROVIDED: MIN. 60 SPACES (INCLUDING 3 ADA SPACES) WITH 30% PARKING REDUCTION

DEVIATIONS:

1.

A DEVIATION FROM LDC SEC. 10-285, TABLE 10-1 - CONNECTION SEPARATION, WHICH REQUIRES MINIMUM SEPARATION BETWEEN STREET AND ACCESSWAYS, IN ORDER TO ALLOW DRIVEWAY SEPARATIONS AS DEPICTED ON THE MASTER CONCEPT PLAN (MCP).
2.

A DEVIATION FROM LDC SEC. 10-416(C)(2) - LANDSCAPING OF PARKING AND VEHICULAR USE AREAS, WHICH HAS SPECIFIC TREE AND LANDSCAPE ISLAND DIMENSIONAL REQUIREMENTS TO ALLOW AN ALTERNATE LANDSCAPE BETTERMENT PLAN AS ALLOWED PER LDC SEC. 10-419.
3.

A DEVIATION FROM LDC SEC. 34-1804(a) AND SEC. 34-2020, WHICH REGULATES PARKING FOR HOTELS/MOTELS, NON-RESIDENTIAL, RESIDENTIAL, AND COMBINED USE DEVELOPMENTS, TO ALLOW A 30% REDUCTION IN REQUIRED PARKING AND A MINIMUM OF 3 (THREE) INDIVIDUAL USES WITHIN A MASTER PLANNED MIXED USE DEVELOPMENT.
4.

A DEVIATION FROM LDC DIVISION 4, TABLE 34-3 FOR THE CR ZONING DISTRICT WHICH LIMITS HEIGHT TO 30 FEET ZONED HEIGHT AND THREE (3) STORIES TO ALLOW A MAXIMUM ZONED HEIGHT OF 36 FEET AND A MAXIMUM OF FOUR (4) STORIES.
5.

A DEVIATION FROM LDC DIVISION 4, TABLE 34-3 FOR THE CR ZONING DISTRICT WHICH REQUIRES STREET SETBACKS OF 10 FEET TO INSTEAD ALLOW FOR BUILD-TO LINES OF 5 TO 10 FEET ALONG ESTERO BOULEVARD AND SCHOOL STREET.
6.

A DEVIATION FROM LDC SEC. 34-1803(A)(1), WHICH ALLOWS THE CONVERSION OF DWELLING UNITS TO HOTEL/MOTEL GUEST UNITS PER ESTABLISHED EQUIVALENCY FACTORS, IN ORDER TO EXCEED SAID FACTORS AS ALLOWED PER LDC SEC. 34-1803(A)(2). THIS WOULD ALLOW A MAXIMUM INTENSITY OF 45 GUEST UNITS RATHER THAN THE 20 ALLOWED PER THE EXISTING TABLE.

DEVELOPMENT STANDARDS:

Minimum Lot Size		
Lot Area		1.03 ± acre
Lot Width		145 feet
Lot Depth		300 feet
Build to Line (Estero Blvd. and School St.)		5 - 10 feet
Minimum Setbacks Principal Building		
Front Street (Estero Blvd.)		N/A
Side Street (School St.)		N/A
Side Yard		15 feet
Rear Yard (Oak St.)		20 feet
Minimum Setbacks Accessory Building		
Side Street (School St.)		10 feet
Side Yard		7.5 feet for dumpster enclosure, 15 feet for all other buildings/structures
Rear Yard (Oak St.)		10 feet
Maximum Zoned Height		37 feet (measured from base flood elevation + 3' of freeboard to mid-point of roof)
Maximum Actual Height		50 feet (measured from grade to peak of roof)
Maximum Stories		4 Stories
Maximum Floor Area Ratio		1.2

0

30

60

DATE

DRAWN

REVISION

#

THE NEIGHBORHOOD COMPANY

5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/COMPANY

CLIENT: COTTAGES AT MYERSIDE, LLC & MYERSIDE, LLC

PROJECT: THE MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD)

TITLE: NOTES

PROJECT NO.: 220050.01.01

DATE: 10/23

DESIGN: K.G.

SHEET NUMBER: 3 OF 3

Page 249 of 894

PREPARED FOR/OWNED BY:
MYERSIDE, LLC ----
145 SCHOOL ST.
FORT MYERS BEACH, FL 33931
(239) 529-8785



ORDINANCE 21-02

STRAP: 19-46-24-W3-0020C.0290
STRAP: 19-46-24-W3-0020C-0270
STRAP: 19-46-24-W3-0020C-0230

Sheet Number	Sheet Title
01	COVER SHEET
02	MASTER PLANTING PLAN
03	PERMIT CALCULATIONS & IRRIGATION PLAN
04	PERMIT LANDSCAPE NOTES
05	PERMIT LANDSCAPE NOTES
06	LANDSCAPE CONSTRUCTION NOTES
07	LANDSCAPE CONSTRUCTION DETAILS
08	LANDSCAPE CONSTRUCTION DETAILS

No.:	DATE:	DESCRIPTION:	APPROVED:



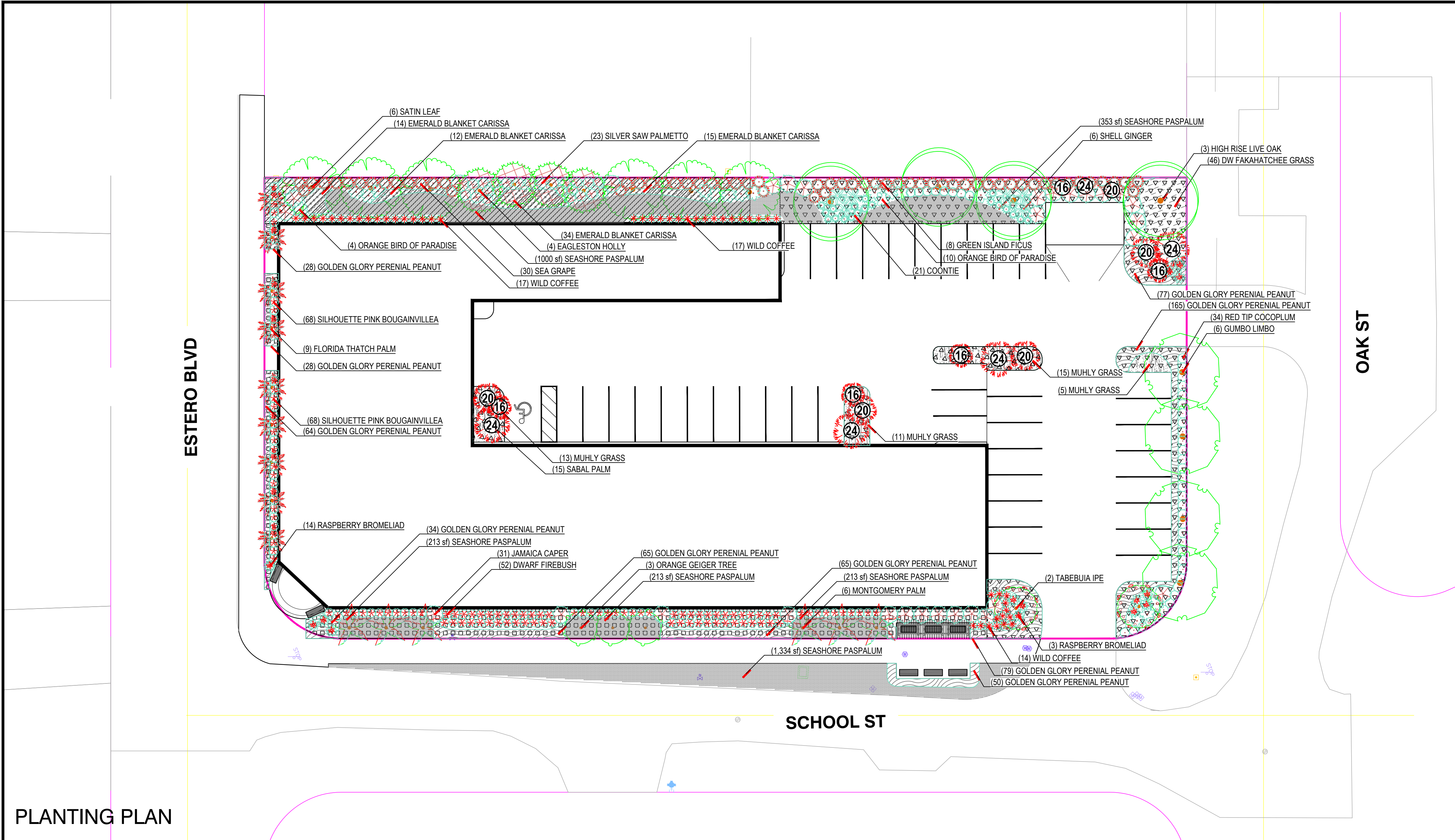
LANDSCAPE ARCHITECT'S SEAL

Digitally
signed by
James M.
McCord
Date:
2024.04.17
08:19:30
-04'00'

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JAMES M. MCCORD, STATE OF FLORIDA
LICENSE NO. 6666582, RWA, INC.
STATE OF FLORIDA BUSINESS
CERTIFICATE NO. BE-0070663

DATE: MARCH 2004	PROJECT No.: 200022 00 01	SHEET No.: 01 OF 08
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PLANTING PLAN

PLANT MATERIAL SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	MIN. SIZE	CALIPER	HEIGHT X SPREAD	NATIVE	SPACING
TREES							
	4	BURSERA SIMARUBA GUMBO LIMBO	45 GAL.	2" CAL	10' X 4'	YES	
	6	CHRYSOPHYLLUM OLIVIFORME SATIN LEAF	45 GAL.	2" CAL	10' X 4'	YES	
	3	CORDIA SEBESTENA ORANGE GEIGER TREE	30 GAL.	1" CAL	6' X 2'	YES	
	4	ILEX X ATTENUATA 'EAGLESTON' EAGLESTON HOLLY	30 GAL.	1" CAL	6' X 2'	YES	
	4	QUERCUS VIRGINIANA 'HIGH RISE' HIGH RISE LIVE OAK	45 GAL.	2" CAL	10' X 4'	YES	
	2	TABEBUIA IMPETIGINOSA TABEBUIA IPE	30 GAL.	1" CAL	6' X 2'	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 16'-18' OA	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 20'-22' OA	YES	
	4	SABAL PALMETTO SABAL PALM	FG		10' CT MIN. 24'-26' OA	YES	
	9	THRINAX RADIATA FLORIDA THATCH PALM	FG		14' OA	YES	
	6	VEITCHIA MONTGOMERYANA MONTGOMERY PALM	FG		16-18' OA	NO	
SHRUBS							
	14	AECHEMEA BLANCHETIANA 'RASPBERRY' RASPBERRY BROMELIAD	3 GAL.		18"	YES	
	68	BOUGAINVILLEA 'SILHOUETTE PINK' SILHOUETTE PINK BOUGAINVILLEA	3 GAL.		18"	YES	
	31	CAPPARIS CYNOPHALLOPHORA JAMAICA CAPER	15 GAL.		60"	YES	
	34	CHRYSOBALANUS ICACO 'RED TIP' RED TIP COCOPLUM	7 GAL.		24"	YES	
	61	COCOLOBIA UVIFERA SEA GRAPE	7 GAL.		36"	YES	
	8	FICUS MICROCARPA 'GREEN ISLAND' GREEN ISLAND FICUS	3 GAL.		12"	NO	
	52	HAMELIA PATENS 'COMPACTA' DWARF FIREBUSH	7 GAL.		24"	NO	
	48	PSYCHOTRIA NERVOSA WILD COFFEE	3 GAL.		18"	YES	
	23	SERENGETIA REPENS SILVER SAW PALMETTO	7 GAL.		24"	YES	
	17	STRELITZIA REGINAE ORANGE BIRD OF PARADISE	15 GAL.		48"	NO	
	21	ZAMIA PUMILA COONTIE	3 GAL.		12"	YES	
	6	ALPINIA ZERUMBET SHELL GINGER	15 GAL.		48"	NO	
	44	MUHLENBERGIA CAPILLARIS MUHLY GRASS	3 GAL.		18"	YES	48" OC
	46	TRIPSACUM FLORIDANUM DWARF FAKAHATCHEE	1 GAL.		12"	YES	36" OC
	757	ARACHIS GLABRATA 'GOLDEN GLORY' GOLDEN GLORY PERENIAL PEANUT	4" POT		3"	NO	18" OC
	75	CARISSA MACROCARPA EMERALD BLANKET CARISSA	3 GAL.		12"	NO	24" OC
TURF							
	3,337	PASPALUM VAGINATUM SEASHORE PASPALUM	SOD				



FRONT ELEVATION

DATE: MARCH 2004

SIC: 19

TWP: 46 S

RGE: 24 E

DESIGNED: JMM

DRAWN: JMM

RWA
ENGINEERING

12800 University Drive, Suite 175
Fort Myers, Florida 33907
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SIC: 19

TWP: 46 S

RGE: 24 E

DESIGNED: JMM

DRAWN: JMM

NOTES:

- ALL SIZES ARE MINIMUMS. HEIGHT, SPREAD, CALIPER TAKE PRECEDENCE OVER CONTAINER SIZE.
- QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. CONTRACTOR TO VERIFY PRIOR TO BIDDING.
- CONTRACTOR REQUIRED TO NOTIFY RWA, INC OF ANY / ALL CONFLICTS WITH PLANS & SITE CONDITIONS PRIOR TO INSTALLATION.
- ALL CHANGES REQUIRE PRIOR APPROVAL FROM RWA, INC. ANY DEVIATIONS TO THE PLANS WITHOUT APPROVAL SHALL BE AT THE CONTRACTOR'S EXPENSE TO RECTIFY.
- CONTRACTOR TO PROVIDE ACCURATE AS-BUILTS FOR APPROVED MODIFICATIONS TO THESE PLANS.

CLIENT: MYERSIDE, LLC

TITLE: MASTER PLANTING PLAN

PROJECT: MYERSIDE

PROJECT NO.: 200022 00 01

FILE NAME: 200022 00 01 LA PERMIT

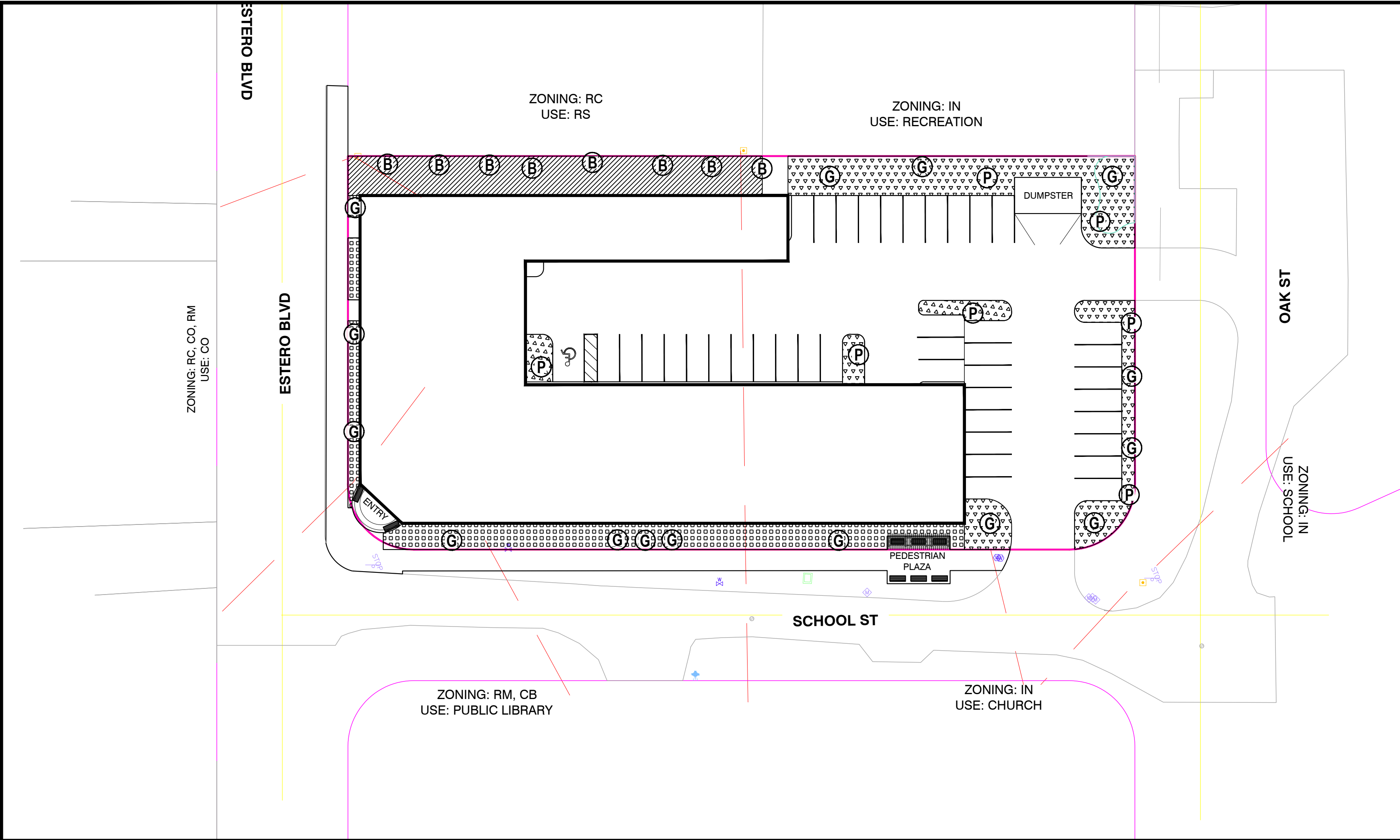
SHEET NUMBER: 02 OF 08

Know what's below. Call before you dig. **811**

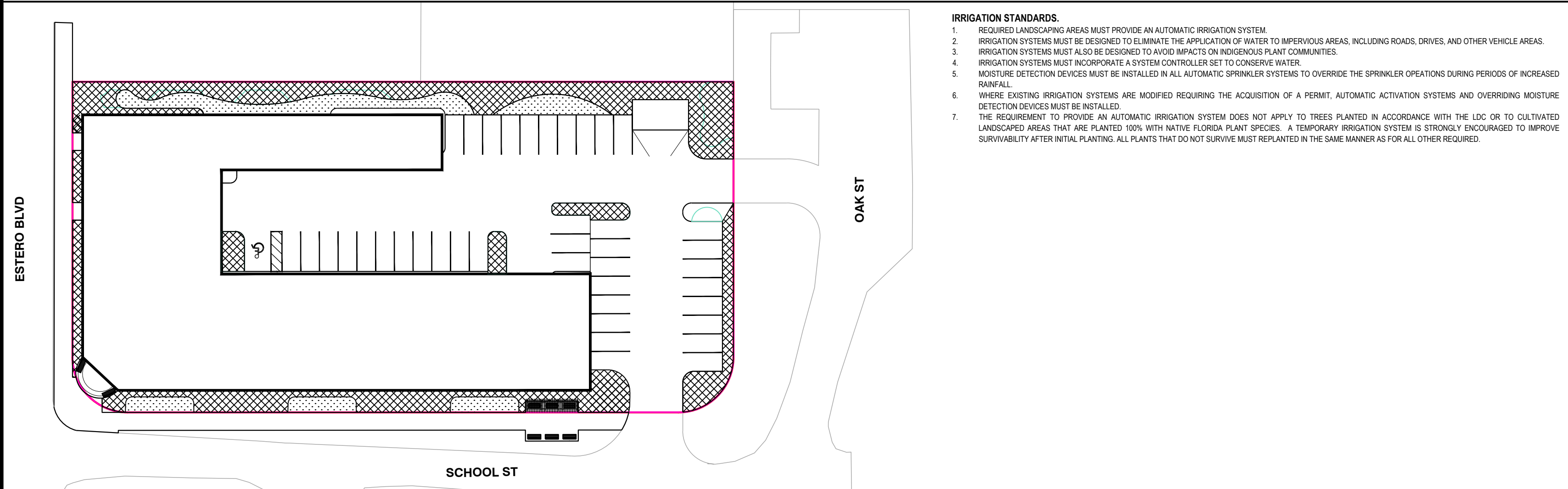
Digitally signed by James M. McCord
Date: 2024.04.17 08:20:07 -04'00'

THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882



CODE CALCULATIONS EXHIBIT		CODE REQUIREMENTS LEGEND							
		CODE REQUIRED TREE	SYMBOL	CODE REQUIRED TREE	SYMBOL	CODE REQUIRED TREE	HATCH	CODE REQUIRED PLANTING AREA	HATCH
		BUFFER TREE	B	GENERAL TREE	G	BUFFER AREA		OPEN SPACE AREA	
		ENHANCEMENT TREE	E	INTERNAL / PARKING / VUE TREE	P	BUILDING PERIMETER AREA		INTERNAL / PARKING / VUE AREA	



CONCEPTUAL IRRIGATION PLAN		IRRIGATION LEGEND							
		SYMBOL	DESCRIPTION						
			TURF AREA TO BE IRRIGATED WITH SPRAY HEADS						
			BED AREAS TO BE IRRIGATED WITH DRIP SYSTEM						

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STATUTORY NOTES:

SURFACE WATER MANAGEMENT.

- ILICIT STORMWATER AND NON-STORMWATER DISCHARGES ARE NOT PERMITTED INTO MUNICIPAL SEPARATE STORM SEWER SYSTEMS.
- CONSTRUCTION ACTIVITY MUST UTILIZE BEST MANAGEMENT PRACTICES FOR SEDIMENT AND EROSION CONTROL.
- EXCAVATIONS MAY NOT HAVE A CONTROLLED WATER DEPTH GREATER THAN 12'.
- THE DESIGN OF SHORELINES OF EXCAVATIONS MUST BE SINUOUS.
- THE BANKS OF ALL EXCAVATIONS MUST BE SLOPED NOT GREATER THAN 4:1 FROM THE TOP OF THE EXCAVATION TO A WATER DEPTH OF 4' BELOW THE DRY SEASON WATER TABLE.
- EXCAVATION BANK SLOPES MUST COMPLY WITH THE SHORELINE CONFIGURATION, SLOPE REQUIREMENTS, AND PLANTING REQUIREMENTS FOR MIMICKING NATURAL SYSTEMS.
- DIVISION 6. - OPEN SPACE, BUFFERING AND LANDSCAPING
- AREAS WHERE INVASIVE EXOTIC VEGETATION HAS EXCEEDED 75% OF THE PLANT SPECIES BY QUANTITY WILL NOT BE CONSIDERED INDIGENOUS PLANT COMMUNITIES.
- OPEN SPACE.
- ALL DEVELOPMENT MUST MAINTAIN, AT A MINIMUM, THE OPEN SPACES OUTLINED IN THE LDC
- THE MAJOR INDIGENOUS PLANT COMMUNITIES LISTED IN THE LDC MUST BE IDENTIFIED IN EACH APPLICATION FOR A DEVELOPMENT ORDER ON THE EXISTING CONDITIONS DRAWING.
- ON EACH DEVELOPMENT SITE, 100% PERCENT OF INDIGENOUS PLANT COMMUNITIES THAT CONSIST OF WETLANDS MUST BE MAINTAINED AS OPEN SPACE, EXCEPT TO ACCOMMODATE A SHORELINE STRUCTURE OR AS PERMITTED BY THE LDC.
- ON EACH DEVELOPMENT SITE, 100% OF COASTAL SCRUB VEGETATION MUST BE MAINTAINED AS OPEN SPACE, EXCEPT AS PERMITTED IN THE LDC.
- WHERE PEDESTRIANS NEED TO CROSS DUNE VEGETATION, PERPENDICULAR DUNE WALKOVERS MAY BE CONSTRUCTED IN THIS OPEN SPACE AT INTERVALS OF AT LEAST 150' TO PROTECT THE VEGETATION.
- NEWLY CREATED LOTS AND PARCELS MUST BE OF SUFFICIENT SIZE AND DIMENSION TO ENSURE A 50' BUFFER BETWEEN ANY STRUCTURES (EXCLUDING DUNE WALKOVERS) AND THE LANDWARD LINE OF DUNE VEGETATION.
- ON EACH DEVELOPMENT SITE, AT LEAST 50% OF INDIGENOUS PLANT COMMUNITIES OTHER THAN COASTAL SCRUB VEGETATION THAT CONSISTS OF UPLANDS MUST BE MAINTAINED AS OPEN SPACE. IF THESE COMMUNITIES CONTAIN OCCUPIED HABITAT FOR LISTED SPECIES, THE ADDITIONAL REQUIREMENTS OF THE LDC SHALL APPLY. IF THE 1978 COASTAL CONSTRUCTION CONTROL LINE (CCCL) CROSSES PROPERTY IN AN APPLICATION FOR A DEVELOPMENT ORDER, THIS LINE MUST BE SHOWN ON THE EXISTING CONDITIONS DRAWING.
- LAND THAT IS ZONED EC SHALL BE MAINTAINED AS OPEN SPACE, EXCEPT AS SPECIFICALLY PERMITTED IN THE LDC.
- THE NATURE AND LOCATION OF KNOWN ARCHAEOLOGICAL AND HISTORIC SITES RESOURCES MUST BE IDENTIFIED IN EACH APPLICATION FOR A DEVELOPMENT ORDER ON THE EXISTING CONDITIONS DRAWING.
- TREES MUST BE IDENTIFIED IN EACH APPLICATION FOR A DEVELOPMENT ORDER ON THE LANDSCAPE PLAN. PROTECTED TREES CAN BE REMOVED ONLY AS ALLOWED BY THE LDC.
- PARKING AND VEHICLE USE AREAS MUST BE LANDSCAPED AND BE MAINTAINED AS OPEN SPACE.
- PERIMETER BUFFERS MUST BE MAINTAINED AS OPEN SPACE.

LANDSCAPING STANDARDS.

- EXCEPT IN THE DOWNTOWN AND SANTINI ZONING DISTRICTS, LANDSCAPING FOR ALL DEVELOPMENTS, MUST INCLUDE, AT A MINIMUM, ONE TREE PER 3,000 SQ FT OF DEVELOPMENT AREA (NOT INCLUDING EXISTING WATERBODIES) IN ADDITION TO THE PARKING AND BUFFER TREES.
- GENERAL TREE REQUIREMENTS MAY BE REDUCED THROUGH THE UTILIZATION OF LARGER TREES AS SPECIFIED OR THROUGH USE OF AN ALTERNATIVE LANDSCAPE BETTERMENT PLAN.
- BUILDING EDGE PLANTINGS ARE REQUIRED FOR ALL COMMERCIAL AND MIXED-USE BUILDINGS OR PORTIONS THEREOF THAT ARE BEING NEWLY BUILT, AND TO "SUBSTANTIAL IMPROVEMENTS" TO SUCH BUILDINGS AS DEFINED IN THE LDC, ON PROPERTIES THAT ARE ZONED IN ANY OF THE FOLLOWING ZONING DISTRICTS: SANTOS, DOWNTOWN, SANTINI, VILLAGE, CB, AND CPD.
- WHERE REQUIRED, BUILDING EDGE PLANTINGS MUST BE INSTALLED AND MAINTAINED ALONG AT LEAST 50% OF THE LENGTH OF ALL WALLS THAT FACE ON-SITE PARKING AREAS WITH MORE THAN 25 PARKING SPACES.
- THESE PLANTING AREAS MUST BE AT LEAST 5' AND MAY CONSIST OF LANDSCAPE AREAS OR ADEQUATELY DRAINED RAISED PLANTERS OR PLANTER BOXES AND MUST INCLUDE SHRUBS AND GROUNDCOVER PLANTS, WITH A MIN OF 50% COVERAGE OF THE LANDSCAPE AREA AT THE TIME OF PLANTING.
- TURFGRASS IS DISCOURAGED AND IS LIMITED TO 10% OF THE LANDSCAPE AREA.
- EXISTING LANDSCAPING THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS CODE MUST BE BROUGHT INTO CONFORMITY, TO THE MAX EXTENT POSSIBLE, WHEN THE VEHICULAR USE AREA IS ALTERED OR EXPANDED, THE BUILDING SQ FT IS CHANGED, OR THE STRUCTURE HAS BEEN VACANT FOR A PERIOD OF 1 YEAR +.
- THE FRONT OF A VEHICLE MAY OVERHANG ANY LANDSCAPED AREAS A MAXIMUM OF 2', PROVIDED THE LANDSCAPED AREA IS PROTECTED BY WHEEL STOPS OR CURBING. 2' OF SUCH LANDSCAPED AREA OR WALKWAY MAY BE PART OF THE REQUIRED DEPTH OF EACH ABUTTING PARKING SPACE. WALKWAYS MUST BE DESIGNED WITH A MINIMUM OF 5' WIDTH THAT IS CLEAR OF ANY VEHICLE OVERHANG.
- AT LEAST ONE TREE MUST BE PLANTED OR RETAINED FOR EVERY 250 SQ FT OF REQUIRED INTERNAL PLANTING AREA, AND NO PARKING SPACE MAY BE MORE THAN 100' FROM A TREE PLANTED IN A PERMEABLE ISLAND, PENINSULA OR MEDIAN OF 10' MIN WIDTH. CANOPY REQUIREMENTS MUST BE MET WITH EXISTING NATIVE TREES WHENEVER SUCH TREES ARE LOCATED WITHIN THE PARKING AREA.
- LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR INTERNAL ISLANDS MUST EQUAL OR EXCEED A MIN OF 10% OF THE TOTAL PAVED SURFACE AREA. LANDSCAPED AREAS RESERVED FOR FUTURE PARKING SPACES MAY NOT BE INCLUDED IN THIS CALCULATION.
- THE MIN AVERAGE DIMENSION OF ANY REQUIRED INTERNAL LANDSCAPED AREA MUST BE 10'.
- NO MORE THAN AN AVERAGE OF 10 PARKING SPACES MUST OCCUR IN AN UNINTERRUPTED ROW UNLESS OPTIONAL DIVIDER MEDIANS ARE USED.
- WHERE EXISTING TREES ARE RETAINED IN A LANDSCAPED ISLAND, THE NUMBER OF PARKING SPACES IN THAT ROW MAY BE INCREASED TO 15.
- OPTIONAL DIVIDER MEDIANS MUST BE 10'. 1 TREE MUST BE PLANTED PER 40 LIN FT OF DIVIDER. TREES MAY BE PLANTED SINGLY OR IN CLUSTERS WITH THE MAX SPACING OF 60'.
- ALL INTERIOR LANDSCAPED AREAS NOT DEDICATED TO TREES OR TO PRESERVATION OF EXISTING VEGETATION MUST BE LANDSCAPED WITH GRASS, GROUNDCOVER, SHRUBS, OR OTHER APPROVED LANDSCAPING MATERIALS AND THIS MUST BE NOTED.
- SAND, GRAVEL, ROCK, SHELL, OR PAVEMENT ARE NOT APPROPRIATE LANDSCAPE MATERIALS.
- OPTIONAL TREE GRATES MAY BE UTILIZED IN PARKING AREAS FOR INSTALLATION OF UP TO A MAX OF 50% OF THE REQUIRED CANOPY TREES.
- TREE GRATES MUST CONTAIN A MIN OF 16 SQ FT OF PLANTING AREA AND PROVIDE A MIN OF 5 AIR VENTS PER GRATED AREA TO ADEQUATELY DRAIN THE ROOTZONE. A CROSS SECTION OF THE GRATES AND DRAINS MUST BE INCLUDED IN THE LANDSCAPE PLANS.
- VEHICLE HEADLIGHTS IN PARKING AREAS ON / ADJACENT TO THE BEACH MUST BE SCREENED UTILIZING GROUND-LEVEL BARRIERS TO ELIMINATE ARTIFICIAL LIGHTING DIRECTLY OR INDIRECTLY ILLUMINATING SEA TURTLE NESTING HABITAT.
- PERIMETER BUFFERING IS REQUIRED FOR CERTAIN PROPOSED DEVELOPMENTS AS DESCRIBED IN THIS SECTION.
- EXISTING DEVELOPMENTS THAT DO NOT COMPLY WITH THE PROVISIONS OF THE LDC MUST BE BROUGHT INTO CONFORMITY TO THE MAX EXTENT POSSIBLE WHEN THE VEHICULAR USE AREA IS ALTERED OR EXPANDED, OR WHEN THE BUILDING SQ FT IS INCREASED, OR WHEN THERE HAS BEEN A DISCONTINUANCE OF USE FOR A PERIOD OF 1 YEAR +.
- THE LDC DESCRIBES THE REQUIRED BUFFER TYPE TO BE PROVIDED BY A PROPOSED USE ABUTTING AN EXISTING USES / ZONING.
- THE LDC DESCRIBES 6 BUFFER TYPES REQUIRED WITH THE MIN NUMBER OF TREES AND SHRUBS PER 100 LIN FT SEGMENT AND THE REQUIREMENT OF A HEDGE AND / OR WALL.
- A SOLID WALL, BERM, OR WALL AND BERM COMBINATION SHALL BE NOT LESS THAN 6' OA. THE HEIGHT OF THE WALL MUST BE MEASURED FROM THE AVG ELEVATION OF THE STREET(S) ABUTTING THE PROPERTY AS MEASURED ALONG THE AT THE POINTS OF INTERSECTION OF THE STREETS.
- ALL TREES AND SHRUBS REQUIRED IN THE BUFFER MUST BE PLACED ON THE RESIDENTIAL SIDE OF THE WALL.
- WALLS MUST BE CONSTRUCTED TO ENSURE THAT HISTORIC FLOW PATTERNS ARE ACCOMMODATED AND ALL STORMWATER FROM THE SITE IS DIRECTED TO ON-SITE DETENTION / RETENTION AREAS IN ACCORDANCE WITH SFWM REQUIREMENTS.
- HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND BE MAINTAINED SO AS TO FORM A 3' OA CONTINUOUS VISUAL SCREEN WITHIN 1 YEAR AFTER PLANTING. TYPE F BUFFERS THE HEDGES MUST BE 4' OA AT INSTALLATION AND BE MAINTAINED AT 5' OA HIGH.
- TREES WITHIN THE ROW BUFFER MUST BE APPROPRIATELY SIZED IN MATURE FORM SO THAT CONFLICTS WITH OVERHEAD UTILITIES, LIGHTING, AND SIGNS ARE AVOIDED. THE CLUSTERING OF TREES AND USE OF PALMS WITHIN THE ROW BUFFER WILL ADD DESIGN FLEXIBILITY AND REDUCE CONFLICTS.
- TREES AND SHRUBS MAY NOT BE PLANTED CLOSER THAN 3' TO ANY SIDEWALK OR BIKE PATH OR TO THE RIGHT-OF-WAY OF ESTERO BOULEVARD.
- PUBLIC AND QUASI-PUBLIC FACILITIES MUST PROVIDE A TYPE C OR F BUFFER IF THE PROPOSED DEVELOPMENT WILL HAVE A SIGNIFICANTLY ADVERSE IMPACT ON ADJACENT EXISTING RESIDENTIAL USES.
- BUFFER AREAS MAY NOT BE LOCATED ON ANY PORTION OF AN EXISTING OR DEDICATED STREET RIGHT-OF-WAY OR ROADWAY EASEMENT. VARIANCES OR DEVIATIONS FROM THIS REQUIREMENT ARE PROHIBITED.
- WALLS, BERMS AND BUFFER PLANTINGS MUST NOT VIOLATE THE VEHICLE VISIBILITY REQUIREMENTS OF THE LDC.
- FOR DEVELOPMENTS ABUTTING NATURAL BODIES OF WATER: THERE MUST BE A 25' BUFFER LANDWARD FROM THE MEAN HIGH-WATER LINE OF ALL NATURAL BODIES

- OF WATER EXCEPT THOSE PORTIONS OF A SHORELINE HAVING A WALL; EXISTING VEGETATION WITHIN THE BUFFER AREA MUST BE RETAINED; AND THE REMOVAL OR CONTROL OF EXOTIC PEST PLANTS MUST NOT INVOLVE THE USE OF HEAVY MECHANICAL EQUIPMENT.
- FOR DEVELOPMENT ABUTTING WETLANDS: THERE MUST BE A 75' SEPARATION BETWEEN WETLANDS AND ALL BUILDINGS OR OTHER IMPERVIOUS SURFACES.
 - REQUIRED BUFFERS MAY BE USED FOR PASSIVE RECREATION SUCH AS PEDESTRIAN OR BIKE PATHS, PROVIDED THAT: NO REQUIRED TREES OR SHRUBS ARE ELIMINATED; NOT MORE THAN 20% OF THE WIDTH OF THE BUFFER IS IMPERVIOUS SURFACE; THE TOTAL WIDTH OF THE BUFFER AREA IS MAINTAINED; AND ALL OTHER LDC REQUIREMENTS ARE MET.

IRRIGATION STANDARDS.

- REQUIRED LANDSCAPING AREAS MUST PROVIDE AN AUTOMATIC IRRIGATION SYSTEM.
- IRRIGATION SYSTEMS MUST BE DESIGNED TO ELIMINATE THE APPLICATION OF WATER TO IMPERVIOUS AREAS, INCLUDING ROADS, DRIVES, AND OTHER VEHICLE AREAS.
- IRRIGATION SYSTEMS MUST ALSO BE DESIGNED TO AVOID IMPACTS ON INDIGENOUS PLANT COMMUNITIES.
- IRRIGATION SYSTEMS MUST INCORPORATE A SYSTEM CONTROLLER SET TO CONSERVE WATER.
- MOISTURE DETECTION DEVICES MUST BE INSTALLED IN ALL AUTOMATIC SPRINKLER SYSTEMS TO OVERRIDE THE SPRINKLER OPEATIONS DURING PERIODS OF INCREASED RAINFALL.
- WHERE EXISTING IRRIGATION SYSTEMS ARE MODIFIED REQUIRING THE ACQUISITION OF A PERMIT, AUTOMATIC ACTIVATION SYSTEMS AND OVERRIDING MOISTURE DETECTION DEVICES MUST BE INSTALLED.
- THE REQUIREMENT TO PROVIDE AN AUTOMATIC IRRIGATION SYSTEM DOES NOT APPLY TO TREES PLANTED IN ACCORDANCE WITH THE LDC OR TO CULTIVATED LANDSCAPED AREAS THAT ARE PLANTED 100% WITH NATIVE FLORIDA PLANT SPECIES. A TEMPORARY IRRIGATION SYSTEM IS STRONGLY ENCOURAGED TO IMPROVE SURVIVABILITY AFTER INITIAL PLANTING. ALL PLANTS THAT DO NOT SURVIVE MUST REPLANTED IN THE SAME MANNER AS FOR ALL OTHER REQUIRED.

ALTERNATE LANDSCAPE BETTERMENT PLAN.

- APPLICATIONS PURSUANT TO THIS DIVISION ARE ENTITLED TO DEMONSTRATE THAT THE INTENT OF THIS DIVISION CAN BE MORE EFFECTIVELY ACCOMPLISHED THROUGH AN ALTERNATE LANDSCAPE BETTERMENT PLAN.

PLANT MATERIAL STANDARDS.

- PLANT MATERIALS USED TO MEET THE REQUIREMENTS OF THIS DIVISION MUST MEET THE STANDARDS FOR FLORIDA NO. 1 OR BETTER PER FDACS.
- ROOT BALL SIZES ON ALL TRANSPLANTED PLANT MATERIALS MUST ALSO MEET STATE STANDARDS.
- AT LEAST 75% OF THE TREES AND 50% OF THE SHRUBS USED TO FULFILL THESE REQUIREMENTS MUST BE NATIVE FLORIDA SPECIES.
- FOR REQUIRED TREES, AT LEAST 50% OF THE TREES AT INSTALLATION MUST BE A MIN OF 10' OA, 2" CAL, AND HAVE A 4' SPREAD. THE REMAINING REQUIRED TREES AT INSTALLATION MUST BE A MIN OF 6' OA, 1" CAL, AND HAVE A 3' SPREAD.
- PALMS MUST HAVE A MIN OF 1' OF CLEAR TRUNK AT PLANTING.
- COCONUT PALMS MUST BE VARIETIES THAT ARE RESISTANT TO LETHAL YELLOWING.
- TREES HAVING AN AVG MATURE CROWN LESS THAN 20' MAY BE SUBSTITUTED BY GROUPING THEM TO CREATE THE EQUIVALENT OF 20' CROWN.
- TREES ADJACENT TO WALKWAYS, BIKE PATHS, AND RIGHTS-OF-WAY MUST BE MAINTAINED WITH 8' OF CT.
- LARGER TREES MAY BE SUBSTITUTED TO REDUCE THE MIN NUMBER OF GENERAL TREES. TREE CREDITS REQUIRE NO LESS THAN 16' OA AND 4" CAL AT INSTALLATION. MAX GENERAL TREES CREDITS CANNOT EXCEED 50%.
- SHRUBS MUST BE A MIN OF 24" OA (48" OA FOR TYPE F BUFFERS), 3 GAL CONTAINER SIZE, AND BE SPACED 18"-36" OC.
- BUFFER SHRUBS MUST BE MAINTAINED A MIN OF 36" OA INCHES (60" OA FOR TYPE F BUFFERS) WITHIN 1 YEAR AFTER INSTALLATION IN PERPETUITY, EXCEPT FOR VISIBILITY AT INTERSECTIONS AND WHERE PEDESTRIAN ACCESS IS PROVIDED.
- REQUIRED HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND MAINTAINED SO AS TO FORM A CONTINUOUS, UNBROKEN, SOLID VISUAL SCREEN WITHIN ONE YEAR AFTER TIME OF PLANTING.
- A 2" MIN LAYER, AFTER WATERING-IN, OF APPROVED MULCH MUST BE PLACED AND MAINTAINED AROUND ALL NEWLY INSTALLED TREES, SHRUBS AND GROUNDCOVER PLANTINGS. EACH TREE MUST HAVE A RING OF MULCH NO LESS THAN 24" BEYOND ITS TRUNK IN ALL DIRECTIONS. THE USE OF CYPRESS MULCH IS PROHIBITED.
- HIGHLY INVASIVE EXOTIC PLANTS MUST BE REMOVED FROM THE DEVELOPMENT AREA AND BE MAINTAINED FREE FROM INVASIVE EXOTIC PLANTS IN PERPETUITY. INVASIVE EXOTIC PLANTS TO BE REMOVED INCLUDE: MELALEUCA, BRAZILIAN PEPPER, AUSTRALIAN PINE, EARLEAF ACACIA, DOWNY ROSEMYRTLE, TROPICAL SODA APPLE, WEDELIA, BEACH NAUPAKA, AND CHINABERRY.
- THE FOLLOWING SPECIES OF EXOTIC PLANTS ARE CONSIDERED INVASIVE AND MAY NOT BE USED TO FULFILL ANY REQUIREMENTS OF THIS DIVISION: MELALEUCA, BRAZILIAN PEPPER, AUSTRALIAN PINE, EARLEAF ACACIA, DOWNY ROSEMYRTLE, TROPICAL SODA APPLE, WOMANS TONGUE, BISHOP WOOD, CARROTWOOD, ROSEWOOD, MURRAY RED GUM, BENJAMIN FIG, CUBAN LAUREL, CHINESE TALLOW, JAVA PLUM, ROSE APPLE, CORK TREE, WEDELIA, BEACH NAUPAKA, AND CHINABERRY.
- EXCEPT FOR PROHIBITED SPECIES, EVERY CONSIDERATION MUST BE GIVEN TO RETAINING AS MUCH OF THE EXISTING PLANT MATERIAL AS POSSIBLE.
- EACH EXISTING NATIVE TREE PRESERVED IN PLACE WHICH HAS A 4" CAL @ DBH WILL RECEIVE A 5:1 TREE CREDIT AGAINST THE TREE PLANTING REQUIREMENTS.
- NATIVE PALMS PRESERVED IN PLACE WHICH ARE 8' CT WILL RECEIVE A 3:1 TREE CREDIT. EXISTING SABAL PALMS, IDENTIFIED ON THE DEVELOPMENT ORDER PLANS AND RELOCATED ON-SITE, WILL BE GIVEN A 2:1 CREDIT.
- CREDITS FOR EXISTING TREES MAY NOT BE USED TO REDUCE THE REQUIRED PARKING CANOPY TREES.
- EXISTING NATIVE TREES IN BUFFERS MAY BE USED FOR CREDIT APPLIED TO THE PERIMETER BUFFER PROVIDED THEY OCCUR WITHIN THE SAME SEGMENT (100' OR LESS) OF A REQUIRED BUFFER.
- CREDITS WILL APPLY ONLY WHEN THE TREES ARE LABELED AS PROTECTED-CREDIT TREES. IF THE PROTECTED-CREDIT TREES DIE WITHIN 3 YEARS FROM THE DEVELOPMENT ORDER CERTIFICATE OF COMPLIANCE, THEY MUST BE REPLACED BY THE NUMBER OF CREDIT TREES TAKEN.
- CREDITS WILL APPLY WHERE THE PRESERVED TREE IS IN A BARRICADED AREA AT LEAST 2/3 THE RADIUS OF THE DRIP LINE WITH A MIN RADIUS OF 2 1/2'.
- FOR NATIVE PINE TREES, THE BARRICADED AREA MAY BE NO LESS THAN THE FULL DRIPLINE UNLESS OTHER MEASURES SUCH AS TIE-WALLS OR SPECIAL SLOPE TREATMENT ARE CONSTRUCTED FOR ADDITIONAL PROTECTION.
- PRIOR TO THE LAND CLEARING STAGE OF DEVELOPMENT, TREE PROTECTIVE BARRIERS MUST BE INSTALLED PER THE DETAIL INCLUDED IN THESE DRAWINGS. FOR ALL OTHER PROTECTED VEGETATION, A BARRICADE MUST BE ERRECTED AROUND THE PERIMETER OF THE VEGETATION.
- NO ONE MAY NOT CAUSE OR PERMIT THE MOVEMENT OF EQUIPMENT OR THE STORAGE OF EQUIPMENT, MATERIAL, DEBRIS, OR FILL TO BE PLACED WITHIN THE REQUIRED PROTECTIVE BARRIER.
- THE PROTECTED TREES AND ASSOCIATED UNDERSTORY PLANT COMMUNITIES MUST REMAIN ALIVE AND HEALTHY AT THE END OF THE CONSTRUCTION IN ORDER FOR THIS CREDIT TO APPLY.

PLANT INSTALLATION AND MAINTENANCE STANDARDS.

- PLANT MATERIALS MUST BE INSTALLED IN SOIL CONDITIONS THAT ARE CONDUCIVE TO THEIR PROPER GROWTH. LIMEROCK LOCATED WITHIN PLANTING AREAS MUST BE REMOVED AND REPLACED WITH NATIVE OR GROWING QUALITY SOIL BEFORE PLANTING.
- PLANTS' GROWTH HABITS MUST BE CONSIDERED IN ADVANCE OF CONFLICTS THAT MIGHT BE CREATED (E.G., VIEWS, SIGNAGE, OVERHEAD POWER LINES, LIGHTING, CIRCULATION, SIDEWALKS, BUILDINGS, ETC.).
- TREES MAY NOT BE PLACED WHERE THEY INTERFERE WITH SITE DRAINAGE, SUBSURFACE UTILITIES, OR OVERHEAD UTILITY LINES, OR WHERE THEY WILL REQUIRE FREQUENT PRUNING IN ORDER TO AVOID INTERFERENCE WITH OVERHEAD POWER LINES.
- ALL LANDSCAPE MATERIALS MUST BE INSTALLED IN A RECOGNIZED HORTICULTURALLY CORRECT MANNER.
- ALL LANDSCAPED AREAS MUST BE MULCHED UNLESS VEGETATIVE COVER IS ALREADY ESTABLISHED.
- TREES AND SHRUBS USED IN BUFFERS MUST BE PLANTED IN A MIN WIDTH AREA EQUAL TO 1/2 THE REQUIRED BUFFER (NO LESS THAN 5' WIDTH).
- ALL LANDSCAPED AREAS MUST BE PROVIDED PROTECTION FROM ENCROACHMENT BY ANY TYPE OF VEHICLE.
- ALL REQUIRED PLANTS USED IN BUFFERS AND LANDSCAPING MUST BE INSTALLED USING FLORIDA FRIENDLY PRINCIPLES.
- UTILITY OR DRAINAGE EASEMENTS MAY OVERLAP REQUIRED BUFFERS, NO BUFFER TREES OR SHRUBS MAY BE LOCATED IN ANY UTILITY, DRAINAGE, OR STREET EASEMENT OR RIGHT-OF-WAY.
- TO AVOID CONFLICTS WITH OVERHEAD UTILITY LINES, ONLY TREES REACHING LESS THAN 20' OA AT MATURITY MAY BE USED DIRECTLY ADJACENT TO AN OVERHEAD LINE.
- VARIANCES AND DEVIATIONS FROM THE REQUIREMENTS OF THE PLANT INSTALLATION AND MAINTENANCE STANDARDS ARE PROHIBITED, EXCEPT WHEN INCLUDED IN AN APPROVED ALTERNATE LANDSCAPE BETTERMENT PLAN.
- MIN SAFE SIGHT DISTANCES MUST BE MAINTAINED IN ACCORDANCE WITH THE LDC VISIBILITY REQUIREMENTS.
- THE OWNER IS RESPONSIBLE FOR MAINTAINING THE REQUIRED LANDSCAPING IN A HEALTHY, VIGOROUS CONDITION AT ALL TIMES. TREE AND PALM STAKING MUST BE REMOVED WITHIN 1 YEAR AFTER INSTALLATION.
- ALL LANDSCAPING MUST BE KEPT FREE OF INVASIVE EXOTIC SPECIES, REFUSE, DEBRIS, DISEASE, PESTS, AND WEEDS. ONGOING VEGETATION REQUIRED BY THIS CODE MAY ONLY BE PRUNED TO PROMOTE HEALTHY, UNIFORM, NATURAL GROWTH OF THE VEGETATION (EXCEPT WHERE NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY OR WELFARE). PRUNING MUST BE IN ACCORDANCE ANSI A300 AND THE ISA BEST MANAGEMENT PRACTICES.
- TREES MUST NOT BE SEVERELY PRUNED TO PERMANENTLY MAINTAIN GROWTH AT A REDUCED HEIGHT OR SPREAD.
- PRUNING MUST NOT INTERFERE WITH THE DESIGN INTENT OF THE ORIGINAL INSTALLATION.

- SEVERELY PRUNED TREES MUST BE REPLACED AND MEET THE ORIGINAL TREE SIZE REQUIREMENTS.
- A PLANT'S GROWTH HABIT MUST BE CONSIDERED IN ADVANCE OF CONFLICTS WHICH MIGHT ARISE (I.E., VIEWS, SIGNAGE, OVERHEAD POWER LINES, LIGHTING, CIRCULATION, SIDEWALKS, BUILDINGS, AND SIMILAR CONFLICTS).

LANDSCAPE CERTIFICATE OF COMPLIANCE.

- THE LANDSCAPE ARCHITECT MUST INSPECT AND CERTIFY THAT ALL LANDSCAPING AND THE IRRIGATION SYSTEM ARE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED LANDSCAPE AND IRRIGATION PERMIT PLANS.
- AN "AS-BUILT" LANDSCAPE PLAN MUST BE SUBMITTED TO HIGHLIGHT ANY CHANGES TO THE APPROVED PERMIT AND INCLUDED WITH THE CERTIFICATION.
- ANY CHANGES TO AN "ALTERNATIVE LANDSCAPE BETTERMENT PLAN" MUST BE APPROVED BY MINOR CHANGE TO THE DEVELOPMENT ORDER.
- THE GENERAL CERTIFICATE OF COMPLIANCE PROCEDURE OUTLINED IN THE LDC.
- RESTORATION STANDARDS FOR INDIGENOUS PLANT COMMUNITIES.
- A RESTORATION PLAN BASED ON THE MIN LDC STANDARDS WILL BE REQUIRED IF INDIGENOUS PLANT COMMUNITIES HAVE BEEN REMOVED WITHOUT PERMIT OR APPROVAL.
- RESTORATION PLANTINGS FOR VEGETATION OTHER THAN TREES MUST BE NURSERY GROWN, CONTAINERIZED, AND PLANTED AT NO LESS THAN 36" OC.
- THE NUMBER OF REPLACEMENT PLANTINGS WILL BE COMPUTED BY THE SQ FT OF THE AREA DESTROYED.
- ALL OTHER RESTORATION CRITERIA AS SET FORTH IN THE LDC PERTAINING TO TREE PROTECTION WILL APPLY.
- RESTORATION PLANTINGS FOR NATIVE TREES MUST BE IN COMPLIANCE WITH THE LDC STANDARDS.

BEACH AND DUNE MANAGEMENT.

- BEACH IS THE AREA OF SAND ALONG THE GULF OF MEXICO THAT EXTENDS LANDWARD FROM THE MEAN LOW-WATER LINE TO THE PLACE WHERE THERE IS A MARKED CHANGE IN MATERIAL OR PHYSIOGRAPHIC FORM, OR TO THE LINE OF PERMANENT VEGETATION, USUALLY THE EFFECTIVE LIMIT OF STORM WAVES.
- BEACH WIDTH MEANS THE PERPENDICULAR DISTANCE MEASURED FROM THE EDGE OF WET SAND TO THE PLACE WHERE THERE IS A MARKED CHANGE IN MATERIAL OR PHYSIOGRAPHIC FORM FROM BEACH SAND TO DUNE VEGETATION, SEAWALL, TURF GRASS, ETC.
- DUNE MEANS A MOUND, BLUFF, RIDGE, OR EMERGENT ZONE OF LOOSE SEDIMENT, USUALLY SAND-SIZED SEDIMENT, LYING UPLAND OF THE BEACH AND DEPOSITED BY ANY NATURAL OR ARTIFICIAL MECHANISM, WHICH MAY BE BARE OR COVERED WITH VEGETATION, AND IS SUBJECT TO FLUCTUATIONS IN CONFIGURATION AND LOCATION. IT ENCOMPASSES THOSE ECOLOGICAL ZONES THAT, WHEN LEFT UNDISTURBED, WILL SUPPORT DUNE VEGETATION. AS TO AREAS RESTORED OR RENOURISHED PURSUANT TO A PERMIT ISSUED BY THE TOWN OR STATE, IT ENCOMPASSES THE AREA SPECIFIED IN THE PERMIT AS A DUNE OR ANY AREA SPECIFIED AS SUITABLE FOR ESTABLISHMENT.

DUNE VEGETATION.

- DUNE VEGETATION MEANS PIONEER SPECIES OF NATIVE VEGETATION WHICH, IF LEFT UNDISTURBED BY MANMADE FORCES, WILL BEGIN TO GROW ON A DUNE, INCLUDING SPECIES SUCH AS BITTER PANICUM, COASTAL PANIC GRASS, CROWFOOT GRASS, SALTMEADOW COROGRASS, SANDBUR, SEACOAST BLUESTEM, SEA OATS, SEASHORE DROPSIED, SEASHORE PASPALUM, SEASHORE SALTGRASS, STIFFLEAF EUSTACHYS, BEACH BEAN, BLANKET FLOWER, DUNE SUNFLOWER, FIDDLE-LEAF MORNINGGLORY, PARTRIDGE PEA, RAILROAD VINE, SEA PURSLANE, BEACH CREEPER, NICKER BEAN, COIN VINE, INKBERRY, LANTANA, SAW PALMETTO, SEASHORE ELDER, BAYCEDAR, GREEN BUTTONWOOD, CABBAGE PALM, COCOPULM, SEAGRAPE, AND SOUTHERN WAX MYRTLE.
- EDGE OF WET SAND MEANS THE POINT WHERE THE VISIBLE DARKENING OR STAINING OF THE BEACH SAND FROM WAVE ACTION IS NO LONGER DETECTABLE.
- HAND RAKING MEANS THE USE OF A STANDARD GARDEN RAKE, PITCHFORK, POTATO FORK, OR ANY OTHER HANDHELD TOOL USED FOR THE PURPOSE OF REMOVING OR ALTERING THE "WRACK LINE."
- MECHANICAL BEACH RAKING MEANS A METHOD OF MAINTAINING THE BEACH BY PULLING A PRONGED RAKE OR A PIECE OF CHAIN LINK FENCE THAT MEETS THE REQUIREMENTS OF THE LDC § 14-6(C). THE RAKE OR CHAIN LINK FENCE MAY BE PULLED BEHIND A TRACTOR, GOLF CAR, ATV, OR OTHER VEHICLE, AS APPROVED BY THE TOWN, WHICH MEETS THE MAXIMUM GROUND-TO-TIRE PRESSURE FOUND IN THE LDC.
- SEAWARD LINE OF VEGETATION MEANS THE LOCATION CLOSEST TO THE MEAN HIGH-WATER LINE CONTAINING, OR SUITABLE FOR, DUNE VEGETATION. IF THERE IS NO SUCH VEGETATION UPON A PARCEL OR PORTION OF A PARCEL, IT WILL ENCOMPASS A LINE ALONGSHORE PROJECTED FROM THE CLOSEST AREAS ON EACH SIDE WHERE SUCH VEGETATION DOES EXIST.
- WET SAND MEANS THE AREA ON THE BEACH WHERE THE SAND IS SATURATED BY SEA WATER FROM WAVE ACTION. THIS AREA IS IDENTIFIED BY A VISIBLE DARKENING OR STAINING OF THE BEACH SAND FROM THE WATER DRIVEN ONSHORE BY WAVE ACTION.
- WRACK LINE MEANS A WELL-DEFINED ZONE OF THE NATURAL ORGANIC MARINE MATERIAL CAST ON THE SHORE BY THE LAST HIGH TIDE, INCLUDING SEAWEED AND OTHER VEGETATIVE AND ANIMAL DEBRIS, BUT EXCLUDING MANMADE MATERIAL. ANY AREAS OF ORGANIC MARINE MATERIAL LEFT ON THE UPPER BEACH DUE TO ABNORMALLY HIGH SPRING TIDES, STORM TIDES, OR OTHER EXTREME CONDITIONS OR EVENTS, AS DETERMINED BY THE TOWN, ARE NOT INCLUDED IN THE DEFINITION OF "WRACK LINE."
- IT IS UNLAWFUL AND PROHIBITED FOR ANY PERSON TO DO, CONDUCT, OR PERMIT ANY OF THE FOLLOWING ON A BEACH, UPON A DUNE, OR IN THE WATER ADJACENT TO A BEACH: PLANT VEGETATION OTHER THAN DUNE VEGETATION; DESTROY OR HARM A DUNE OR REMOVE DUNE VEGETATION; DUMP OR DISCARD OR LEAVE LITTER, GARBAGE, TRASH OR REFUSE, VEGETATIVE CLIPPINGS, OR DEBRIS; DESTROY OR GROSSLY INTERFERE WITH THE NATURAL WRACK LINE AS BY GROOMING OR NON-SELECTIVE RAKING; EXCAVATE, MINE, AND REMOVE, OR HAUL SAND OR SOIL FROM THE BEACH OR DUNE EXCEPT IN EMERGENCY SITUATIONS AS DECLARED BY THE TOWN COUNCIL; DEPOSIT / INSTALL ROCKS, CONCRETE, OR OTHER SHORELINE STABILIZATION MATERIALS WITHOUT A PERMIT FROM DEP AND THE TOWN; DEPOSIT/ADD SAND TO THE BEACH AND DUNE SYSTEM WITHOUT A PERMIT FROM DEP.
- ALL FILL MATERIAL SHALL BE SAND THAT IS SIMILAR TO THE EXISTING BEACH SAND IN BOTH COLORATION AND GRAIN SIZE AND BE FREE OF DEBRIS, ROCKS, CLAY, OR OTHER FOREIGN MATTER.

BEACH RAKING AND WRACK LINE POLICY.

- THE USE OF BOXBLADES ON THE BEACH OR DUNE IS PROHIBITED.
- IN AN EMERGENCY AND/OR STORM EVENT RESULTING IN A BUILD-UP OF SAND AGAINST SEAWALLS, THE USE OF A BOXBLADE MAY BE ALLOWED WITH THE APPROVAL OF DEP, WHERE REQUIRED, AND UPON FILING THAT APPROVAL WITH THE TOWN MANAGER AND MEETING ANY OTHER REQUIREMENTS SET BY THE TOWN.
- UNDER NORMAL CIRCUMSTANCES, THE RAKING OF THE WRACK LINE IS PROHIBITED.
- NO MECHANICAL OR HAND RAKING MAY TAKE PLACE SEAWARD OF THE WRACK LINE OR WITHIN 10' LANDWARD OF THE WRACK LINE; PROVIDED THAT HAND RAKING OF THE WRACK LINE MAY BE PERFORMED ANYTIME TO AMELIORATE HAZARDOUS CONDITIONS SUCH AS REMOVAL OF SAND CASTLES OR FILLING IN OF MANMADE HOLES ON THE BEACH.
- THE TOWN MAY APPROVE THE RAKING OF THE WRACK LINE CONDITIONED UPON PRIOR APPROVAL BY THE DEP IF IT IS DETERMINED THAT EXCESSIVE ACCUMULATION OF NATURAL OR OTHER DEBRIS CAUSED BY EXTREME EVENTS, INCLUDING, BUT NOT LIMITED TO, RED TIDE, RED ALGAE BLOOM, OR STORM-CARRIED DEBRIS, ARE PRESENT. SHOULD SUCH EXCESSIVE ACCUMULATION BE DETERMINED, THE TOWN MAY APPROVE RAKING CONSISTENT WITH THE AUTHORIZATION GIVEN BY DEP. ANY SUCH RAKING WHICH WILL RESULT IN THE UN-REIMBURSED EXPENDITURE OF TOWN FUNDS IN EXCESS OF CURRENTLY BUDGETED FUNDS SHALL FIRST BE APPROVED BY THE TOWN COUNCIL.
- IF RAKING OCCURS DURING SEA TURTLE SEASON (MAY 1 THROUGH OCTOBER 31), THE RAKING MUST BE IN COMPLIANCE WITH THE LDC.

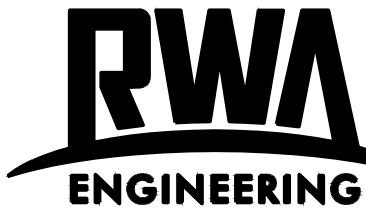
RESTORATION STANDARDS FOR DUNE VEGETATION ALTERATION VIOLATIONS.

- A RESTORATION PLAN SHALL BE ORDERED USING THE STANDARDS IN THIS SECTION. SUCH A RESTORATION PLAN SHALL SET FORTH REPLACEMENT OF THE SAME SPECIES OR ANY SPECIES APPROVED BY CONSENT OF THE BEFORE-MENTIONED PARTIES, OR, IF APPROPRIATE, IN ACCORDANCE WITH THE DIRECTION OF THE COURT OR SPECIAL MAGISTRATE.
- RESTORATION PLANTINGS FOR VEGETATION OTHER THAN TREES MUST BE NURSERY GROWN, CONTAINERIZED, AND PLANTED AT A MIN DENSITY OF NO LESS THAN 1 1/2' OC.
- THE NUMBER OF REPLACEMENT PLANTINGS WILL BE COMPUTED BY THE SQ FT OF THE AREA DESTROYED.
- THE REPLACEMENT STOCK SHALL BE A 2" LINER.
- HIGHER DENSITY PLANTINGS MAY BE REQUIRED AT THE TOW'S DISCRETION. IF THE DENSITY OR SPECIES OF THE VEGETATION CANNOT BE DETERMINED WHERE THE VIOLATION OCCURRED, THEN AN ASSUMPTION SHALL BE MADE THAT THE DENSITY AND THE SPECIES WERE THE SAME AS ON SIMILAR PROPERTIES.
- DUNE VEGETATION ALTERATION VIOLATIONS DUE TO RAKING, EXCAVATION, AND/OR CLEARING SHALL BE RESTORED TO NATURAL GROUND ELEVATION AND SOIL CONDITIONS PRIOR TO COMMENCEMENT OF REPLANTING.
- REPLACEMENT PLANTINGS SHALL GUARANTEE A 80 PERCENT MIN SURVIVABILITY RTE FOR A PERIOD OF NO LESS THAN 5 YEARS
- ONLY TEMPORARY ABOVE GROUND IRRIGATION MAY BE INSTALLED AND MUST BE REMOVED NO LATER THAN 1 YEAR FROM THE INSTALLATION DATE.

WETLANDS PROTECTION.

ACTIVITIES THAT DESTROY WETLANDS OR IMPAIR THE FUNCTIONING OF WETLANDS ARE PROHIBITED.

REV #	REVISION								



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DATE:	MARCH 2004	HORIZ. SCALE (FULL):	##/###/###	CLIENT:	MYERSIDE, LLC
SAC:	TWP: RGE: 19 46 S 24 E	HORIZ. SCALE (HALF):	1" = ###/###/###		
DESIGNED:	JMM	VERT. SCALE (FULL):	N/A	TITLE:	PERMIT LANDSCAPE NOTES
DRAWN:	JMM	VERT. SCALE (HALF):	N/A		

PROJECT:	MYERSIDE
PROJECT NO.: 200022 00 01	FILE NAME: 200022 00 01 LA PERMIT
SHEET NUMBER: 04	OF 08



Digitally signed by James M. McCord
Date: 2024.04.17 08:20:44 -04'00'

THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882

STATUTORY NOTES cont.:

PROTECTED TREE REMOVAL.

1.

THE REMOVAL OF A PROTECTED TREE ON PUBLIC ROW BY OFFICIAL GOVERNMENTAL DUTIES.
2.

THE REMOVAL OF A PROTECTED TREE THAT IS DEAD OR WHICH HAS BEEN DESTROYED OR DAMAGED BY NATURAL CAUSES BEYOND SAVING OR WHICH IS A HAZARD AS THE RESULT OF AN ACT OF GOD AND CONSTITUTES AN IMMEDIATE PERIL TO LIFE AND PROPERTY.
3.

THE REMOVAL OF A PROTECTED TREE BY UTILITIES WHERE SUCH REMOVAL IS CONDUCTED SO AS TO AVOID ANY UNNECESSARY DAMAGE OR REMOVAL OF TREES.
4.

THE REMOVAL OF A PROTECTED TREE BY THIS ARTICLE BY A STATE-LICENSED LAND SURVEYOR IN THE PERFORMANCE OF HIS DUTIES.
5.

THE REMOVAL OF UP TO THREE PROTECTED TREES DURING ANY 1 YEAR PERIOD ON A LOT THAT IS BEING USED LAWFULLY AS A SINGLE-FAMILY RESIDENCE OR MOBILE HOME.
6.

ABOVE EXEMPTIONS SHALL NOT APPLY TO ANY TREE CITED IN THE FLORIDA CHAMPION TREE.

INDIGENOUS VEGETATION.

1.

INDIGENOUS VEGETATION SHALL NOT BE CLEARED; IN AREAS THAT SERVE AS LISTED SPECIES OCCUPIED HABITAT; AND / OR WITHIN 25' OF THE MEAN HIGH-WATER LINE OF ANY NATURAL WATERWAY, INDIGENOUS VEGETATION MAY BE CLEARED SELECTIVELY TO ALLOW THE PLACEMENT OF DOCKS, PIPES, PUMPS AND OTHER SIMILAR STRUCTURES PURSUANT TO THIS CODE.

PROTECTED TREES.

1.

ANY TREE DELINEATED IN THE LDC SHALL BE A PROTECTED TREE.
2.

ALL OTHER SPECIES OF TREES NOT NAMED IN THE LDC MAY BE REMOVED WITHOUT A PERMIT IN SUCH A MANNER SO AS NOT TO DISTURB OR DESTROY SURROUNDING PROTECTED TREES OR INDIGENOUS VEGETATION.

PROTECTED TREE LIST.

1.

ACER RUBRUM, RHUS COPALLINA, ANNONA GLABRA, ILEX CASSINE, COCCOTHRINAX ARGENTATA, COCOS NUCIFERA, ROYSTONEA ELATA, SABAL PALMETTO, AVICENNIA GERMINANS, CARPINUS CAROLINIANA, CORDIA SEBESTENA, BURSERA SIMARUBA, CAPPARIS CYNOPHALLOPHORA, BUCIDA BUCERAS, CONOCARPUS ERECTA, LAGUNCULARIA RACEMOSA, CORNUS FOEMINA, CUPRESSACEAE, JUNIPERUS SILICICOLA, EBENACEAE, DIOSPYROS VIRGINIANA, FABACEAE, ACACIA FARNESIANA, LYSILOMA BAHAMENSIS, PISCIDIA PISCIPULA, PITHECELLOBIUM UNGUIS-CATI, QUERCUS CHAPMANI, QUERCUS INCANA, QUERCUS LAEVIS, QUERCUS LAURIFOLIA, QUERCUS MYRTIFOLIA, QUERCUS NIGRA, QUERCUS VIRGINIANA, QUERCUS VIRGINIANA GEMINATA, LIQUIDAMBAR STYRACIFLUA, CARYA AQUATICA, CARYA GLABRA, PERSEA BORBONIA, PERSEA PALUSTRIS, MAGNOLIA GRANDIFLORA, MAGNOLIA VIRGINIANA, SWIETENIA MAHOGONI, MORACEAE, FICUS AUREA, FICUS CITRIFOLIA, MORUS RUBRA, EUGENIA AXILLARIS, EUGENIA CONFUSA, EUGENIA RHOMBEA, EUGENIA MYRTOIDES, MYRCIANTHES FRAGANS, NYSSA SYLVATICA, XIMENIA AMERICANA, OLEACEAE, FORESTIERA SEGREGATA, FRAXINUS CAROLINIANA, PINUS ELLIOTTII VAR. DENSA, PINUS PALUSTRIS, PLATANUS OCCIDENTALIS, COCCOLOBA DIVERSIFOLIA, COCCOLOBA UVIFERA, RHIZOPHORA MANGLE, PRUNUS CAROLINIANA, ZANTHOXYLUM CLAVAHERCULIS, SALIX CAROLINIANA, BUMELIA CELASTRINA, BUMELIA TENAX, CHRYSOPHYLLUM OLIVIFORME, MASTICHODENDRON FOETIDISSIMUM, SIMAROUBA GLAUCA, TAXODIUM ASCENDENS, TAXODIUM DISTICHUM, GORDONIA LASIANTHUS, JACQUINIA KEYENSIS, CELTIS LAEVIGATA, AND ULMUS AMERICANA.

UNLAWFUL INJURY OF TREES.

1.

IT SHALL BE A VIOLATION TO REMOVE, INJURE, DISFIGURE, OR DESTROY A PROTECTED TREE IN PREPARATION FOR, IN CONNECTION WITH, OR IN ANTICIPATION OF DEVELOPMENT OF LAND, EXCEPT IN ACCORDANCE WITH THE LDC ANY PROTECTED TREE MAY BE LAWFULLY REMOVED ONLY AFTER A PERMIT THEREFOR HAS BEEN.
2.

WHERE A PROTECTED TREE IS TO BE REMOVED, THE TOWN MAY RELOCATE THE TREE AT THE TOWN'S EXPENSE WITHIN 30 WORKING DAYS.
3.

FOR CLEARING PRIOR TO BUILDING PERMIT ISSUANCE, A SEPARATE TREE REMOVAL PERMIT APPLICATION MUST BE SUBMITTED.
4.

NO PERMIT IS REQUIRED FOR THE REMOVAL OF UP TO 3 PROTECTED TREES DURING ANY 1YEAR PERIOD ON A SINGLE-FAMILY RESIDENCE OR MOBILE HOME LOT. PRIOR TO CLEARING, ALL PROTECTED TREES TO BE REMOVED SHALL BE CLEARLY MARKED.
5.

WHERE A TREE REMOVAL PERMIT HAS NOT BEEN ISSUED, PROTECTIVE BARRIERSSHALL BE INSTALLED ACCORDING TO THE FOLLOWING: A MIN 6' RADIUS OF ALL SPECIES OF MANGROVES AND PROTECTED SABAL PALMS; MIN OF THE FULL DRIPLINE OF ALL PROTECTED NATIVE PINES; AND 2/3 OF THE DRIPLINE OF ALL OTHER PROTECTED SPECIES.
6.

NO PERSON SHALL ATTACH ANY SIGN, NOTICE OR OTHER OBJECT TO ANY PROTECTED TREE OR FASTEN ANY WIRES, CABLES, NAILS, OR SCREWS TO ANY PROTECTED TREE IN ANY MANNER THAT COULD PROVE HARMFUL TO THE PROTECTED TREE, EXCEPT AS NECESSARY IN CONJUNCTION WITH ACTIVITIES IN THE PUBLIC INTEREST.
7.

DURING THE CONSTRUCTION STAGE OF DEVELOPMENT, NO CLEANING OF EQUIPMENT OR MATERIAL WITHIN THE OUTSIDE PERIMETER OF THE CROWN (DRIPLINE) OR ON THE NEARBY GROUND OF ANY PROTECTED TREE OR GROUP OF TREES WHICH IS TO BE PRESERVED.
8.

NO STORAGE OF BUILDING MATERIAL AND/OR EQUIPMENT, OR DISPOSAL OF WASTE MATERIAL SUCH AS PAINTS, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, OR ANY OTHER MATERIAL HARMFUL TO THE LIFE OF THE TREE WITHIN ITS DRIPLINE.
9.

NO PERSON SHALL PERMIT ANY UNNECESSARY FIRE OR BURNING WITHIN 30' OF THE DRIPLINE OF A PROTECTED TREE.
10.

ANY LANDSCAPING ACTIVITIES WITHIN THE PROTECTIVE BARRIER AREA SHALL BE ACCOMPLISHED WITH HAND LABOR.
11.

ALL PROTECTED TREES DESIGNATED TO BE PRESERVED THAT WERE DESTROYED DURING CONSTRUCTION SHALL BE REPLACED BY TREES OF THE SAME SPOIES AND EQUIVALENT CAL @ DBH.
12.

THE TOWN MAY CONDUCT PERIODIC INSPECTIONS OF THE SITE DURING LAND CLEARANCE AND CONSTRUCTION.
13.

IF DEVELOPMENT ACTIVITIES SEVERELY STRESS SLASH PINES OR ANY OTHER PROTECTED TREE SUCH THAT THEY ARE MADE SUSCEPTIBLE TO INSECT ATTACK, PREVENTATIVE SPRAYING OF THESE TREES MAY BE REQUIRED.

RESTORATION STANDARDS.

1.

A RESTORATION PLAN SHALL INCLUDE A PLANTING PLAN FOR ALL PROTECTED TREES.
2.

REPLACEMENT STOCK SHALL BE COMPUTED ON 3:1 BASIS ACCORDING TO THE TOTAL NUMBER OF UNLAWFULLY REMOVED TREES.
3.

REPLACEMENT TREES SHALL BE NURSERY GROWN, CONTAINERIZED, AND NO LESS THAN 6' OA.
4.

UNDERSTORY VEGETATION SHALL BE RESTORED TO THE AREA FROM WHICH PROTECTED TREES WERE UNLAWFULLY REMOVED OR MUTILATED.
5.

GROUNDCOVER AND GRASSES PLANT SELECTION SHALL BE BASED ON FLUCCS CODES.
6.

UP TO 7 SPECIES SHALL BE UTILIZED WITH RELATIVE PROPORTIONS OF FLUCCS CHARACTERISTIC. THE EXACT NUMBER AND TYPE OF SPECIES REQUIRED SHALL ALSO BE BASED UPON THE EXISTING INDIGENOUS VEGETATION ON ADJACENT PROPERTY. REPLACEMENT STOCK SHALL BE NO LESS THAN 1 GAL, NURSERY-GROWN CONTAINERIZED STOCK PLANTED AT NO LESS THAN 3' OC IN THE AREA FROM WHICH PROTECTED TREES WERE UNLAWFULLY REMOVED / DAMAGED.
7.

THIS AREA SHALL BE DEFINED BY THE DRIPLINE OF THE TREES. THE NUMBER OF SHRUBS SHALL NOT EXCEED, BUT MAY BE LESS THAN, 25 SHRUBS PER TREE UNLAWFULLY REMOVED OR DAMAGED.
8.

THE UNDERSTORY OF THE RESTORED SITE SHALL BE PROTECTED FOR A PERIOD OF NO LESS THAN 10 YEARS, UNLESS ITS REMOVAL IS A PROVISION OF AN APPROVED DO AFTER THE RESTORATION OF THE SITE.
9.

IF THE UNLAWFUL REMOVAL OF TREES HAS CAUSED ANY CHANGE IN HYDROLOGY, THEN THE HYDROLOGY SHALL BE RESTORED TO PRE-VIOLATION CONDITION.
10.

REPLACEMENT STOCK SHALL BE FLORIDA NO. 1 OR BETTER GRADE WITH 80% SURVIVABILITY FOR A PERIOD OF NO LESS THAN 5 YEARS.
11.

A MAINTENANCE PROVISION OF NO LESS THAN 5 YEARS MUST BE PROVIDED IN THE RESTORATION PLAN TO CONTROL INVASION OF EXOTIC VEGETATION.
12.

REPLACEMENT STOCK SHALL NOT BE LOCATED ON ANY PROPERTY LINE, OR IN ANY UTILITY EASEMENT THAT PROHIBITS SUCH PLANTINGS.
13.

THE RESTORATION PLAN SHALL INDICATE THE LOCATION OF THE REPLACEMENT STOCK CONSISTENT.
14.

IF IDENTIFICATION OF THE SPECIES OF PROTECTED TREES THAT WERE UNLAWFULLY REMOVED IS IMPOSSIBLE, THEN A PRESUMPTION IS OF A SIMILAR SPECIES AND MIX AS THOSE FOUND ON ADJACENT PROPERTIES.
15.

NO ONE SHALL DELIBERATELY CUT DOWN, DAMAGE, DESTROY, REMOVE, RELOCATE, DEFOLIATE THROUGH THE USE OF CHEMICALS OR OTHER METHODS WITHOUT FIRST OBTAINING A PERMIT. ITEMS REQUIRED FOR A TREE REMOVAL PERMIT SHALL INCLUDE: A SITE PLAN WITH THE SHAPE AND DIMENSIONS OF THE LOT OR PARCEL WITH THE EXISTING AND PROPOSED STRUCTURES AND IMPROVEMENTS; A TREE LOCATION MAP FOR THE REMOVAL OF 3 PROTECTED TREES OR LESS; ANY PROPOSED GRADE CHANGES THAT MIGHT ADVERSELY AFFECT OR ENDANGER ANY PROTECTED TREES WITH SPECIFICATIONS REFLECTING HOW THE TREES CAN BE SAFELY MAINTAINED; AND A TREE REPLACEMENT PLAN.
16.

APPROVAL MAY BE GRANTED FOR A PERMIT FOR THE REMOVAL OF ANY PROTECTED TREE IF: TREES WHICH POSE A SAFETY HAZARD TO PEDESTRIAN OR VEHICULAR TRAFFIC OR THREATEN TO CAUSE DISRUPTION TO PUBLIC UTILITY SERVICES; TREES WHICH POSE A SAFETY HAZARD TO EXISTING BUILDINGS OR STRUCTURES; TREES WHICH, IF NOT REMOVED, WOULD PRECLUDE VEHICULAR ACCESS TO A LOT OR PARCEL; DISEASED TREES WHICH ARE A HAZARD TO PEOPLE, BUILDINGS OR OTHER IMPROVEMENTS ON A LOT OR PARCEL OR TO OTHER TREES; TREES SO WEAKENED BY AGE, STORM, FIRE, OR OTHER INJURY AS TO JEOPARDIZE THE LIFE AND LIMB OF PERSONS OR CAUSE A HAZARD TO PROPERTY; AND TREES THAT WOULD NOT ALLOW A LANDOWNER NO BENEFICIAL USE OF A LOT OR PARCEL OR WOULD PLACE AN INORDINATE BURDEN ON THE LANDOWNER.

MANGROVE ENFORCEMENT.

1.

THE RESTORATION PLAN SHALL INCLUDE THE FOLLOWING MIN PLANTING STANDARDS: 3:1 REPLACEMENT RATIO; IF THE NUMBER OF ALTERED MANGROVES CANNOT BE DETERMINED, THEN THE REQUIRED NUMBER OF REPLACEMENT STOCK SHALL BE COMPUTED ACCORDING TO THE TOTAL AREA WHEREIN ALL MANGROVES WERE

1.

UNLAWFULLY ALTERED; THE REPLACEMENT STOCK SHALL BE CONTAINER GROWN MANGROVES NO LESS THAN 1 YEAR OLD AND 24' OA; REPLACEMENT MANGROVES SHALL BE PLANTED AT A MIN DENSITY OF 36' OC.; AND IF THE DENSITY OF MANGROVES CANNOT BE DETERMINED WHERE THE VIOLATION OCCURRED, THEN AN ASSUMPTION SHALL BE MADE THAT THE DENSITY WAS THE SAME AS ON ADJACENT PROPERTIES.
2.

MANGROVE ALTERATION VIOLATIONS DUE TO FILLING, EXCAVATION, DRAINAGE, AND/OR CLEARING SHALL BE RESTORED TO NATURAL GROUND ELEVATION AND SOIL CONDITIONS PRIOR TO COMMENCEMENT OF REPLANTING.
3.

REPLACEMENT STOCK SHALL NOT BE LOCATED ON ANY PROPERTY LINE, OR IN ANY UTILITY EASEMENT THAT PROHIBITS SUCH PLANTINGS.
4.

IN THE EVENT THAT THE SPECIES OF MANGROVE CANNOT BE IDENTIFIED ON PROPERTY WHEREIN MANGROVES WERE ALTERED IN VIOLATION OF THIS ARTICLE, THEN A PRESUMPTION SHALL BE MADE THAT THE MANGROVES ILLEGALLY ALTERED WERE OF A SIMILAR SPECIES AND DISTRIBUTION AS THOSE FOUND ON ADJACENT PROPERTIES.
5.

REPLACEMENT PLANTINGS SHALL HAVE A MIN OF 80% SURVIVAL AT THE END OF 5 YEARS, HOWEVER, SUCCESS WILL BE EVALUATED ON AN ANNUAL BASIS.
6.

THE RESTORATION PLAN SHALL INCLUDE A MAINTENANCE PROVISION OF NO LESS THAN 5 YEARS FOR THE CONTROL OF INVASIVE EXOTIC VEGETATION.
7.

NO ONE SHALL ALTER ANY MANGROVE TREE LOCATED IN THE INCORPORATED AREA, WITHOUT FIRST OBTAINING A PERMIT, WHERE APPLICABLE, FROM THE STATE DEPARTMENT OF ENVIRONMENTAL WHENEVER THE REQUIREMENTS OR PROVISIONS OF THIS ARTICLE ARE IN CONFLICT WITH THE REQUIREMENTS OR PROVISIONS OF ANY OTHER LAWFULLY ADOPTED ORDINANCE, THE MOST RESTRICTIVE REQUIREMENTS SHALL APPLY.

SIGNS.

1.

A LANDSCAPE PLAN FOR SIGN INSTALLATIONS IS REQUIRED.

SURFACE WATER MANAGEMENT SYSTEMS.

1.

SHORELINES MUST BE SINUOUS.
2.

THE PLS SHORELINE LENGTH MUST EQUAL 25% OF THE TOTAL LIN FT OF THE LAKE'S CONTROL ELEVATION.
3.

THE PLS SHOULD BE CONCENTRATED AT ONE LOCATION OF THE LAKE AND MUST BE LOCATED AWAY FROM RESIDENTIAL LOTS. THE PLS MAY BE LOCATED ADJACENT TO CONTROL STRUCTURES BUTMAY NOT IMPEDE FLOW.
4.

THE REQUIRED PLS MAY BE DIVIDED AND PLACED IN MULTIPLE LOCATIONS AS LONG AS NO PLS AREA IS SMALLER THAN 1,000 SQ FT.
5.

THE PLS MUST HAVE SLOPES FROM 6:1 TO 4:1 AND EXTEND A MIN OF A 20' WATERWARD OF CONTROL ELEVATION AT A MAX DEPTH OF 2' BELOW THE CONTROL ELEVATION. A DETAILED CROSS SECTION MUST BE PROVIDED IN THE PERMIT PLANS.
6.

THE PLS AREAS MUST BE PLANTED WITH A MIN 4 NATIVE HERBACEOUS PLANT SPECIES SELECTED SURVIVAL BASED UPON THE EXPECTED WATER LEVEL FLUCTUATIONS AND MAX DEPTHS. THE LITTORALS MIN SIZE IS A 2' LINER
7.

THE REQUIRED NUMBER OF LITTORALS EQUAL A 2' OC SPACING FOR THE ENTIRE AREA OF THE PLS. THE TOTAL NUMBER OF PLANTS FOR THE PLS IS CALCULATED BY MULTIPLYING THE TOTAL LIN FT OF CONTROL BY 25%, THEN MULTIPLIED BY THE 20' SHELF AND THEN DIVIDED BY 4 TO OBTAIN THE 2' OC REQUIREMENT.
8.

NATIVE WETLAND TREES MAY BE SUBSTITUTED FOR UP TO 25% OF THE TOTAL NUMBER OF HERBACEOUS PLANTS REQUIRED AT 1 TREE (MIN 10' OA; 2" CAL, WITH A 4' SPREAD) PER 100 HERBACEOUS PLANTS.
9.

TREES AND HERBACEOUS PLANTS MUST BE MAINTAINED IN PERPETUITY.
10.

HARDENED SHORELINE STRUCTURES (BULKHEADS, GEO-TEXTILE TUBES, RIPRAP) MAY COMPRISE UP TO 20% OF AN INDIVIDUAL LAKE SHORELINE AND CANNOT USED ADJACENT TO SINGLE-FAMILY RESIDENTIAL USES. A 5' COMPENSATORY LITTORAL SHELF PLANTED WITH HERBACEOUS WETLAND PLANTS EQUAL TO THE LIN FT OF THE SHORELINE STRUCTURE MUST BE PROVIDED WITHIN THE SAME LAKE. THE REQUIRED LITTORALS FOR THIS SHELF EQUAL MULTIPLYING THE 5' LITTORAL SHELF WIDTH TIMES THE LENGTH DIVIDED BY 4 TO OBTAIN THE 2' OC REQUIREMENT.

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DATE: MARCH 2004	HORIZ. SCALE (FULL): ####
SCH: 19 TWP: 46 S RGE: 24 E	HORIZ. SCALE (HALF): 1" = ####
DESIGNED: JMM	VERT. SCALE (FULL): N/A
DRAWN: JMM	VERT. SCALE (HALF): N/A

CLIENT: MYERSIDE, LLC	TITLE: PERMIT LANDSCAPE NOTES
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PROJECT: MYERSIDE	PROJECT NO.: 200022 00 01	FILE NAME: 200022 00 01 LA PERMIT	SHEET NUMBER: 05 OF 08
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Digitally signed by James M. McCord
Date: 2024.04.17 08:21:04 -04'00'

THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882

GENERAL.

3. THE CONTRACTOR SHALL BE RESPONSIBLE TO REVIEW AND IMPLEMENT ALL OF THE SPECIFICATIONS WITHIN THESE PLANS AND THE WRITTEN SPECIFICATIONS IN THE PROJECT MANUAL (IF PROVIDED).
4. THESE PLANS AND PROJECT MANUAL (IF PROVIDED) ARE INCLUDED AS PART OF THE CONTRACT DOCUMENTS AND ARE CONTRACTUALLY BINDING.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL APPLICABLE PERMITS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES BOTH UNDERGROUND AND OVERHEAD PRIOR TO THE COMMENCEMENT OF ANY WORK.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND SERVICES THROUGHOUT THE COURSE OF WORK.
8. ALL LANDSCAPE AREAS (EXCEPT FOR PLANTING BEDS) SHALL BE SODDED WITH FLORATAM ST. AUGUSTINE UNLESS OTHERWISE INDICATED ON THE PLANS OR APPROVED IN WRITING BY RWA, INC.
9. CONTRACTOR SHALL NOTIFY RWA, INC. OF ANY CONFLICTS OF THE PLANS AND THE SITE CONDITIONS. FAILURE TO DO SO SHALL MAKE THE CONTRACTOR LIABLE FOR ANY NECESSARY MODIFICATIONS AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR IS RESPONSIBLE TO VISIT THE SITE, POTHOLE AREAS OF CONCERN, AND PERFORM THE NECESSARY DUE DILIGENCE PRIOR TO BIDDING. FAILURE TO DO SO SHALL MAKE THE CONTRACTOR LIABLE FOR ANY NECESSARY MODIFICATIONS AT THE CONTRACTOR'S EXPENSE IF DEEMED POTENTIALLY FORESEEN.
11. ANY / ALL QUANTITIES SHOWN IN THESE DRAWINGS ARE PROVIDED FOR CONVENIENCE PURPOSES ONLY.
12. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL QUANTITIES PRIOR TO BIDDING.
13. FAILURE TO VERIFY QUANTITIES SHALL MAKE THE CONTRACTOR LIABLE FOR ANY OMISSIONS.
14. CONTRACTOR SHALL GET APPROVAL OF FINE GRADING FROM RWA, INC PRIOR TO THE INSTALLATION OF SOD OR ANY PLANT MATERIALS.
15. GRADING FOR LANDSCAPE BERMING SHOWN ON THESE PLANS AND IN DETAILS IS APPROXIMATE ONLY TO ENSURE DESIGN INTENT.
16. CONTRACTOR SHALL CONFER WITH RWA, INC PRIOR TO COMMENCING THIS WORK TO CONFIRM ACTUAL SHAPES AND ELEVATIONS OF THE LANDSCAPE BERMING.
17. THE CONTRACTOR SHALL BE THE RESPONSIBILITY TO FINE GRADE ALL THE LANDSCAPE AREAS REMOVING ALL MOUNDS, DEPRESSIONS, ROCKS, STICKS, OR OTHER DEBRIS PRIOR TO THE INSTALLATION OF SOD AND PLANT MATERIAL.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING POSITIVE SHEET FLOW DRAINAGE AWAY FROM ALL STRUCTURES AND ROOTZONES.
19. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH ALL TRADES SO AS TO AVOID ANY CONFLICT WITH THE EXECUTION OF WORK BY OTHERS.
20. OWNER SHALL NOT BE RESPONSIBLE FOR THE DAMAGE TO PLANT MATERIALS CAUSED BY OTHER TRADES OR SUBCONTRACTORS.
21. THE CONDITION AND FINAL LOCATION OF PLANT MATERIAL SHALL BE EVALUATED AND CONFIRMED BY RWA, INC.

PLANT MATERIALS.

1. ALL PLANT MATERIALS SHALL BE TRUE TO SPECIES AND CONFORM TO THE MINIMUM SIZES AS INDICATED IN THESE PLANS.
2. NO SUBSTITUTIONS SHALL BE ALLOWED UNLESS OTHERWISE APPROVED IN WRITING BY RWA, INC
3. ALL PLANT MATERIALS SHALL BE FLORIDA GRADE #1 OR BETTER IN ACCORDANCE WITH THE GRADES AND STANDARDS
4. FOR NURSERY PLANTS AS DETERMINED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF PLANT INDUSTRY UNLESS OTHERWISE APPROVED IN WRITING BY RWA, INC
5. ALL PLANT MATERIALS SHALL BE DISEASE FREE, INSECT FREE, HEALTHY, WELL-BRANCHED, AND GROWING VIGOROUSLY.
6. ALL PLANT MATERIALS SHALL BE SUBJECT TO RWA, INC'S FINAL APPROVAL.
7. ANY REJECTED PLANT MATERIAL SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
8. A "SPECIMEN" DESIGNATION FOR ANY PLANT MATERIAL REQUIRES IT TO BE GROWN AND PROPERLY PRUNED TO POSSESS SUPERIOR FORM, BRANCHING, COMPACTNESS, SYMMETRY, AND SHALL CONFORM TO FLORIDA FANCY IN ACCORDANCE WITH THE GRADES AND STANDARDS FOR NURSERY PLANTS AS DETERMINED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF PLANT INDUSTRY.
9. TREES PLANTED IN ROWS SHALL BE UNIFORMLY MATCHED IN SIZE AND SHAPE UNLESS OTHERWISE SPECIFIED IN THE PLANS.
10. RWA, INC RESERVES THE RIGHT REQUIRE THE CONTRACTOR TO RELOCATE AND / OR REPOSITION ANY PLANT MATERIAL AS REQUIRED DUE TO THE SITE CONDITIONS DURING CONSTRUCTION.
11. SINGLE TRUNK TREES SHALL HAVE A STRAIGHT, CENTRAL LEADER WITH UNIFORM BRANCHING UNLESS OTHERWISE SPECIFIED IN THESE PLANS.
12. MULTI-TRUNK TREES ARE TO HAVE 3-5 EQUAL SIZED TRUNKS WITH UNIFORM BRANCHING UNLESS OTHERWISE SPECIFIED IN THESE PLANS.
13. PLANT MATERIALS WITH MARRED, SEVERELY SCARRED, OR BURNED TRUNKS SHALL BE REJECTED.
14. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY IN ACCORDANCE WITH INTERNATIONAL SOCIETY OF ARBORIST (ISA) GUIDELINES TO INSURE PROPER HEALTH AND VIGOROUS GROWTH.
15. ANY OTHER SUBSEQUENT PRUNING REQUIRED AFTER PLANT MATERIAL ARRIVAL TO THE PROJECT SITE SHALL BE APPROVED PRIOR BY RWA, INC
16. PLANT MATERIALS ARE TO BE HANDLED IN A MANNER TO ENSURE FULL PROTECTION TO THE TRUNKS, LIMBS, LEAVES, AND ROOTS.
17. ANY SIGNS OF MISHANDLING OF PLANT MATERIALS SHALL CAUSE THE REJECTION OF THE SAID PLANT MATERIAL UNLESS OTHERWISE APPROVED IN WRITING BY RWA, INC
18. ALL PLANT MATERIAL SIZES SPECIFIED IN THESE DRAWINGS ARE MINIMUMS.
19. THE CONTRACTOR SHALL BE RESPONSIBLE TO MEET OR EXCEED THE SPECIFIED SIZES OF HEIGHT, SPREAD, AND CALIPER. CONTRACTOR IS RESPONSIBLE TO TAKE THIS IN CONSIDERATION IN THE BIDDING PROCESS AND NOTIFY RWA, INC OF MATERIAL AVAILABILITY ISSUES. FAILURE TO DO SO, SHALL CONTRACTUALLY BIND THE CONTRACTOR TO PROVIDE THE REQUIRED SPECIES AND SIZE.
20. ANY INCIDENTAL MATERIAL COST INCREASES TO PROVIDE THE REQUIRED SPECIES AND SIZE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IF NOT STATED IN WRITING PRIOR TO BIDDING.
21. WHEN A HEIGHT, SPREAD, AND / OR CALIPER IS IN CONFLICT WITH A SPECIFIED CONTAINER SIZE, THE CONTRACTOR SHALL BE REQUIRED TO MEET THE FORMER OF THE SPECIFICATIONS AND INSTALL AN APPROPRIATELY SIZED CONTAINER PLANT MATERIAL TO COMPLY WITH THE HEIGHT, SPREAD, OR CALIPER AS SPECIFIED IN THESE DRAWINGS.
22. ANY REFERENCE TO CONTAINER SIZES IN THESE DRAWINGS ARE MINIMUMS REQUIRED FOR PROPER ROOT DEVELOPMENT.
23. A SMALLER CONTAINER SIZE SHALL NOT BE INSTALLED WITHOUT WRITTEN APPROVAL FROM RWA, INC
24. ALL BALLED AND BURLAPPED PLANT MATERIALS SHALL BE FRESHLY DUG, SOUND / SECURE IN THE ROOTBALL, AND POSSESS AN ADEQUATE ROOT SYSTEM TO ENSURE VIGOR. PREVIOUS ROOT PRUNING IS HIGHLY SUGGESTED.
25. ALL BIO-DEGRADABLE BURLAP SHALL BE CAREFULLY REMOVED FROM THE TOP ONE-THIRD (1/3) OF THE ROOTBALL AND TUCKED IN THE PLANTING PIT AS NOT TO BE EXPOSED TO AIR.
26. REMOVAL OF THE BIO-DEGRADABLE BURLAP SHALL BE PERFORMED IN SUCH A MANNER AS NOT TO DAMAGE ANY FEEDER ROOTS.
27. ALL NON-BIO-DEGRADABLE BURLAP, ROPE, AND GROW BAGS SHALL BE COMPLETELY REMOVED FROM THE PLANTING PIT.
28. ALL BALLED & BURLAPPED STOCK THAT IS NOT IMMEDIATELY PLANTED (THE DAY OF DELIVERY), SHALL BE HEALED IN AND THOROUGHLY WATERED UNTIL PLANTING. FAILURE TO DO SO, MADE NECESSITATE THE REJECTION OF ANY UNPROTECTED PLANT MATERIALS.
29. LIFTING, MOVING, OR ADJUSTING THE PLANT MATERIAL BY THE TRUNK SHALL BE PROHIBITED UNLESS OTHERWISE APPROVED IN WRITING BY RWA, INC
30. ALL CONTAINER GROWN PLANT MATERIAL SHALL BE WELL-ROOTED, NOT ROOT BOUND, AND GROWN IN THE SAME CONTAINER WHICH IT IS DELIVERED TO THE PROJECT SITE. LIFTING AND MOVING OF THE PLANT MATERIALS SHALL BE BY THE CONTAINER ONLY.
31. ALL CONTAINER GROWN PLANT MATERIAL THAT IS NOT IMMEDIATELY PLANTED, SHALL BE WATERED THOROUGHLY AND STORED IN A MANNER AS TO SHADE THE CONTAINERS FROM DIRECT SUNLIGHT TO MINIMIZE ROOT DAMAGE.
32. ALL CONTAINER GROWN PLANT MATERIAL SHALL BE THOROUGHLY WATERED IN THEIR RESPECTIVE CONTAINERS IMMEDIATELY PRIOR TO INSTALLATION.
33. TREE HEIGHTS SHALL BE MEASURED FROM GROUND TO THE AVERAGE BRANCH HEIGHT OF THE CANOPY.
34. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK AND SHALL NOT INCLUDE ANY TERMINAL GROWTH.
35. SHRUB HEIGHTS SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE POINT WHERE MATURE PLANT GROWTH STOPS.
36. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS.
37. MEASUREMENT SHALL NOT INCLUDE ANY TERMINAL GROWTH.
38. PALMS SHALL BE MEASURED BY THREE HEIGHT CLASSIFICATIONS AS SPECIFIED IN THESE PLANS BASED ON SPECIES:
39. OVERALL HEIGHT (OA) SHALL BE MEASURED FROM THE FROM THE GROUND TO THE AVERAGE FROND HEIGHT AT TIME OF INSTALLATION.
40. CLEAR TRUNK (CT) SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE BOTTOM OF THE FROND SHEATH.
41. GRAY WOOD (GW) SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE TOP OF HARDENED WOOD.

PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS.

1. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL BE FREE FROM HEAVY CLAY, STONES, LIMESTONE, LUMPS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS AND NOXIOUS VEGETATION.
2. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH.
3. PIT PLANTING BACKFILL MATERIALS SHALL BE A FERTILE, FRIABLE, NATIVE SOIL, ORGANIC AMENDMENTS (IF REQUIRED)
4. WITHOUT MIXTURE OF SUBSOIL MATERIALS.
5. PIT PLANTING BACKFILL MATERIALS FOR FIELD GROWN PLANT MATERIALS SHALL BE NATIVE SOIL FROM THE EXCAVATION OF THE PLANTING PIT PIT PLANTING

BACKFILL MATERIALS FOR CONTAINER GROWN PLANT MATERIALS SHALL BE AMENDED TO A RATIO OF ONE HALF (1/2) NATIVE SOIL & ONE HALF (1/2) APPROVED ORGANIC.

7. AMEND PLANTING BEDS WITH 3" MINIMUM OF APPROVED ORGANICS AND OCOTILLO TO A DEPTH OF 6".
8. GRADE PLANTING BEDS AS TO ASSURE PROPER DRAINAGE AWAY FROM PLANT MATERIALS AND STRUCTURES.
9. INCORPORATE A COMPLETE SLOW RELEASE FERTILIZER BY TILLING.
10. INSTALL OTHER REQUIRED SOIL AMENDMENTS PER MANUFACTURER'S OR INDEPENDENT LAB'S RECOMMENDATIONS TO ACHIEVE OPTIMAL PH LEVELS (5.5-6.5) WITHIN THREE (3) MONTHS OF PLANTING.
11. THE RESULTS OF PRE AND POST SOIL MODIFICATION TESTING SHALL BE SUBMITTED TO RWA, INC'S FOR APPROVAL PRIOR TO PLANTING.
12. SELECT AND MIX TESTING SAMPLES' LOCATIONS BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY.
13. ALL GRADING AND BED PREPARATION SHALL BE SUBJECT TO MORRIS-DEPEW ASSOCIATES, INC FINAL APPROVAL.
14. ANY REJECTED GRADING AND BED PREPARATION SHALL BE REMEDIED AT THE CONTRACTORS EXPENSE.
15. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL BE FREE FROM HEAVY CLAY, STONES, LIMESTONE, LUMPS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS AND NOXIOUS VEGETATION.
16. PLANTING BED SOIL AND PIT PLANTING BACKFILL MATERIALS SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH.
17. PIT PLANTING BACKFILL MATERIALS SHALL BE A FERTILE, FRABLE, NATIVE SOIL, ORGANIC AMENDMENTS (IF REQUIRED) WITHOUT MIXTURE OF SUBSOIL MATERIALS.
18. PIT PLANTING BACKFILL MATERIALS FOR FIELD GROWN PLANT MATERIALS SHALL BE NATIVE SOIL FROM THE EXCAVATION OF THE PLANTING PIT
19. PIT PLANTING BACKFILL MATERIALS FOR CONTAINER GROWN PLANT MATERIALS SHALL BE AMENDED TO A RATIO OF ONE HALF (1/2) NATIVE SOIL & ONE HALF (1/2)APPROVED ORGANIC.
20. AMEND PLANTING BEDS WITH 3" MINIMUM OF APPROVED ORGANICS AND ROTO TILL TO A DEPTH OF 6".
21. GRADE PLANTING BEDS AS TO ASSURE PROPER DRAINAGE AWAY FROM PLANT MATERIALS AND STRUCTURES.
22. INCORPORATE A COMPLETE SLOW RELEASE FERTILIZER BY TILLING.
23. INSTALL OTHER REQUIRED SOIL AMENDMENTS PER MANUFACTURER'S OR INDEPENDENT LAB'S RECOMMENDATIONS TO
24. ACHIEVE OPTIMAL PH LEVELS (5.5-6.5) WITHIN THREE (3) MONTHS OF PLANTING.
25. THE RESULTS OF PRE AND POST SOIL MODIFICATION TESTING SHALL BE SUBMITTED TO RWA, INC'S
26. FOR APPROVAL PRIOR TO PLANTING.
27. SELECT AND MIX TESTING SAMPLES' LOCATIONS BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY.
28. ALL GRADING AND BED PREPARATION SHALL BE SUBJECT TO MORRIS-DEPEW ASSOCIATES, INC FINAL APPROVAL.
29. ANY REJECTED GRADING AND BED PREPARATION SHALL BE REMEDIED AT THE CONTRACTORS EXPENSE.

COMMERCIAL FERTILIZER.

1. FERTILIZERS SHALL BE UNIFORM IN COMPOSITION, DRY, AND FREE FLOWING AND DELIVERED TO THE SITE IN ORIGINAL UNOPENED BAGS BEARING ALL THE MANUFACTURER'S LABELS.
2. ALL FERTILIZER IS TO BE SLOW RELEASE AND COMPLETE WITH NECESSARY MICRONESIAN.
3. AFTER INSTALLATION, FERTILIZER SHALL BE CLEANED FROM ALL HARDSCAPES SURFACES AND WATERED IN THOROUGHLY PER MANUFACTURER'S SPECIFICATIONS.
4. TREES AND SHRUBS MIXTURE SHALL CONSIST OF A SLOW RELEASE THE FORMULATION OF THREE (3) PARTS NITROGEN TO ONE (1) PART PHOSPHOROUS TO TWO (2) PARTS POTASSIUM (3-2 RATIO) AT A RATE OF FOUR TO SIX (4-6) POUNDS PER ONE HUNDRED (100) SQUARE FEET .
5. ALL TREES AND SHRUBS SHALL BE FERTILIZED BY MONTHLY DURING THE GROWING SEASON AT A RATE OF FOUR TO SIX (4-6) POUNDS PER ONE HUNDRED (100) SQUARE FEET OF BEDS / TREE CANOPY (THREE (3) FEET FORM BASE TO DRILLINE) OR PER MANUFACTURE'S RECOMMENDATION.
6. SOD FERTILIZER SHALL BE TURF SPECIFIC FOR ESTABLISHING NEW LAWNS AND APPLIED PER MANUFACTURE'S RECOMMENDATION.
8. UPON ESTABLISHMENT, THE TURF SHALL BE FERTILIZED AT A RATE OF ONE (1) POUND OF ACTUAL NITROGEN PER THOUSAND (1000) SQUARE FEET OR PER MANUFACTURE'S RECOMMENDATION.
9. BAHIA TURF SHALL RECEIVE FERTILIZATION AT A HALF (1/2) RATE OF POUND OF ACTUAL NITROGEN PER THOUSAND (1000) SQUARE FEET OR PER MANUFACTURE'S RECOMMENDATIONS.
10. APPLY ONE HALF (1/2) POUND OF A PALM SPECIFIC ONE (1) PART NITROGEN TO ONE (1) PART POTASSIUM WITH THREE TENTHS (0.3) PARTS MAGNESIUM FERTILIZER FOR ALL ESTABLISHED PALMS PER TWO (2) OF HEIGHT OR PER MANUFACTURE'S
11. RECOMMENDATION.

MULCH.

1. MULCH MATERIAL SHALL BE FORESTRY RESOURCES VITA MULCH, OR AS SPECIFIED ON THE DRAWINGS, OR APPROVED SUBSTITUTE PRIOR TO PROCUREMENT BY RWA, INC IN WRITING.
2. MULCH MATERIAL SHALL BE UNIFORM, FREE FROM WEED SEEDS, AND CLEAN OF DEBRIS.
3. MULCH MATERIAL SHALL BE APPLIED UNIFORMLY TO A MINIMUM 3" SETTLED DEPTH AFTER WATERING IN.
4. A 12" X 24" MULCH SHALL BE MAINTAINED ALONG THE ENTIRE EDGE OF THE PLANTING BED.
5. MULCH SHALL NOT BE PLACED WITHIN 3" FROM SHRUB CROWNS AND 6" FROM TREE AND PALM TRUNKS.
6. SNAPSHOT OR APPROVED EQUAL IN WRITING BY MORRIS-DEWEY ASSOCIATES, INC PRIOR TO PROCUREMENT SHALL BE APPLIED PER MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION OF MULCH.
7. NO MULCH SHALL BE APPLIED TO ANY PLANTINGS LOCATED WITHIN A STORMWATER MANAGEMENT AREA.

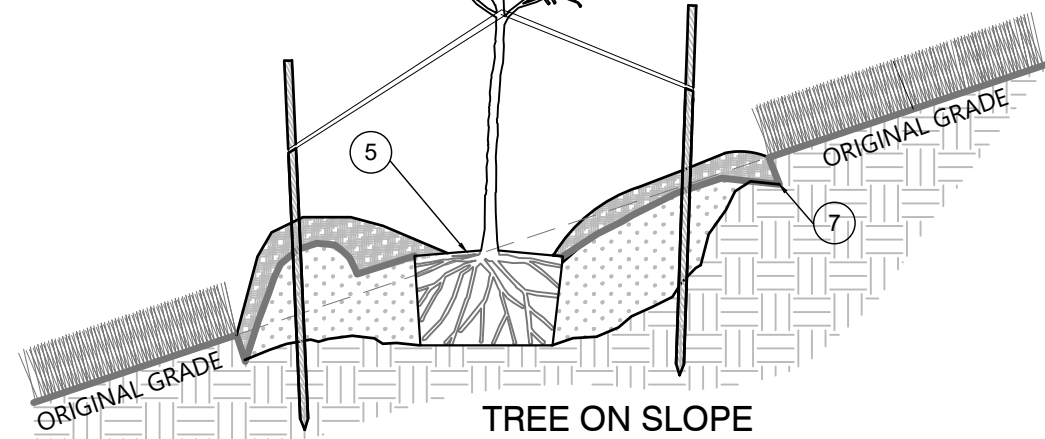
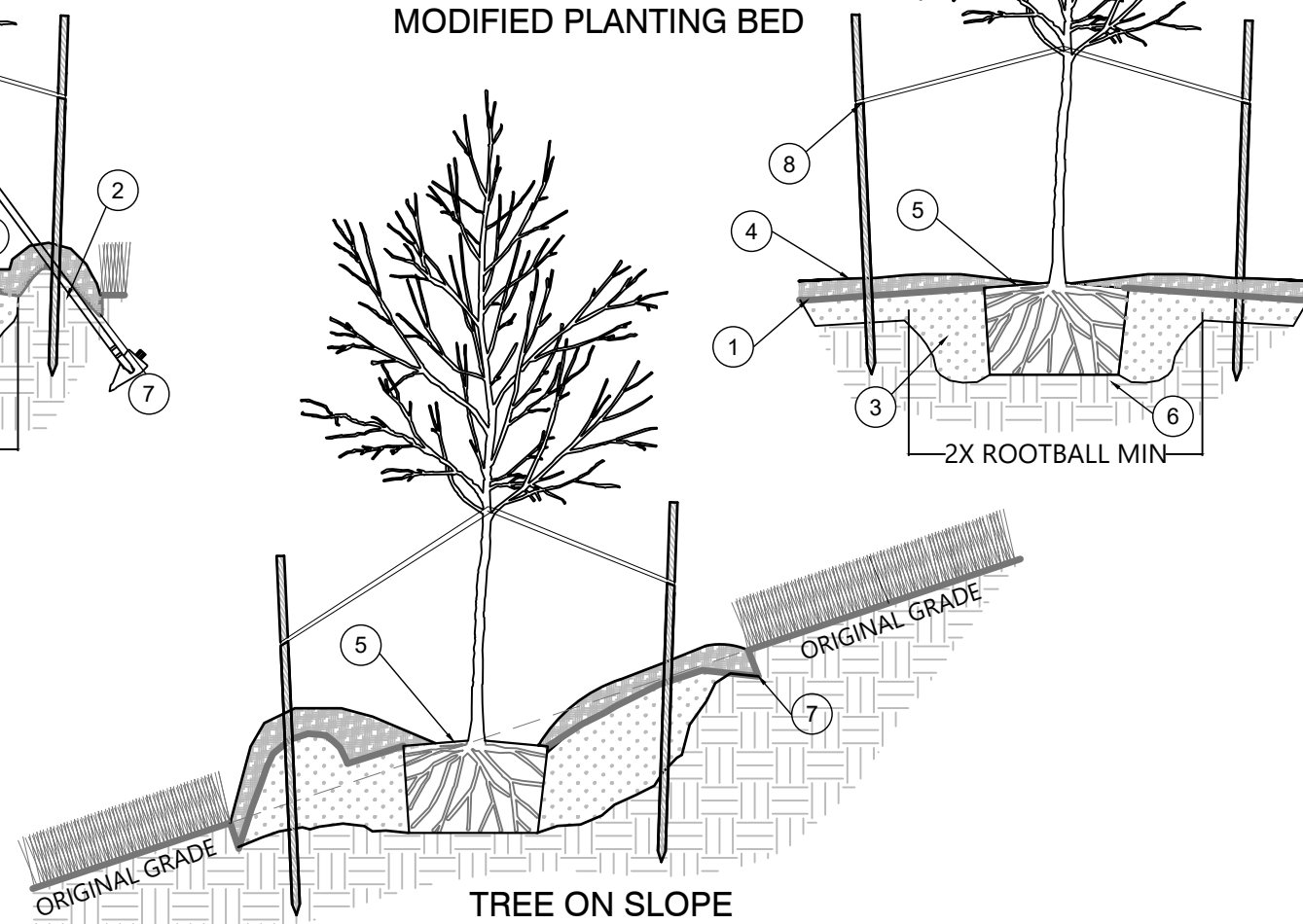
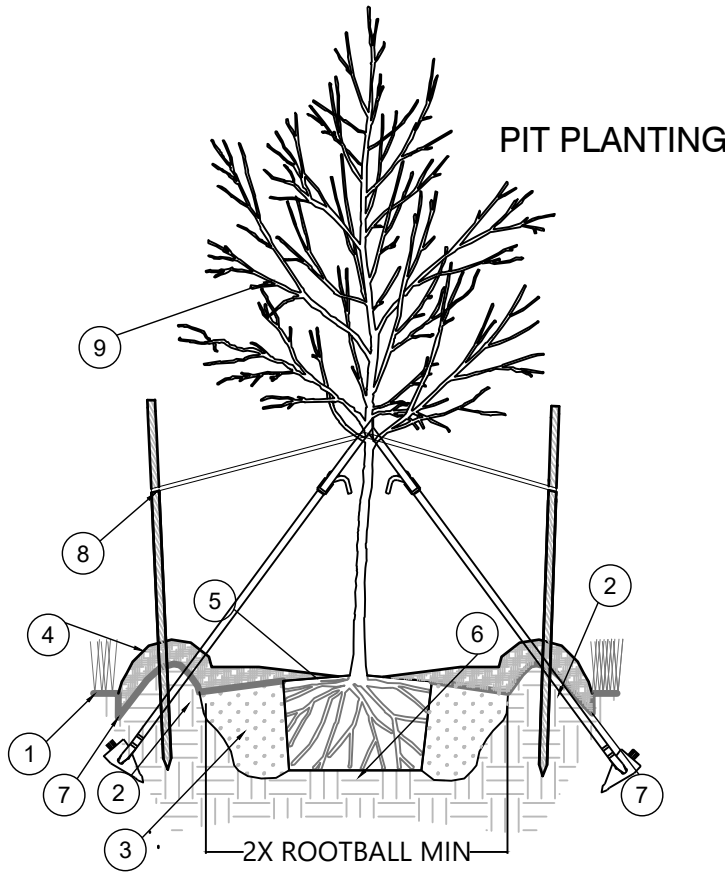
SOD.

1. ALL SOD SHALL BE FLORATAM ST. AUGUSTINE UNLESS OTHERWISE STATED IN THESE PLANS.
2. ALL SOD SHALL MEET FLORIDA STATE PLANT BOARD SPECIFICATIONS, ABSOLUTELY TRUE TO VARIETY TYPE.
3. ALL SOD SHALL BE HEALTHY, WEED-FREE, INSECT-FREE AND DISEASE FREE.
4. ALL SOD JOINTS SHALL BE STAGGERED IN A RUNNING BOND PATTERN, AND INSTALLED BUTT TIGHT TO MINIMIZE AIR GAPS.
5. THE GRADE SHALL BE SMOOTH, FREE OF DEBRIS, POSITIVELY DRAINED, AND MOIST PRIOR TO SOD INSTALLATION.
6. ALL SOD JOINTS SHALL BE STAGGERED IN A "RUNNING BOND" PATTERN.
7. GAPS BETWEEN THE JOINTS SHALL NOT BE ACCEPTED.
8. ALL CUT PIECES OF SOD LESS THAN ONE HALF (1/2) A PIECE SHALL BE INSTALLED BETWEEN TWO (2) FULL PIECES TO INCREASE SURVIVABILITY.
9. THE SOD SHALL BE ROLLED IN TWO (2) DIRECTIONS PERPENDICULAR FROM ONE ANOTHER AFTER INSTALLATION AND WATER APPLICATION TO ENSURE PROPER GROUND CONTACT.
10. IN AREAS WHERE A ROLLER CANNOT BE USED, HAND TAMPING SHALL BE REQUIRED.
11. SOD SHALL BE INSTALLED AND WATERED WITHIN 24 HOURS AFTER HARVESTING.
12. ANY SOD LEFT ON A PALLET LONGER THAN TWENTY FOUR HOURS SHALL BE REJECTED AT THE CONTRACTOR'S EXPENSE.
13. ALL SOD SHALL BE SUBJECT TO RWA, INC FINAL APPROVAL.
14. ANY REJECTED SOD SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.

				 12800 University Drive, Suite 175 Fort Myers, Florida 33907 (239) 597-0575 FAX: (239) 597-0578 www.consult-rwa.com Florida Certificates of Authorization EB 7663 LB6952				DATE: MARCH 2004				HORIZ. SCALE (FULL): #####				CLIENT: MYERSIDE, LLC								PROJECT: MYERSIDE				 08:21:24 -04'00" THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. JAMES M. MCCORD FLORIDA LICENSE NO. 6666882			
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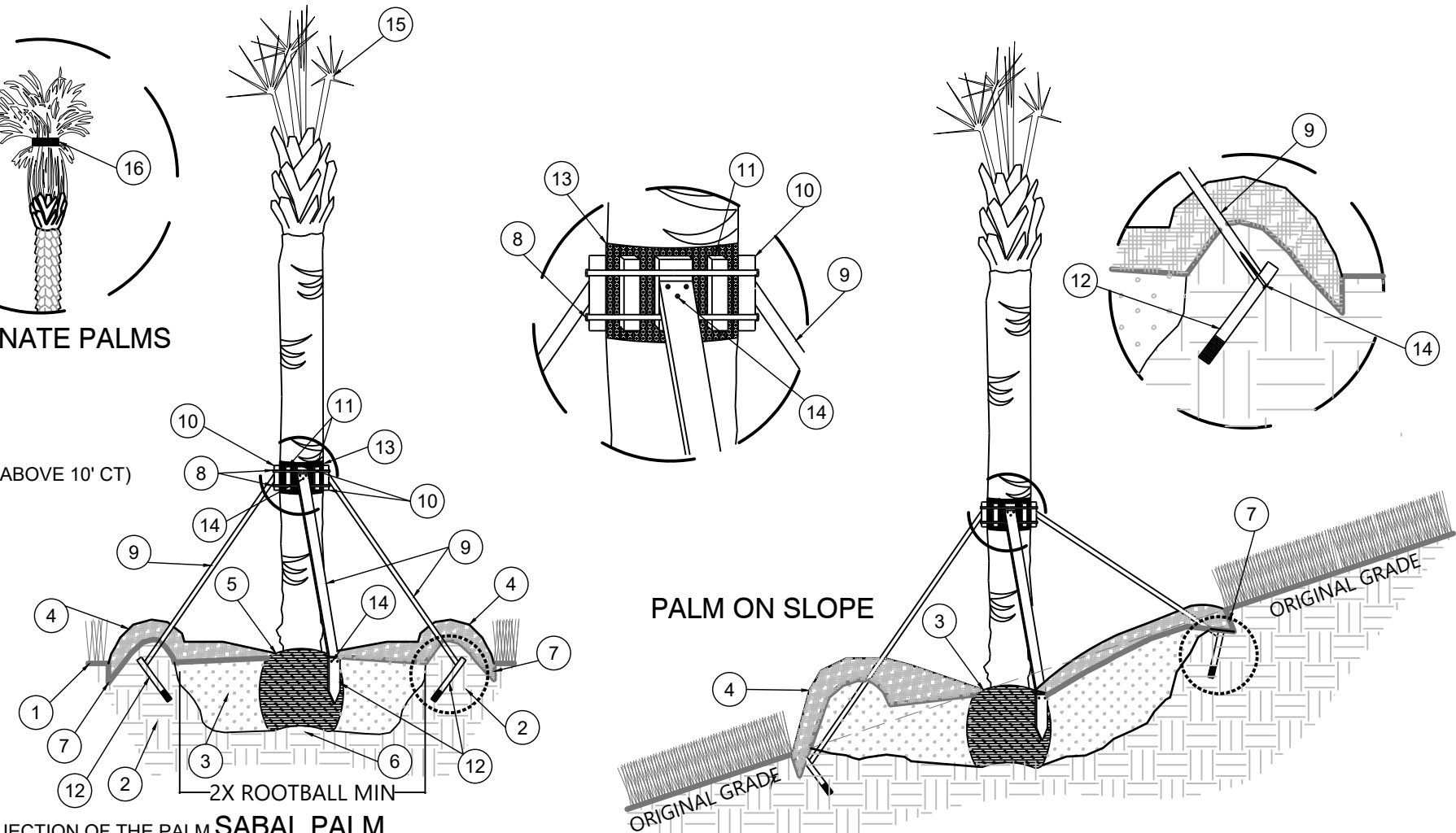
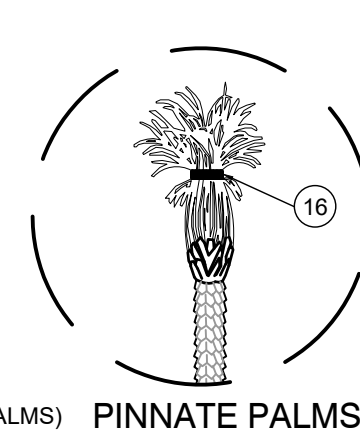
1. FINISH GRADE
2. 4" X 6" COMPACTED SOIL BASIN RING
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN TREES)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. UNDISTURBED / RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. TREE STAKES (SEE STAKING DETAIL)
9. TREE CROWN (SEE CROWN DETAILS)

NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004) AND FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK.
TRUNK CALIPER MEASUREMENTS SHALL MEET FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK.
PLANTING HOLE TO BE A MIN. OF 2X THE WIDTH OF ROOT BALL FOR AT LEAST THE FIRST 12" OF DEPTH AND DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH OR FILL AND COMPACT TO 90% RELATIVE COMPACTION. THE PLANTING HOLE SUB-GRADE AND SIDES SHOULD BE SCARIFIED WHEN 15%+ CLAY SOILS EXIST. THE TOP-MOST ROOTS SHOULD BE VISIBLE AT THE SURFACE OF THE ROOT BALL.
THE TREE TRUNK SHALL NOT BE USED FOR LIFTING / LEVERAGE. LIFT AND SET THE TREE BY ROOT BALL ONLY. REMOVE BURLAP, WIRE AND STRAPS FROM THE UPPER 1/3 OF THE ROOT BALL AFTER THE TREE IS SET IN PLACE. REMOVE ANY TRUNK WRAP REMAINING, CLOSE STAKING, GROW BAG, TAGS, AND TAGGING TAPE AT TIME OF PLANTING.
NO MULCH TO BE PLACED WITHIN 3" OF TRUNK WITH NO MORE THAN 1" OF MULCH PLACED UPON ROOT BALL BACKFILL WITH CLEAN, MODIFIED, WELL-TILLED / BROKEN UP NATIVE SOIL AND ADD APPROPRIATE SOIL AMENDMENT BASED ON SOIL TESTING. DO NOT ADD BACKFILL AMENDMENTS FOR PIT PLANTED B&B TREES. COMPACT BACKFILL TO MINIMIZE AIR POCKETS WITH EVERY 6" LIFTS OF FILL. DO NOT OVER COMPACT SOIL & SETTLE BACK FILL WITH WATERING IN. WATER TREE AFTER FULLY BACKFILLED.
ROOT BALL IS TO REST ON SOIL BASE AND TO BE INSTALLED 1"-2" ABOVE GRADE TO ALLOW FOR SETTLING. FOR WET SOILS, INSTALL ROOT BALL HIGHER AND GRADE TO IT AS REQUIRED FOR PROPER OXYGEN INTAKE OF THE TREE. INSTALL GRAVEL WELLS THROUGH CONFINING LAYERS IF HOLE FAILS PERCUSSION TESTS.
CREATE A 6" BASIN RING AROUND ENTIRE OUTER EDGE OF TREE PIT, LOCATING THE INSIDE EDGE ALONG THE EXCAVATION AND COMPACT BASIN PRIOR TO MULCHING ON ALL SIDES TO RETAIN WATER.
FOR SLOPED PLANTINGS, ORIGINAL SLOPE SHOULD PASS THROUGH THE POINT WHERE THE TRUNK BASE MEETS SUBSTRATE/SOIL.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
CORRECT TREE CROWN AND ROOT BALL AS REQUIRED FOR PROPER CANOPY GROWTH AND ROOT DEVELOPMENT.
STAKE / GUY TREE ACCORDING TO APPROPRIATE DETAIL.



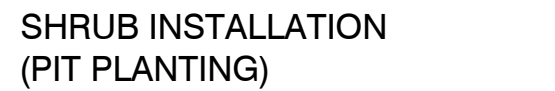
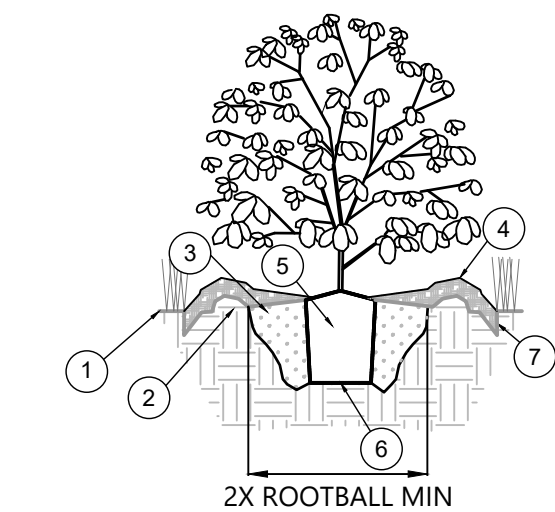
1. FINISH GRADE
2. UNDISTURBED OR 90% TO 95% COMPACTED SOIL
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN PALMS)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. STAINLESS STEEL MOUNTING STRAPS WITH ADJUSTABLE BRACKETS
9. 2" X 4" BRACE (3 MIN @ 120 DEG FOR UP TO 10' CT & 4 MIN @ 90 DEG FOR ABOVE 10' CT)
10. 2" X 4" BATTEN (1 PER BRACE ATTACHED WITH SCREWS)
11. 1" X 2" BATTEN (# AS NECESSARY)
12. 2" X 4" STAKE (1 PER BRACE ATTACHED WITH SCREWS)
13. NATURAL BURLAP (3 LAYERS MIN BETWEEN BATTENS AND TRUNK)
14. EXTERIOR DECK SCREWS (OR STAINLESS STEEL SHANK NAIL)
15. HURRICANE CUT
16. NATURAL JUTE ROPE TO TIE FRONDS

NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
BRACE PALM ACCORDING TO APPROPRIATE STAKING / GUYING DETAIL.
BRACE LOCATIONS SHALL NOT INTERFERE WITH PEDESTRIAN WAYS.
BRACES TO BE REMOVED WITHIN 1 YEAR OF INSTALLATION.
NO BURNT PALMS WILL BE ACCEPTED.
DO NOT SCREW (OR TOE NAIL) BATTENS INTO THE TRUNK OF THE PALM.
ANY TRUNK DAMAGE CAUSED BY NAILS OR SCREWS WILL GIVE CAUSE TO REJECTION OF THE PALM.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
NO FEATHER DUSTER PRUNING. FRONDS SHOULD MAKE A HALF CIRCLE AT A MIN.
HURRICANE CUT ALL SABAL PALMS.
PALM STAKES TO BE PLACED BELOW GRADE TO NECESSARY DEPTH DETERMINED BY SOIL STRUCTURE TO PROVIDE PROPER STABILIZATION.
PLACE BATTENS AND INSTALL ENOUGH BATTENS AS REQUIRED FOR BAND NOT TO COME INTO DIRECT CONTACT WITH TRUNK.
THE TOP-MOST ROOTS SHOULD BE VISIBLE AT THE SURFACE OF THE ROOT BALL.



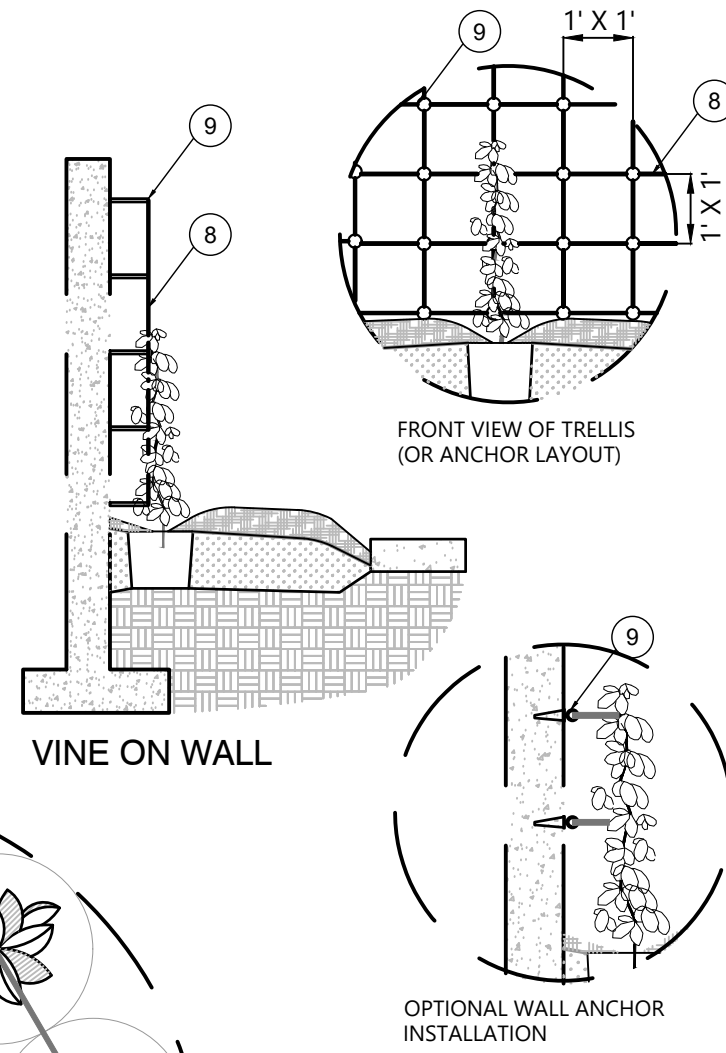
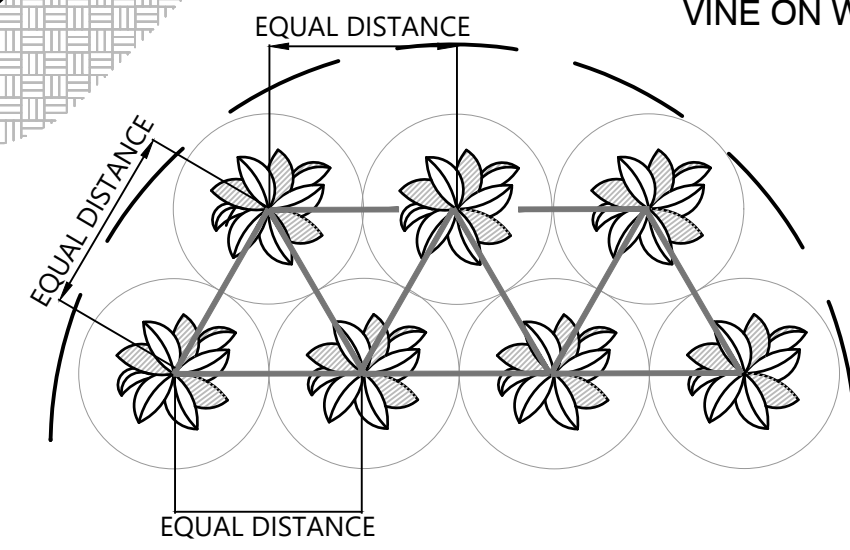
1 TREE INSTALLATION

URBAN TREE FOUNDATION © 2014



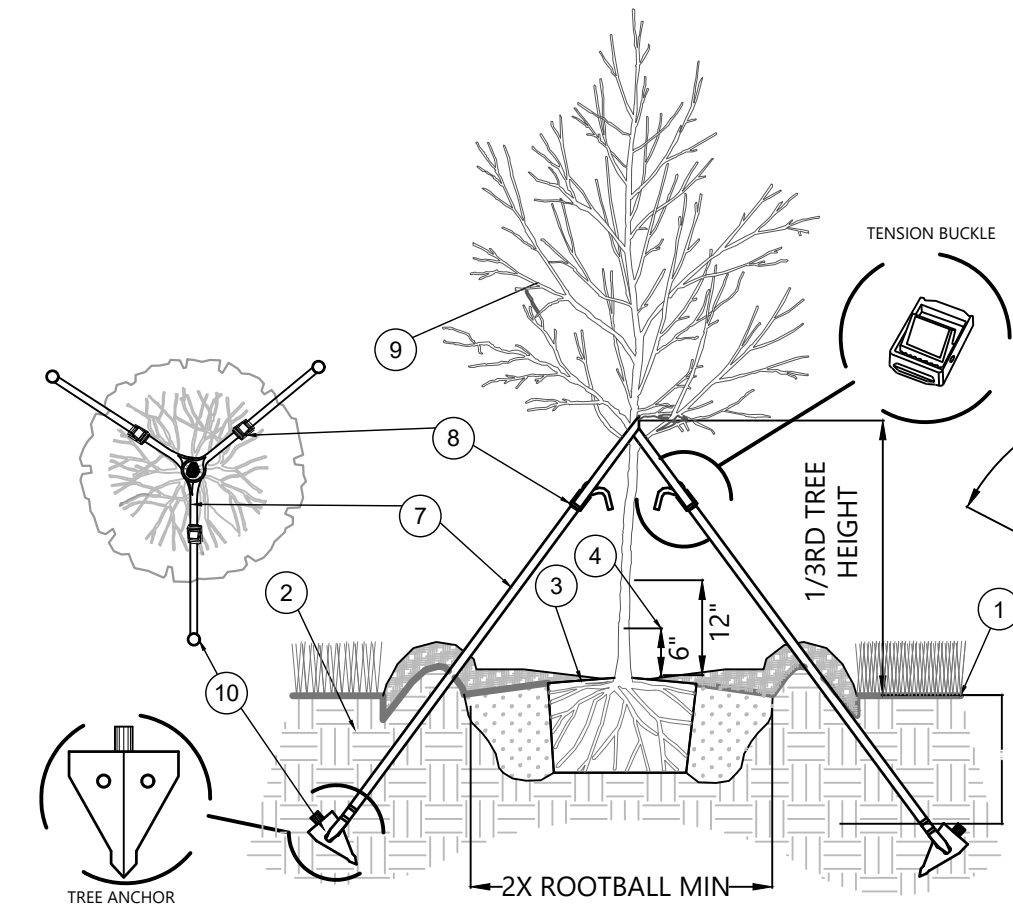
1. FINISH GRADE
2. 3" X 6" COMPACTED SOIL BASIN RING
3. MODIFIED SOIL BACKFILL (ONLY FOR CONTAINER GROWN)
4. 3" MIN MULCH LAYER
5. ROOT BALL (MODIFY ACCORDINGLY)
6. RE-COMPACTED SOIL BASE
7. BED EDGE TRENCH
8. STAINLESS STEEL WIRE TRELLIS (OR APPROVED OTHER)
9. STAINLESS STEEL ANCHOR AND EYE HOOK MOUNTING METHOD (OR APPROVED OTHER)

NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004).
PLANTING HOLE TO BE A MIN. OF 2X THE WIDTH OF ROOT BALL FOR AT LEAST THE FIRST 12" OF DEPTH AND DO NOT DIG THE HOLE DEEPER THAN ROOT BALL DEPTH. ROOT BALL IS TO REST ON SOIL BASE THAT IS TO BE COMPACTED TO 90% RELATIVE COMPACTION.
THE PLANTING HOLE THE SUB-GRADE AND SIDES SHOULD BE SCARIFIED WHEN PLANTING IN 15% OR MORE CLAY SOILS.
LIFT AND SET THE SHRUB BY ROOT BALL / CONTAINER ONLY. DO NOT LIFT VIA TRUNK.
IF B&B, PLACE SHRUB IN PLANTING HOLE. REMOVE BURLAP, WIRE AND STRAPS FROM AT LEAST THE UPPER 1/3 OF THE ROOT BALL.
FOR CONTAINER STOCK, AMEND ROOT BALL AS REQUIRED FOR PROPER GROWTH AND ROOT DEVELOPMENT AND MIX WITH EXISTING SOIL THAT HAS BEEN WELL-TILLED OR BROKEN UP. DO NOT ADD AMENDMENTS TO THE BACKFILL SOIL FOR B&B SHRUBS. USE CLEAN BACKFILL AND APPROPRIATE SOIL AMENDMENT BASED ON SOIL TESTING.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
REMOVE ANY NURSERY TAGS, AND TAGGING TAPE AT TIME OF PLANTING. NO WRAPS SHALL BE PLACED ON TRUNK.
LIGHTLY COMPACT TO MINIMIZE AIR POCKETS EVERY 6" LIFTS OF FILL, DO NOT OVER COMPACT SOIL & SETTLE BACK FILL WITH WATERING IN.
ROOT BALL TO BE INSTALLED 1"-2" ABOVE GRADE TO ALLOW FOR SETTLING. FOR WET SOILS, INSTALL ROOT BALL HIGHER AND GRADE TO IT AS REQUIRED FOR PROPER OXYGEN INTAKE OF THE SHRUB.
FOR SLOPED PLANTINGS, ORIGINAL SLOPE SHOULD PASS THROUGH THE POINT WHERE THE TRUNK BASE MEETS SUBSTRATE/SOIL.
LOCATE INSIDE OF BASIN RING TO OUTER EDGE OF TREE PIT AND COMPACT IT ON ALL SIDES TO RETAIN WATER.
NO MULCH TO BE INSTALLED WITHIN 3" OF TRUNK.
NO MORE THAN 1" OF MULCH TO BE INSTALLED UPON ROOT BALL OF SHRUB.



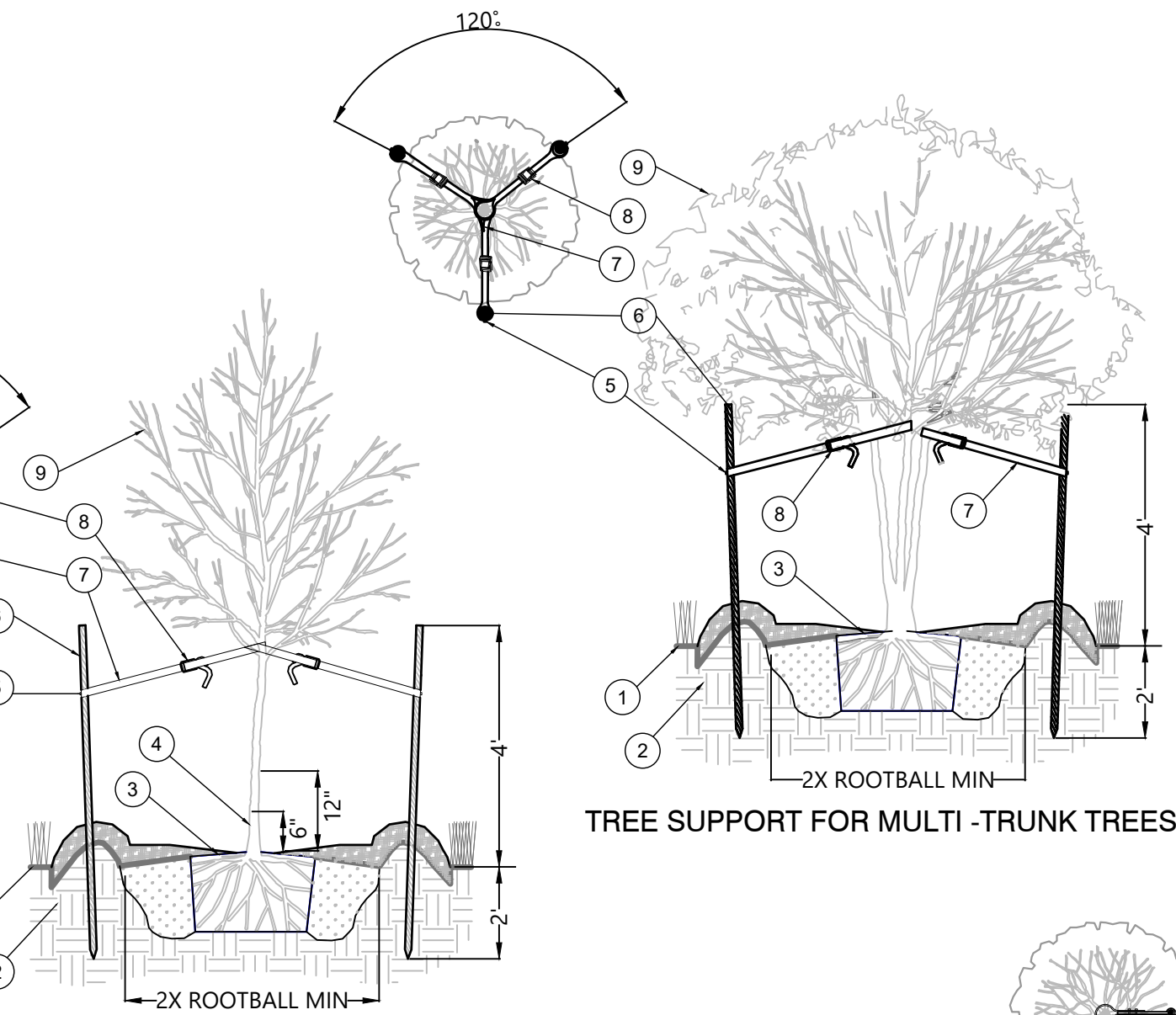
3 PALM TREE INSTALLATION / BRACING

URBAN TREE FOUNDATION © 2014



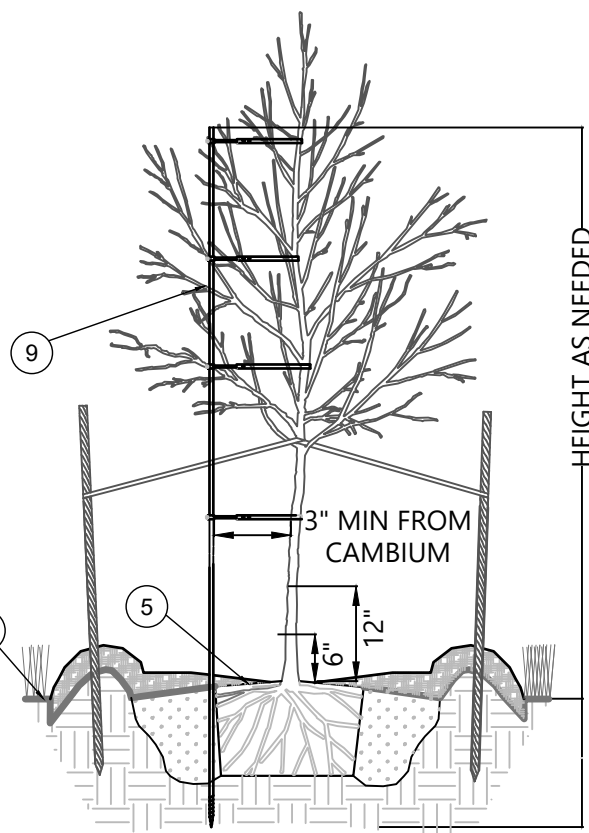
1. FINISH GRADE
2. UNDISTURBED OR 90% TO 95% COMPACTED SOIL
3. ROOT BALL
4. TRUNK CALIPER (MEASURED AT 6" UP TO 4" CAL & AT 12" FOR >4" CAL TREES) (DBH ONLY APPLIES TO EXISTING TREES PER STATE OF FLORIDA)
5. STAINLESS STEEL FASTENER (LAG SCREW WITH WASHER)
6. 3" WOODEN LODGE POST OR HEAVY DUTY METAL T-POST
7. 3/4" MILITARY GRADE EXTERIOR WEBBING STRAP
8. TENSION BUCKLE
9. TREE ANCHOR
10. TREE ANCHOR
11. 1" METAL POLE FOR CENTRAL LEADER CONNECTION
12. NON-ABRASIVE RUBBER NURSERY STRAP

NOTES:
SEE DRAWINGS FOR SPECIFIED SIZES, SPECIES AND GRADES.
STAKE TREE ACCORDING TO APPROPRIATE STAKING / GUYING DETAIL. STAKE LOCATIONS SHALL NOT INTERFERE WITH PERMANENT BRANCHES. STAKES TO BE REMOVED WITHIN 1 YEAR OF INSTALLATION.
REMOVE ANY CLOSE STAKING FROM NURSERY. IF CENTRAL LEADER NEEDS CORRECTION, IT IS ACCEPTABLE TO MOVE STAKE OR RE-STAKE WITH A METAL POLE TO THE CENTRAL LEADER AND TRUNK WITH A MIN GAP OF 3" FROM CAMBIUM TO ALLOW FOR PROPER CELL FORMATION.
1" DIAM SINGLE METAL STAKE WITH METAL ARM BAR SECURED TO STAKE AND RUBBER STRAP AROUND TRUNK. HEIGHT OF ARM BAR SHALL VARY PER TREE. CONTRACTOR TO ADJUST AS NEEDED TO HOLD TREE ERECT. USE NON - ABRASIVE RUBBER TIES.
PRUNING SHALL BE LIMITED TO DEAD, DISEASED, OR BROKEN LIMBS ONLY AND SHALL BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
AMEND TREE CROWN AND ROOT BALL AS REQUIRED FOR PROPER CANOPY GROWTH AND ROOT DEVELOPMENT.
TREE ANCHOR DRIVEN BELOW GRADE TO NECESSARY DEPTH DETERMINED BY SOIL STRUCTURE. (1.5' - 2.5' FEET AS NECESSARY)
INSTALL A TENSION BUCKLE ON EACH STRAP. LOOP LOOSE END OF WEBBING AROUND LEADING BRANCH OF TREE. TIE 1/2 KNOT ONTO BACKSIDE OF BUCKLE. PULL BUCKLE TOWARDS TREE ANCHOR TO TENSION LINE.
START STAKING OR GUYING BY PLACING FIST STAKE / ANCHOR ON THE SIDE OF THE PREVAILING WIND PREVAILING WIND.
INSTALL CORRECTIVE STAKE A MIN OF 3" AWAY FROM THE CAMBIUM. STAKES AND ANCHORS TO BE INSTALLED IN UNDISTURBED SOIL.
WOOD STAKES, METAL T-POSTS, AND TREE ANCHORS ARE TO BE DRIVEN INTO UNDISTURBED SOIL A MINIMUM OF 1.5' TO 2.5'. PLACE STAKES IN TREE BASIN. METAL T-POSTS TO BE PAINTED FLAT BLACK. SPACE STAKES / ANCHORS (3 MIN) EQUALLY AROUND THE TREE AT 120 DEGREES OC.
ATTACH 3/4" WEBBING TO CONNECT THE TREE TO STAKES AND ANCHORS. ATTACH WEBBING AT 1/3 THE TREE HEIGHT. USE A STAINLESS STEEL FASTENER TO SECURE WEBBING TO WOOD STAKES. MULTI-TRUNK TREES WILL HAVE ONE WEBBING BAND PER TRUNK IF 3 OR MORE APPROPRIATELY SIZED TRUNKS EXIST.
FOR UP TO 4" CALIPER TREES (3) POLYPROPYLENE GUYLINES 3/4" X 12'=800 LB TEST, OLIVE DRAB, UV RESISTANT (3) NICKEL PLATED SPRING CAM-LOCK TENSION CLIPS FOR UP TO 7" CALIPER TREES (4) POLYPROPYLENE/POLYESTER GUYLINES 1" X 12'=1,000 LB TEST, OLIVE DRAB, UV RESISTANT (4) 1-1/4" NICKEL PLATED, NON-RUSTING SPRING CAM-LOCK TENSION CLIPS (1,500 LB BREAK STRENGTH) (4) ALUMINUM TREE ANCHORS FOR ANY SOIL TYPE



TREE SUPPORT FOR <4" CALIPER

TREE SUPPORT FOR MULTI-TRUNK TREES



CENTRAL LEADER CORRECTION STAKING

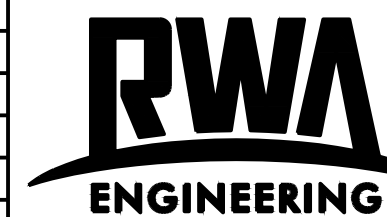
2 SHRUB & VINE INSTALLATION

URBAN TREE FOUNDATION © 2014

4 TREE STAKING / GUYING

URBAN TREE FOUNDATION © 2014

REV #	REVISION	DRAWN	CHECKED	DATE

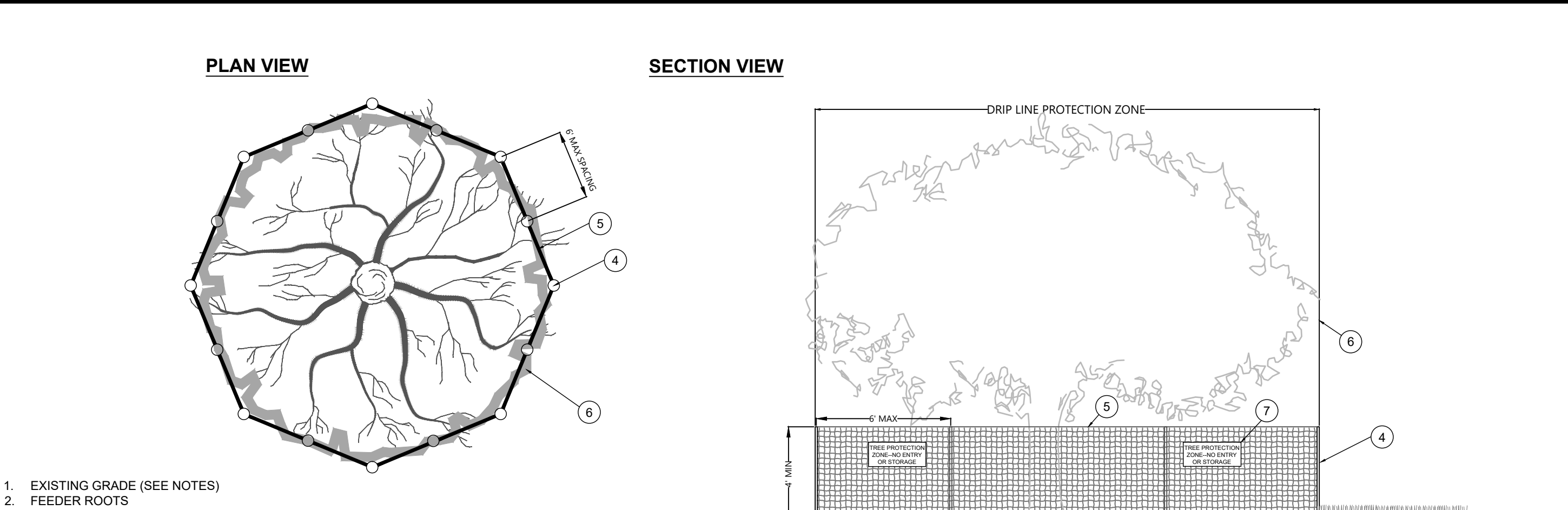


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Florida Certificates of Authorization
EB 7663 LB6952

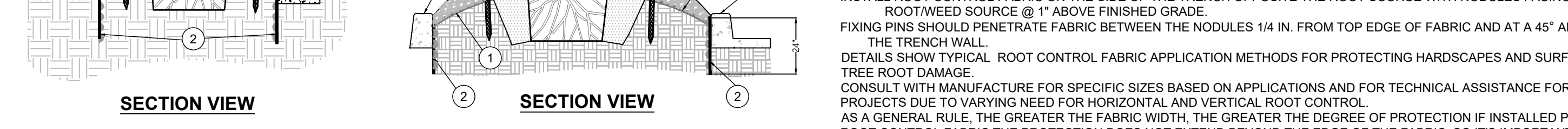
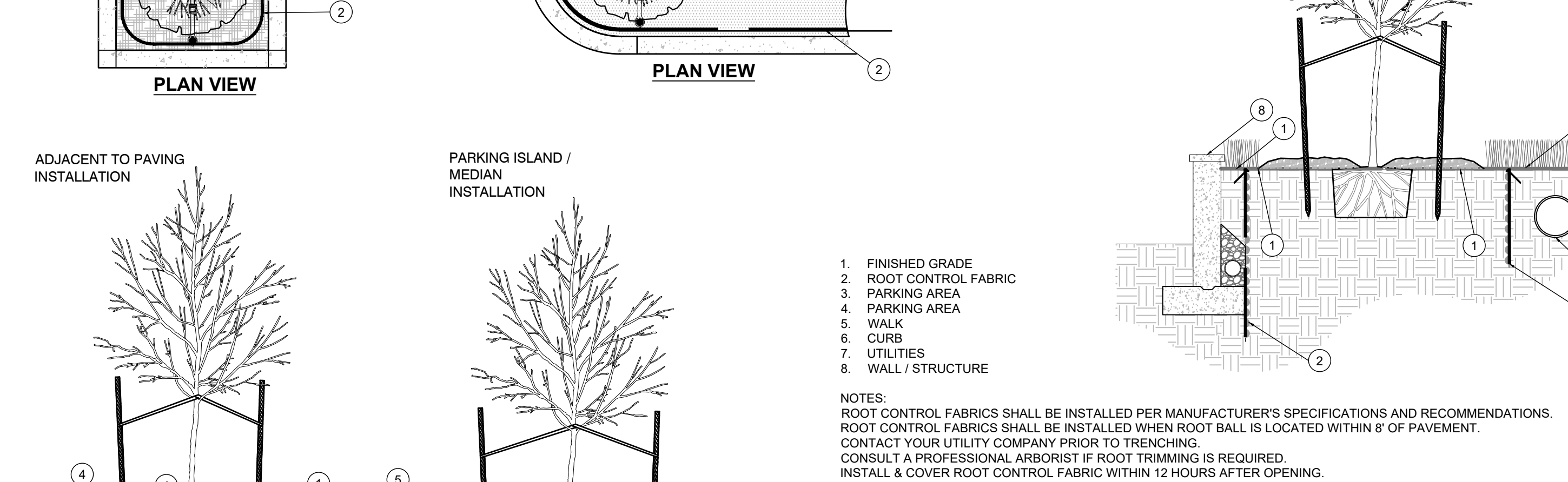
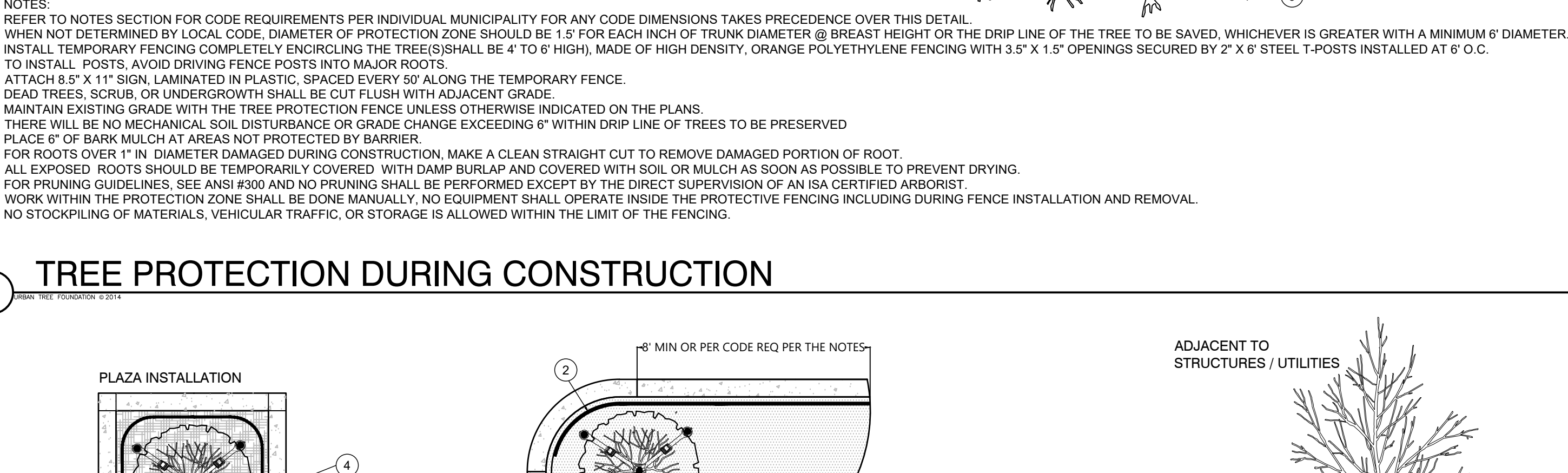
DATE:	MARCH 2004	HORIZ. SCALE (FULL):	###/###/###	CLIENT:	MYERSIDE, LLC
SCH.:	TWP. RGE. 19 46 S 24 E	HORIZ. SCALE (HALF):	1" = ###/###/###	TITLE:	LANDSCAPE CONSTRUCTION DETAILS
DESIGNED:	JMM	VERT. SCALE (FULL):	N/A	PROJECT NO.:	200022 00 01
DRAWN:	JMM	VERT. SCALE (HALF):	N/A	FILE NAME:	200022 00 01 LA PERMIT

PROJECT:	MYERSIDE	SHEET NUMBER:	07 OF 08
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Digitally signed by James M. McCord
Date: 2024.04.17 08:21:47 -04'00'
THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY JAMES M. MCCORD USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED & SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.
JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882



4. 6' METAL T-POST
5. 4' ORANGE SAFETY FENCING
6. PROTECTION ZONE (SEE NOTES)



ROOT CONTROL FABRIC

 Digitally signed
by James M.
McCord
Date:
2024.04.17
08:22:07 -04'00'

THIS IS HAS BEEN ELECTRONICALLY SIGNED & SEAL BY
JAMES M. MCCORD USING A DIGITAL SIGNATURE AND
DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED & SEALED AND THE SIGNATURE
MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

JAMES M. MCCORD
FLORIDA LICENSE NO. 6666882

**THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) Rezone**

NARRATIVE OF REQUEST

BACKGROUND & REQUEST

The subject property is located at 125, 131 – 151 School Street and 2661 – 2681 Estero Boulevard, Fort Myers Beach, FL 33931. The property consists of 3 parcels (19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0230) totaling 1.03+/- acres, situated north of Estero Boulevard., west of School Street, and south of Oak Street (See Figure 1). The property has a Future Land Use (FLU) designation of Boulevard, is within the platted overlay and has a zoning designation of Commercial Planned Development (CPD). The owners of the property are Beverley Milligan and Roland Weinmann who are the officers of Cottages at Myside LLC & Myside LLC (Applicant).



Figure 1. Location Map



The Neighborhood Company, on behalf of the Applicant, Cottages at Myerside LLC & Myerside LLC, is submitting a Commercial Planned Development Rezone petition to request the following:

- Rezone the subject property from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to allow the redevelopment of the prior Myerside Resort and Cottages with a 45-unit boutique hotel, four (4) work/live dwelling units and 9,000 square feet of commercial space, providing for a master planned mixed use project.

Historically, the Myerside property was an assemblage of 7 cottages of varying size and condition. These cottages housed multiple rental units. Prior to the Applicant buying the property in 2015, this site had fallen in disrepair and was often subject to code and police enforcement action. Immediately upon purchase, the property owners began cleaning up the site, making improvements and obtaining appropriate approvals to ensure compliance with town regulations. Mostly notably, they obtained approval for a bed and breakfast on the back part of the property and operated the cottages nearer to Estero Boulevard as vacation rentals. At that time, the subject property was home to 12 units which consisted of rooms, suites and full apartments within the 7 historic cottages. The site also contained amenities including a pool, tiki hut, volleyball court and fire pit.

The Applicant was in the process of further improving and enhancing the property when Ian struck. On May 3rd, 2021, the property owners received approval of Ordinance #21-02 (Permit #20200009) by the Fort Myers Beach Town Council which rezoned the property from Residential Conservation (RC) to Commercial Planned Development (CPD) and approved a master concept plan that protected the existing cottages and approved hotel, retail, and restaurant uses, including consumption of alcohol on premises. The intent of this CPD was to create a small boutique resort which ensured the preservation of the historic cottages while legitimizing existing non-conformities. This approval allowed the owners to proceed with confidence and further invest in improving and enhancing the cottages and the site. Following the CPD approval, the owners embarked on the engineering design process and obtained a Development Order a few months prior to Hurricane Ian. Unfortunately, Myerside was devastated by the impacts of the storm, which left only one structure standing. As a result, the owners were forced to re-imagine their cottage resort, redesign the site and once again go through the time-consuming and costly review and approval process.

With a strong desire to build back better and stronger and to provide the island with a mix of complementary land uses that can benefit locals and visitors alike, the Applicant is proposing a new development concept called The Myerside. This project will be mixed-use in nature, neotraditional in design, consistent with the Town's vision for this area, and compatible with surrounding uses. It will offer quality coastal architecture and will be built at a human scale and financially feasible. The proposed project eliminates non-conformities, provides resilient and hardened structures, and incorporates numerous design elements that will ensure a high-quality, mixed-use project and enhancements to the public realm.



PROPOSED USE/DEVELOPMENT

Based on the historical, regulatory, and existing land use context, the property owners are pursuing a redevelopment plan which will provide a true vertically integrated mixed-use project consisting of a boutique hotel (transient lodging), work/live units, and commercial uses. The goal of the commercial component is to develop a health and wellness center where residents and visitors can have a one-stop location for all their health and wellness needs - potential tenants could include a dentist, physiotherapist, emergency clinic, massage therapist, physical fitness center, yoga studio, health food store, café, etc. The intent would be to attract practitioners who were already established on the island and new professionals who would see synergies and benefits to being in one central location, near recreational and civic uses. Given that the project will be a new build, the commercial component could be designed to suit tenants' needs and common areas (e.g. reception/waiting room area) could potentially be shared to create efficiencies and cost savings for the tenants. The resulting commercial uses will reduce the need for travel on and off island for basic essential services, reduce vehicle miles traveled, provide easy access and convenience to the residents and help retain the island's skilled workforce on Fort Myers Beach. Moreover, the intent is to provide four (4) work/live units which would be reserved for owners or employees of the various businesses within The Myerside. These units would require long-term leases and proof of employment. These work/live units are seen as benefits that can help secure quality, long-term commercial tenants, enhance the retention of employees, and reduce trips on the road. Lastly the lodging units offer a unique boutique hotel experience where guests can experience responsive service while being a little removed from the livelier downtown.

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

- A 45-unit boutique hotel
- Four (4) work/live dwelling units
- Commercial space

The total Floor Area Ratio (FAR) requested for the subject site is 1.2, which is consistent with the CR zoning district limit. The FAR calculation includes the commercial space on the ground floor, the lodging and work/live units above, and ground level under-building parking.



Redevelopment, Resiliency and Economic Feasibility

The Myerside Resort and Cottages was destroyed by Hurricane Ian and so was the property owners' dream of preserving historic cottages and enhancing their unique and eclectic little resort. The CPD, Master Concept Plan and detailed Development Order plans approved prior to the storm are no longer feasible.

Ordinance 21-02 allowed the redevelopment of the property with a 14-unit hotel, a restaurant, accessory retail and consumption of alcohol on premises. This was to include the relocation of Building #2, the addition of Building #8, the addition of a retail store and a restaurant within existing buildings (See attached previously approved MCP) However, like many businesses on the island, Myerside must now rebuild from the ground up.

Prior to Ian, the hotel inventory on Fort Myers Beach was approximately 2,156 rooms. This number was below the peak inventory which existed prior to Hurricane Charley in 2004. The Lee County Visitor and Convention Bureau estimates that there has been an 81% decline in available rooms since Ian, with only 408 rooms currently available for occupancy. As an island whose economy is based on tourism, this significant reduction in hotel room supply represents a catastrophic impact on the local economy. Tourism affects all facets of the economy - it creates jobs and small business opportunities for local residents; it supports local bars, restaurants and entertainment venues; it contributes to the Town and County's tax base; and it provides the critical mass needed for certain businesses such as grocery stores and pharmacies to be viable and for services such as dentists, sports therapists, healthcare clinics and gyms to thrive. As such, it is vital that we rebuild the hotel stock and that we promote a strong tourism economy. Redevelopment and reconstruction of hotels and resorts will bring visitors back to the island, which in turn will help reopen restaurants, bars, and retail stores. In combination, all these key commercial uses will provide a strong economic engine for the Town.

The Myerside represents one hotel among many, that when redeveloped, will help strengthen the island's economy, community, and quality of life. However, like many residents and business owners, the Applicant must now overcome significant hurdles. To rebuild, they will have to meet the latest Florida Building Code and FEMA requirements; they will have to deal with escalating construction and insurance costs; and they will be saddled with inflated interest rates. Moreover, the ground level commercial space will need to be "dry flood-proofed" because the property is located within a Coastal A zone. As a result, the cottage resort concept had to be re-imagined. To make the project financially feasible, additional rooms/lodging units are proposed and a commercial component is added to create an additional revenue stream. From a planning standpoint, this mix of uses in this location creates a project that is compatible with surrounding properties, encourages walkability by providing goods and services that will meet the needs of residents and visitors and is complementary to the recreational, civic and commercial uses in the area.



The owners of The Myerside are island residents who are committed to this community. They want to rebuild a unique mixed-use project that will assist in the redevelopment of this island but will also provide public benefits and meet the needs of local residents. The narrative below demonstrates how The Myerside is the right project at the right place.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

The Myerside property is located within the Civic Complex area of Fort Myers Beach at the northwest corner of Estero Boulevard and School Street with the property extending to Oak Street and the Bay Oaks Park. The site is approximately three quarters of a mile east/southeast of “Times Square”. In the Comprehensive Plan, School Street is described as the primary entry into the “Heart of the Island,” and envisioned to contain a mix of commercial and residential uses to serve both island residents and visitors. The Comprehensive plan further describes this area as containing many of the community’s key public facilities such as the historic elementary school, the public library, Town Hall, and Bay Oaks Recreation Center. This area of the island acts as a transitional zone between the more intense commercial, resort, and entertainment uses downtown and the primarily residential area of the island, known as the Quiet Center. The Civic Complex area of Fort Myers Beach is slightly less than one mile from Times Square, which can easily be accessed by pedestrians and cyclists. A public beach access is located at the end of Pompano Street which is approximately 150’ to the south of the property.

Surrounding Uses and Site Design

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Recreation	Institutional	Bay Oaks Recreation Campus/Ball Park
SOUTH	Boulevard	Residential Multifamily, Commercial Office, Residential Conservation	Mixed Commercial & Lodging
EAST	Boulevard	Residential Multifamily, Commercial Boulevard, Institutional	Ft. Myers Beach Public Library & Beach United Methodist Church
WEST	Boulevard	Residential Conservation, Institutional	Mixed Commercial & Lodging

The proposed development will provide numerous enhancements to ensure locational compatibility. The building will be located close to the street in order to “activate the public realm”, encourage pedestrian activity and provide visual interest. Along Estero Boulevard and School Street, public sidewalks will be integrated into the overall pedestrian design, which will include a covered arcade along the storefronts to



protect patrons from the elements. The interface between the roadway and the building will include outdoor seating, shade trees, hardscape/landscape, decorative pavers, and benches. The location of the building, the additional sidewalk along School Street, the proposed landscaping and hardscaping will all create an aesthetically pleasing pedestrian environment consistent with the Boulevard designation as outlined in the Comprehensive Plan.



Figure 2. Rendering of Estero Boulevard & School Street Corner

By utilizing neotraditional design techniques and placemaking strategies, The Myerside intends to create a welcoming environment meant to engage the pedestrian and cyclist and create visual interest for motorists driving by. The pedestrian entrance at the corner of Estero Boulevard and School Street will provide an inviting entry and focal point. A 5' enhanced buffer is proposed along Estero Boulevard, which will provide landscape and hardscape that will separate the pedestrians from the roadway and soften the edges of the proposed project.



Figure 3. Rendering of View from Estero Boulevard

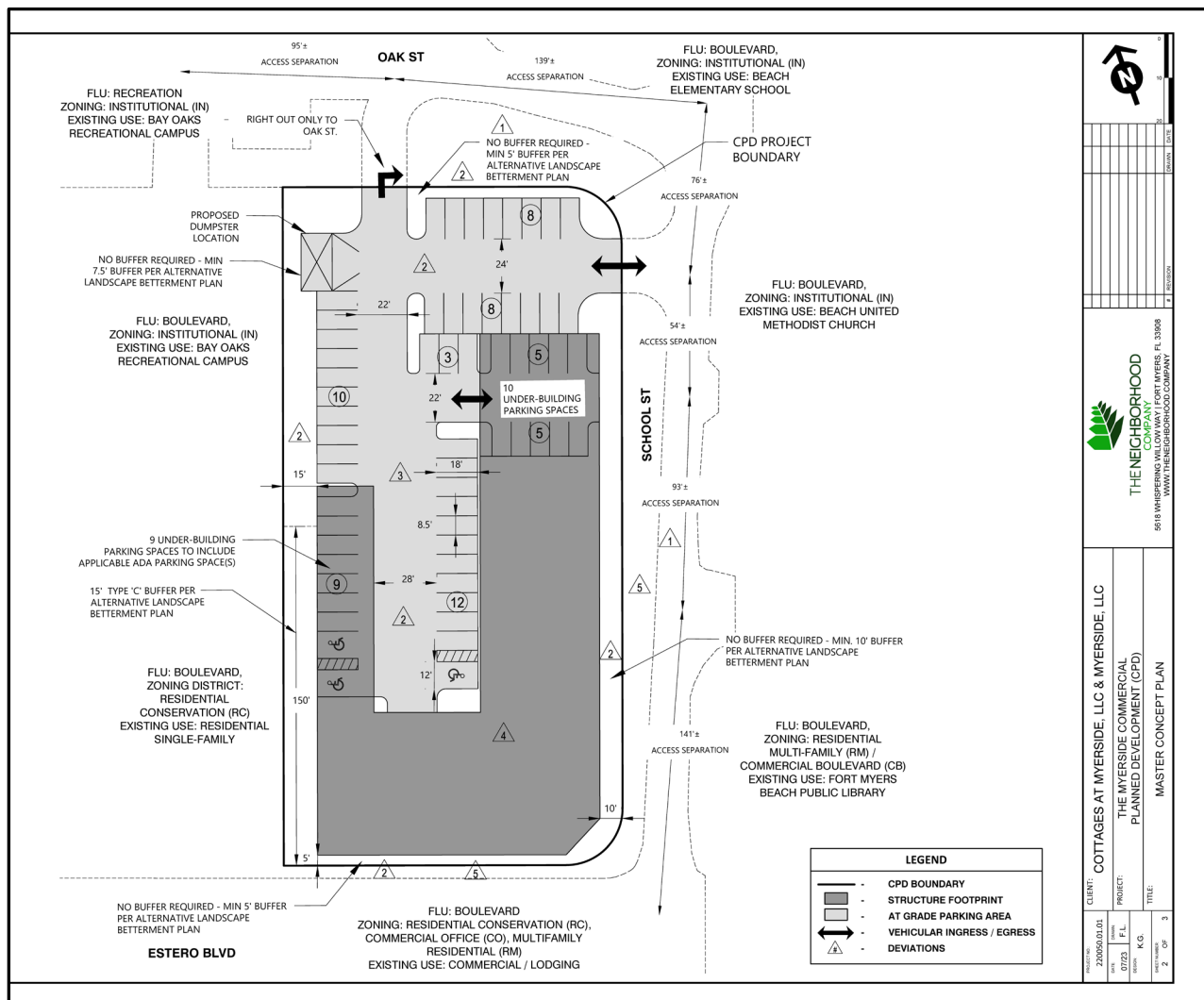
The School Street façade will provide a 10' buffer with a proposed sidewalk that the Applicant has already paid for pursuant to the previous CPD. Along School Street, the Applicant would like to work closely with the Town to develop an enhancement plan that will allow them to make improvements along their property line but also within the public right-of way in order to deliver an attractive and unified design all the way to Oak Street. The redeveloped site will provide easy access for pedestrians and cyclists, encouraging safe and leisurely alternative modes of travel. As depicted in the rendering below, the intent is to provide an attractive streetscape that will be safe and inviting.



Figure 4. Rendering of View from School Street



A mix of covered and open parking will be provided on site. Covered parking will be located on the ground floor beneath a portion of the building along School Street and below the work/live units, with additional open parking spaces within the courtyard located to the center of the development. Access to the site will be via an ingress/egress point off of School Street and a right-out only access point onto Oak Street (See Figure 5). The proposed access point will reduce curb cuts and potential conflict points along Estero Boulevard and will allow The Myerside to provide an uninterrupted pedestrian-friendly façade along that roadway.





Height

The Town's comprehensive plan allows for additional height through Policy 4-C-4 for parcels that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across from the Fort Myers Beach Library, which has an overall height of 59'± and is adjacent to a residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop. (See Figure 6)



Figure 6: Building Height

The Myerside has been carefully designed to be compatible with adjacent uses and provide for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that directly abut the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings.



Setbacks & Buffers

The development proposes a build to line of 5'– 10' along Estero Boulevard and School Street, a rear yard (Oak Street) setback of 20' and a side yard setback from the western boundary of 15'. These build to lines and setbacks allow for a design which promotes a pedestrian oriented building and for parking to be placed at the rear and center of the property and away from the pedestrian realm. The greatest setbacks are provided along Oak Street and along the western boundary where the project is adjacent to a vacation rental and a parking lot for Bay Oaks.

The project meets or exceeds all buffering requirements. While the LDC does not require any buffers along rights-of-way, vegetated buffers will be provided along Estero Boulevard (Min. 5' wide buffer), School (Min. 10' wide buffer) and Oak Streets (Min. 5' wide buffer) to "soften the edges", improve the pedestrian realm, and enhance aesthetics. On the western side, where the project is adjacent to a vacation rental, a 15' vegetated buffer will be provided, and where it is adjacent to public parking for Bay Oaks, a vegetated buffer of 10' will be provided. The proposed buffers will create screening and separation from adjacent properties and will create an inviting, more aesthetically pleasing public realm for pedestrians along Estero Boulevard, School and Oak Streets.

Density/Intensity

The Myerside property consists of 1.03± acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per acre, with equivalency factors for hotel units of various sizes. The equivalency factors for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet. The Boulevard Future Land Use category also allows up to a Floor Area Ratio (FAR) of 1.5 per Policy 4-C-2 with further regulation through the Zoning District.

In addition to the lodging units, The Myerside redevelopment proposal is requesting four (4) work/live units, which is consistent with previous council discussions related to employee housing and implementing strategies to reduce vehicular trips on the island. These work/live units would be reserved for the businesses within The Myerside and could be beneficial in retaining commercial tenants or employees of those businesses. The work/live units represent a complementary use and a creative way of addressing housing affordability, reducing vehicular trips and securing a stable and competent workforce on the island.



Through the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property. The property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses. This analysis is based on the Minimum Use Determination and starts with the base of 12 single-family dwelling units, removes the proposed 4 work/live dwelling units and applies an equivalency ratio of 2 or 2.5 to the remaining 8 units. This results in 16 – 20 allowed lodging units ranging depending on the equivalency ratio applied.

As discussed in the Comprehensive Plan Compliance section below, additional intensity is requested pursuant to LDC Sec. 34-1803, which allows for additional guest units under “exceptional circumstances” and when providing public benefit. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. These evident exceptional circumstances support the additional intensity requested.

As part of this petition, The Myerside is asking for a total of 45 lodging units, which represents a 25 unit increase from what could be achieved by right. This is a 125% increase from what current zoning allows but is much less than the Margaritaville approval, which allowed a 300% increase from the underlying zoning district’s “by right” density.

The benefits provided by The Myerside include:

- Elimination of numerous non-conformities
- Rebuilding resilient and hardened site improvements and structure
- Increasing existing buffers and setbacks where abutting residential and civic uses
- Enhancing the public realm and creating a pedestrian-friendly environment
- Encouraging bicycle and pedestrian activity
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents
- Providing complimentary uses to the Civic Center as envisioned for this part of the island
- Providing outstanding coastal architecture



- Contributing to the redevelopment of the island and strengthening the Town's tax base
- Providing historically proven onsite management of family-oriented hotel with onsite amenities
- Enhancing the public realm of Estero Boulevard, in support of the Comprehensive Plan's goals, objectives, and policies
- Providing onsite work/live units for employees of the hotel or associated commercial development

In addition to density and lodging equivalents, the intensity of development is also measured by a project's Floor Area Ratio (FAR). For this property, the Comprehensive Plan allows a maximum FAR of 1.5 or 67,300 square feet, but further limits the FAR to a maximum of 1.2 within the CR zoning. The proposed FAR of 1.2 or a maximum of 53,840 square feet is inclusive of the commercial area, lodging units and work/live units, and ground level under-building parking.

Transportation and Parking

A traffic impact statement (TIS) has been performed by Planning Analytics, LLC and is included in this application. The proposed redevelopment of the site includes removal of the existing access points along Estero Boulevard, School Street, and Oak Street. The proposed access points as depicted on the MCP (See Figure 5) include a single ingress/egress from School Street and a right-out only access point along Oak Street. The proposed ingress/egress configuration will reduce curb cuts and potential conflict points along Estero Boulevard and will be a logical and safer circulation pattern on and off the property. Based upon the information contained in the TIS, this development is not projected to create adverse transportation impacts on the island's roadway system. Current trip levels are much lower than historical levels and it is estimated that it could take many years for the island to experience peak-season trip levels that existed prior to Hurricane Ian. It is acknowledged that the Applicant will need to work with the Town of Fort Myers Beach staff to evaluate traffic conditions and potential future right of way needs during the development order review process.

Parking standards for hotels within the Town of Fort Myers Beach are based on LDC Section 34-1804 which states, "the minimum requirement for off-street parking is 1.2 parking spaces for guest units up to 450 square feet and 1.5 spaces for each larger guest unit." Parking requirements for commercial uses are outlined in LDC Sec. 34-2020(d)(4)(b)1 as well as through application of Deviation #3. Based upon preliminary hotel unit size assumptions and square footage of the other proposed uses within the mixed use development, the total number of spaces required for this redevelopment according to LDC standards is 90 parking spaces (See Parking Calculations table below).



Myerside CPD - Mixed Use Project Parking Calculations			
Hotel			
Unit Size	# of Units	Spaces per unit	Parking Spaces
Less than 450 SF	25	1.2	30.0
Greater than 450 SF	20	1.5	30.0
		SubTotal	60.0
Multiple-Occupancy Complex			
Commercial Uses	Square Footage	Spaces per SF	
Retail/Restaurant/Office/Services	9,000	2 per 1,000* or 1 per 500	18
Restaurant Bar Area	300	8 per 1,000 or 1 per 125	2.4
Restaurant Outdoor Seating Area	690	8 per 1,000 or 1 per 125	5.5
		SubTotal	25.9
Residential			
Work/Live Units	# of Units	Spaces per Unit	
Studio or efficiency	4	1	4.0
		SubTotal	4.0
	TOTAL REQUIRED number of parking spaces		89.9 (90)
	TOTAL REQUIRED with 4 vehicle parking space reduction by providing 16 bicycle spaces		86
	TOTAL PROVIDED		60*

*Per LDC Sec. 34-2020(d)(4)(b)(1) and Deviation #3. Restaurant gross floor area limited to 2,250 SF or 25% of 9,000 SF of a multiple occupancy complex's gross floor area.

This CPD proposes 60 on-site parking spaces (See Figure 5 - MCP). Although this number does not meet the strict requirements of the LDC, the Applicant is requesting a deviation (Deviation #3) to reduce the number of required parking spaces by approximately 30%. To put this in context, this reduction is significantly less than standard reductions for the Downtown redevelopment districts and the 67% parking reduction approved for Margaritaville. The reduction is also attributable to recognizing the redevelopment is a mixed use project applying the intent of LDC Sec. 34-2020(d)(4)(b)(1) by having a minimum of three (3) uses (See Deviation #3) within a multiple-occupancy complex (mixed use) sharing a common parking area. Additionally, the Applicant proposes to offset the onsite vehicle parking requirements through assessing mitigation measures such as providing bicycle parking racks (4 bicycle parking spaces equal one vehicle parking space as shown in the table above), valet parking and/or off-site parking through shared parking agreements with adjacent property owners such as Bay Oaks or the Beach United Methodist Church. The site is also located within 100' of a trolley stop, thus encouraging the use of alternative modes



of travel. The Applicant also commits to work with the Town and other local hotel proprietors and agrees to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

Compatibility

As presented above and further discussed in the Rezoning Approval Criteria below, the Applicant and design team assembled an exciting redevelopment concept and thoughtful design which is compatible with surrounding uses, complementary to the Civic Center vision, and provides benefits to residents and visitors alike. Great thought was given to the proposed uses, overall design and architecture of the project. There was careful consideration given to the location and the intent to develop a one-stop health and wellness center near recreational and civic uses already frequented by many local residents. Access to the site was carefully evaluated to reduce conflicts along Estero Boulevard and create a circular ingress and egress pattern. The height and scale of the building were defined based on adjacent uses and with the desire to reduce massing and create a human scale. The architectural design is fresh and contemporary but unmistakably coastal and consistent with the “cottagy, beachy and eclectic” character described in the comprehensive plan and voiced by island residents. The Myerside was carefully designed to engage the public and create a pedestrian-friendly environment through the covered arcade, outdoor seating, new sidewalk along School Street and vegetated buffers. Through various design components, the whole becomes greater than the sum of its parts. The Myerside will provide an attractive, mixed-use project that will be an asset to the Town and will serve the needs of local residents and visitors alike.



REZONING APPROVAL CRITERIA

The proposed rezoning request from CPD to CPD must be found consistent with the established rezoning criteria provided in LDC Section 34-85 and Section 34-216 as well as post-disaster build back criteria in accordance with Policy 4-D-1 of the Fort Myers Beach Comprehensive Plan and LDE Section 34-3238. The following narrative demonstrates compliance with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code.

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

A. COMPREHENSIVE PLAN AMENDMENTS

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

Mixed Use Districts Designation – Civic Center and Coconut Village RV Park



The applicant is aware that the town is currently in the beginning stages of amending their Future Land Use Map (FLUM) categories. As of the date of this submittal, the town is considering a Future Land Use Change for the subject property that would remove the property from the Boulevard FLUM designation and place the property within the “Civic Center and Coconut Village RV Park” FLUM designation. The applicant intends to comply with and be consistent with any land use change that may be approved during the process of this application. However, at this time, the applicant does not have the leisure to wait for such proposed changes to be finalized by the town. In the meantime, the applicant intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center and Coconut Village RV Park land use designation and working with staff to ensure compatibility of the proposed project.



B. PHASING OF CONSTRUCTION

The development is to be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The proposed mixed-use project has been designed to provide enhancements that are attractive and add functionality along Estero Boulevard. The first floor of the building will contain commercial uses with the on-site vehicle parking located behind the primary building to help promote a pedestrian friendly and engage the public realm. The building proposes to have an inviting covered arcade style walkway along Estero Boulevard and School Street with lush landscaping and hardscaping to complement and enhance the streetscape and the pedestrian realm. The exceptional architectural design as depicted in the images below is of an appropriate pedestrian scale and with the enhanced landscaping results in a boulevard with added character, is safe and interesting to walk, bike, as well as drive all supporting the vision embodied through the Town of Fort Myers Comprehensive Plan's Community Design Element.





The proposed building is designed to promote a pedestrian scale by utilizing the build-to development feature encouraged in the town. Additionally, the building is designed to provide a “wedding cake” approach or step-back element as the building increased in height. This element eliminates a sense of a building that may be overwhelming to the pedestrian and softens the building edges. The use of enhanced landscaping and green areas between the building and right-of-way will also be provided creating an improved view along this heavily travelled corridor. Additionally, the proposed project is designed with a coastal old Florida/cracker style architecture theme to add to the aesthetics of this main frontage and further providing a desirable and attractive experience to those coming to or just passing by The Myerside.

The project will be constructed with an overall height of 50’ (ground to roof top) which provide a transition from the library building to the east which measures an overall height of approximately 59’ and the residential building to the west which has an overall height of approximately 35’. The proposed height is compatible with the surrounding buildings and supports the desire for Estero Boulevard. to be a pedestrian-friendly boulevard in character.

Based on the elements described, The Myerside redevelopment will contribute to enhancing Estero Boulevard to be one of the premiere public spaces in the town, thus demonstrating consistency with the Community Design Element, Objective 1-A, Policy 1-A-1.



FUTURE LAND USE ELEMENT

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

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

The devastation caused by Hurricane Ian has emphasized the need for more resilient structures on Fort Myers Beach. The Myerside, though portions of the existing structures were left standing, sustained significant damage and destruction and intends to redevelop to a more sustainable mixed-use development. As expressed in Object 4-A, the desire is for the small-town character of Fort Myers Beach to be maintained while continuing the pedestrian-oriented “public realm” that encourages people to move around without their cars even in the midst of peak-season congestion. In planning the redevelopment of the property, the owners have considered what is needed in this area of the island for both visitors and residents to achieve this goal.

With the construction of a new building that meets Florida Building Code and FEMA standards, the site will be more resilient and able to withstand impacts from future hurricanes. Through the reconfiguration of the various access points and on-site parking locations, improved pedestrian elements, enhanced landscape and hardscape along Estero Boulevard and School Street, and developing a true mixed use development, The Myerside will contribute to Fort Myers Beach’s goal of being a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in this beach resort environment.

POLICY 4-A-1: Maintaining the town’s current “human scale” is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.

The overall site, building placement, height and massing were carefully designed to create a mixed use development that’s approachable and at a human scale. While today’s construction requirements mandate stronger and taller structures especially in coastal flood zones, additional landscape and hardscape proposed along Estero Boulevard and School Street soften the development’s massing and contribute to creating a human scale in the town and along Estero Boulevard. The subject property is an ideal location



for guests to use as their home base as they explore all the island has to offer through walking, bicycling, and the accessible trolley service.

POLICY 4-A-9: Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster build back (Objectives 4-D and 4-E) only apply if the current use is maintained.

The proposed redevelopment shall support the Fort Myers Beach goals of keeping a healthy and vibrant “small town” atmosphere. This development is designed to not only benefit hotel guests, but to also provide uses that can be enjoyed by, and to benefit, the general public/local residents. The proposed redevelopment focuses on providing commercial opportunities to support the health and wellness sector of the local economy. It will also be a benefit through the reestablishment of transient lodging displaced from the impacts of Hurricane Ian help support the local tourist economy. Enhancing pedestrian mobility and connectivity along Estero Boulevard, beautification of the public realm through enhanced landscaping and hardscaping, and fair share contributions to mobility solutions such as a potential future water ferry and airport shuttle service, public parking for bicycles, bicycles for guests, along with the rebuilding of structures to be compliant with today’s Florida Building Code further contributes to the amenities the local residents and visitors expect. Through these proposed amenities, contributions, and architectural style, the development complies with Policy 4-A-1 and 4-A-9.

POLICY 4-B-5: BOULEVARD A mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanent. To obtain approval for a new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contributed to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process.

The Myerside redevelopment proposes a mixed-use development containing hotel lodging units, work/live units and commercial retail/services to complement the surrounding community and uses. The design to incorporate appropriate height, build-to elements, on-site parking to the rear of the property, enhanced landscaping are in place to complement adjacent property as well as being compatible to the residential property to the west, the civic uses to the north and east and transient lodging/commercial uses to the



south. The Myerside will ultimately comply with all applicable design standards as required under the Land Development Code at the time of Development Order approval.

OBJECTIVE 4-C APPLYING THE FUTURE LAND USE MAP – The Future Land Use Map shall be interpreted in accordance with the following policies.

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

Under the provisions of Policy 4-C-2, “other” categories can achieve a Floor Area Ratio (FAR) of 1.5. The current maximum FAR allowed under the Commercial Resort (CR) zoning district is 1.2. A maximum FAR of 1.2 is proposed utilizing the Commercial Planned Development process to rezone the subject property from CR to CPD, which is consistent with Policy 4-C-2.

The proposed redevelopment is located within the Boulevard Future Land Use category. As stated above, the LDC shall specify maximum commercial intensities using floor area ratios (FAR). The redevelopment proposes to be 9,000 square feet of commercial uses with 45 units of hotel/motel and 4 work/live housing units for a total of approximately 53,463 SF. See the following FAR analysis breakdown:

FAR Analysis:

An FAR of 1.2 allows for a maximum of **53,840.2 SF** on 1.03 acres (44,866.8 SF).

Ground floor:

- Interior space area only = **12,533 SF**
- Under building parking area = **5,752 SF**

2nd Floor: Interior space area = **17,636 SF**

3rd Floor: Interior space area only (no pool deck) = **11,183 SF**

4th Floor: Interior space area only (excluding penthouse balconies) = **6,359 SF**

TOTAL: 53,463 SF, which is below the max. of 53,840.2 SF

The proposed FAR is 1.2 which equates to a maximum of 53,840.2 SF, is slightly above the estimated square footage of the proposed redevelopment. Thus, the proposed FAR is consistent with the Boulevard Future Land Use category and Policy 4-C-2.



POLICY 4-C-3. iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The proposed redevelopment has been designed in a manner that is compatible with the nearby residential property and will provide an alternative 15' Type “C” buffer adjacent property to the west. The proposed commercial uses will be complementary in nature as the project is intended to be focused on health and wellness and other community commercial uses supporting island residents and visitors. The project proposes additional landscaping and a reduction in entrances onto the property from Estero Boulevard and School Street. The features described above and uses proposed demonstrate consistency with Policy 4-C-3.iv.

POLICY 4-C-3. v. The following principles shall be considered by the town when evaluating requests for new commercial uses:

- a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.**
- b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.**

The proposed Myerside redevelopment is requesting 9,000 square feet of commercial uses, which will be targeted toward health and wellness uses and/or other commercial uses to complement the surrounding civic and community uses while providing services to residents and island guests, thus supporting Policy 4-C-3.v.

POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result



from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.

The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59'± and has an adjacent residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop. (See Figure 6 on page 9)

The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that directly abut the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59' library is located. The wedding cake design is also utilized to soften the building's edges. At the corner of Estero and School, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive, pedestrian friendly ground floor with the stepped-back fourth-story portion of the building adjacent to Estero Boulevard and School Street. The portion of the building, which contains only two stories, is appropriately designed and oriented to the adjacent taller residential structure along the northern property boundary and remaining section along Estero Boulevard. This architectural design establishes a gradual transition from the height of the Fort Myers Beach Library to the residential property to the west and is compatible with the surrounding tall buildings.

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



The new buildings associated with the proposed project will be more resilient, complying with the latest and more stringent state requirements – labeled as Florida Building Code compliant structures, and also eliminating the current non-conforming buildings and setbacks. Additionally, flood proofing will be provided, improving the resiliency of the island's structures supporting the Objective 4-D.

COASTAL MANAGEMENT ELEMENT

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

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

The Coastal Management Element addresses special coastal management concerns which are specific to the Town of Fort Myers Beach and its need to protect resources, human life and property which are vulnerable to events such as hurricanes and flooding. The proposed development will be constructed in compliance with up-to-date Florida Building Codes and FEMA standards thus complying with GOAL 5 and Policy 5-A-1.

TRANSPORTATION ELEMENT

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

POLICY 7-A-2 PARKING: Even though existing parking lots are not used to capacity; parking is not abundant at Fort Myers Beach. The welcome rebirth of commercial activity near Times Square will increase the demand for parking. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

The minimum required parking for the proposed development will be provided onsite. Supplemental parking and parking adjustments will be provided through alternative parking opportunities and methods such as



the use of bicycle parking racks (4 bicycle parking spaces equal one vehicle parking space), valet parking, and off-site parking through potential shared parking agreements with adjacent property owners. Estimated parking space calculations are based on the uses proposed as outlined in the Land Development Code. The site, as designed, provides 60 parking spaces in conjunction with a requested deviation.

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

The Town of Fort Myers Beach has completed extensive improvements to Estero Boulevard and through the Comprehensive Plan encourages a variety of travel modes to address traffic congestion caused by the influx of visitors drawn to the town every year. The developer has incorporated additional bike racks for public use and will be providing bicycles as an amenity for its guests as a way to encourage a less car centric experience for those on the island. The proposed development will also provide enhanced landscaping and sidewalks both adjacent to and within the development to encourage pedestrian mobility both on and off property.

The developers are willing to participate in and make appropriate contributions to programs which the town may set up to alleviate mobility challenges on the island during peak traffic times. Alternatives which have been discussed to date such as, but not limited to, shuttle service from local airports with central drop-off points for guests, a water taxi, a hidden-path system through Fort Myers Beach for bicycles and pedestrians and a trolley system for visitors with both on and off island locations are all options which may benefit the Town, its visitors and residents.

OBJECTIVE 7-I LEVEL-OF-SERVICE STANDARD: Maintain minimum acceptable levels of service for the transportation system.

POLICY 7-J-2 TRAFFIC IMPACT ANALYSES: A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:

- i. decrease the thresholds for requiring traffic impact analyses;
- ii. require them to study the cumulative impacts of potential development; and



- iii. **use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.**

A Traffic Impact Statement (TIS) has been performed by Planning Analytics, LLC and concludes that the redevelopment of this 45-unit hotel, 4 work/live units and 9,000 square feet of commercial uses will not place an undue burden on the island roadway network. The trip generation rates for the proposed uses were estimated based upon the Institute of Transportation Engineers (ITE), Trip Generation – 11th Edition.

UTILITIES ELEMENT:

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

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

Complying with GOAL 8 and Policy 8-A-1, the proposed development will connect to central water and sewer utilities.



D. DESIGN STANDARDS COMPLIANCE

(1) Encouraging traditional building forms that reinforce the pedestrian orientation and desired visual quality of the Town of Fort Myers Beach

As described above, The Myerside offers a neo-traditional mixed-use form with commercial uses at ground level and lodging uses above. The building is set close to the roadway to activate the public realm and encourage pedestrian activity. Fenestration is prevalent at ground level to create an attractive and inviting environment. The pedestrian environment is further enhanced by improved sidewalk, a covered arcade, outdoor seating, shade trees and attractive landscaping. The proposed architecture is quintessentially coastal and incorporates Old Florida design elements for an attractive and beachy feel.

(2) Encouraging buildings of compatible type and scale to have creative ornamentation using varied architectural styles.

The proposed project can be characterized as contemporary coastal and includes Old Florida/cracker style architectural elements. As described in the Height section above, close attention was given to developing a design in which height and scale are compatible with surrounding uses the importance and utilizing a wedding cake approach to maintain a human scale.

(3) Enhancing the town's business districts as attractive destinations for recreation, entertainment and shopping.

The proposed project will provide for a mixture of uses that enhance the island's aesthetics, commerce, entertainment and recreation attributes. As described above the commercial component is intended to provide essential services to visitors and residents alike. The close proximity to Bay Oaks will encourage recreation activities and promote walkability. The intent planned restaurant will provide entertainment and dining opportunities.

(4) Maintaining and enhancing the town's sense of place and its property values.

A sense of place is cultivated by design choices, complementary uses, architecture, incorporating island character and history, and having locally owned and operated businesses. The Myerside intends to incorporate all those elements and wants to be a place where people feel welcomed and where visitors want to return every year.



(5) Implementing the design concepts in the Fort Myers Beach Comprehensive Plan.

As described throughout this narrative, The Myerside strives to incorporate design concepts articulated in the Comprehensive Plan. The intent is to comply with the vision articulated for the Civic Center and the Heart of the Island, to improve the public realm, to provide attractive architecture and to encourage bicycle and pedestrian activity.



E. DECISION MAKING COMPLIANCE

The following considerations from LDC Sec. 34-85 shall be considered by town council whenever applicable:

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

There are no known errors or ambiguity that must be corrected in relation to the requested rezoning from CPD to CPD. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Utilizing the proposed CPD rezone request, reductions or elimination of any existing non-conformities will be corrected as applicable.

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

The existing sight was significantly damaged due to Hurricane Ian which rendered the previous redevelopment approval impossible to complete. Due to the damage to buildings which were to be redeveloped through the previously approved CPD, the property owners have had to reevaluate their former plan and create a project that will be more resilient and provide more appropriate uses for the island and its residents.

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

The proposed change will not have any impact on the intent of this chapter (LDC). The CPD rezone will allow the redevelopment of the devastated Myerside Cottages and Resort to continue to be an economic tourist and resident benefit.

(4) The testimony of any applicant.

The professional experts retained by the applicant to support this petition will provide testimony at both the Local Planning Agency (LPA) hearing and the Town Council hearing.

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

The Town staff will review the petition and provide a written report to be presented to the local planning agency at their appropriate public hearing. The petition along with the staff's report and the LPA recommendation will then be presented to the Town Council at the designated public hearing.

(6) The testimony of the public.

The public will be provided with the opportunity to present testimony to the LPA and Town Council.



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

As evidenced through this narrative, the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set for the in the Fort Myers Beach Comprehensive Plan.

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

The proposed use is an ideal location for the requested use. Its proximity to the beach, civic and community uses, orientation along Estero Boulevard will serve the visitors and residents of the island who wish to stay and seek commercial services in this area. Its vision for a health park/community office component will also better serve not only the residents but also visitors alike.

(9) Whether urban services are, or will be, available and adequate to serve the

The urban services were in place and utilized by the existing Myerside development and will remain in place to adequately serve the subject site. It is critical to note that adequate services were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian, but now approximately only 400 hotel/motel units are online. This is a decline of almost 81%. 2020 Census data also shows that the overall permanent population in Fort Myers Beach has declined roughly 11% since the 1990 Census. The Town's population estimates associated with transient lodging also show a decline over the last 30 years and the percentage of the in-season population attributed transient lodging has declined from 24% to 18%.

- 1990 Peak Season Population Estimate – Lodging: 3,620 or 24% of the overall population.
- 2020 Peak Season Population Estimate – Lodging: 3,133 or 18% of the total population.

Based on the data outlined above, existing urban services are and will be available to support not only the proposed Myerside redevelopment but many other proposed projects that will assist in the rebuilding of Fort Myers Beach.

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

The proposed redevelopment is located on a previously developed site which does not contain any environmentally critical areas or natural resources.



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

The request is compatible with existing or known planned commercial, residential and civic uses adjacent to the subject redevelopment and will not cause damage, hazard, nuisance or other detriment to persons or property of Fort Myers Beach. The property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses, and the proposed redevelopment will maintain compatibility.

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

The proposed request does not create any burden upon existing transportation or other services and facilities. The roads will have adequate capacity to serve the project as indicated within the TIS provided as part of this application. Adequate transportation services, utilities and recreational facilities were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian. With now just over 400 hotel/motel units available for occupancy, there will continue to be available transportation capacity and level of service to not only support the proposed Myerside redevelopment, but many more future transient lodging units and other non-residential developments needed in the Town. Additionally, the Town is actively working to promote alternative modes of transportation and provide mobility solutions to mitigate peak seasonal traffic.

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

This request to rezone the subject property from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) will be presented at public hearings before the LPA and the Town Council consistent with LDC Sec. 34-216(a)(1). As demonstrated throughout this narrative the proposed CPD meets the following findings criteria under LDC Sec. 34-216(2):

- a. The proposed uses are appropriate to the location as they are compatible with surrounding uses and lodging was in existence for years prior to Hurricane Ian.
- b. Sufficient safeguards are in place or will be provided through applicable special conditions within the rezoning approval document, to protect the public interest.
- c. Special conditions will be provided through the rezoning approval document as determined to be necessary.
- d. The proposed uses meet all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category. See Section "C" within the above narrative.



2. Policy 4-C-4 on building heights taller than the standard height limit. See Section “C” within the above narrative.
3. Policy 4-C-8 on density transfers. Not Applicable.
4. Policy 4-E-1 on pre-disaster build back. See Section “C” within the above narrative.
5. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts. See Section “C” within the above narrative.

CONCLUSION

As detailed in the above narrative, supporting application documents, and the proposed MCP, the application demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. Utilizing the CPD process, and compliance with today’s Florida Building Codes and FEMA standards, The Myerside will provide an economic catalyst through an attractive, mixed-use project that will be an asset to the Town and will serve the needs of local citizens and island visitors alike.



THE NEIGHBORHOOD COMPANY

THE MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING

SCHEDULE OF USES

Lodging

Principal:

Hotel/Motel (Inclusive of Hotel Condominiums)
Guest Units

Accessory:

Hotel/Motel Accessory Uses
Personal Services
Recreational Facilities

Residential

Work/Live Units

Commercial

Offices, General or Medical
Personal Services
Restaurant with Bar Area
Retail Store, Small & Large
Subordinate Commercial Uses



THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

1. **A deviation from LDC Sec. 10-285, Table 10-1 – Connection Separation, which requires minimum separation between street and accessways, in order to allow driveway separations as depicted on the Master Concept Plan (MCP).**

Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. School Street and Oak Street are classified as local streets, requiring streets and accessways to be spaced 125 feet from centerline to centerline.

The proposed site configuration has removed several nonconforming access points from the site along Estero Boulevard and School Street. This application proposes to use existing access point locations, one on School Street and one on Oak Street. School Street will provide full ingress/egress into the site and Oak Street will be a right-out only egress point.

The separation between the egress point on Oak Street and the nearest accessway to the west measures approximately 95 feet. This distance is approximately 30 feet short of the required separation of 125 feet needed per the LDC. The point of ingress/egress for the redevelopment is proposed on School Street. This access point has a separation distance from Oak Street of approximately 60 feet, an approximate separation of 55 feet from the Beach United Methodist Church access into their overflow parking area, and 148 feet from the Fort Myers Beach Public Library access onto School Street. The School Street ingress/egress point is approximately 65 feet short of the required 125 feet from the Oak Street intersection.

The proposed improvements address operational and safety issues on the property and Estero Boulevard, enhance functionality through the decreased width of the accessway and the relocation of on-site parking to a more desirable and appropriate onsite location behind the primary structure. This proposed layout now provides for the dumpster location to be internal to the site with access for service trucks on internal drive aisles, reduces curb cuts and potential conflict points along Estero Boulevard, School Street and Oak Street. Providing for these improvements and site layout achieves general



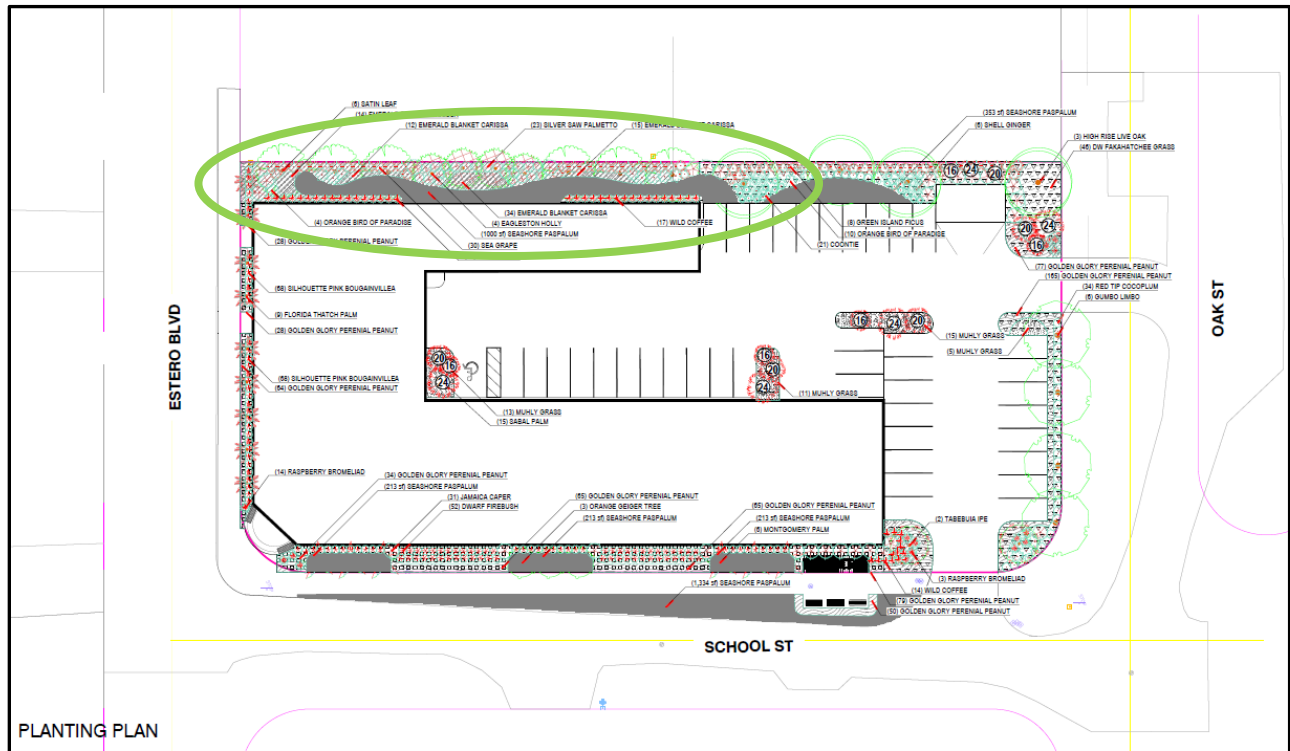
consistency with the intent of LDC Section 10-285 to provide as much connection separation as possible while protecting the health, safety and welfare of island residents and visitors.

2. **A deviation from LDC Sec. 10-416 - Landscaping standards to allow the use of an alternative landscape betterment plan pursuant to LDC Section 10-419. This section states applications are entitled to demonstrate that the intent of the landscaping standards can be more effectively accomplished through an alternate landscape betterment plan. The use of an alternate landscape betterment plan addresses all landscaping requirements pertaining to the redevelopment of the site; such as, but not limited to landscape islands, building perimeters, buffers, walls, parking and vehicular use areas.**

Justification: The deviation from LDC Sec. 10-416 is requested to allow the use of an alternate landscape betterment plan for all landscaping and buffering associated with the redevelopment of the subject property. Please see the plans prepared by James McCord, L.A. with RWA Engineering signed and sealed on 04-17-2024.

The limited size of the property and the need to redevelop the site due to damages received from Hurricane Ian has created unique circumstances that limit the ability to meet the strict landscaping standards as outlined in the LDC such as proposing underbuilding parking and limited surface area parking located behind the primary structure. The proposed surface parking is not visible by the majority of the public but will still be heavily landscaped within appropriately located landscape islands of adequate size to sustain the required trees and approved grass/ground cover landscape materials. In addition, the alternative landscape betterment plan includes enhanced buffer plantings in place of the required wall for a Type "C" buffer along a portion of the western boundary. The enhanced plantings within the buffer area (See planting plan and rendering elevation – page 3 of 9) will create a more natural, lush and complementary buffer rather than a "walled, locked in" setting adjacent to the neighboring property.

The intent of the alternative landscape betterment plan approved under the Development Order will provide additional landscaped areas along the perimeter of the project to help offset any potential landscape island size reduction. The alternative landscape betterment plan as allowed per LDC Sec. 10-419, demonstrates the proposed landscaping effectively meets and exceeds the minimums intended under LDC Sec. 10-416 and will not cause or result in any negative impacts to the community's health, safety, and welfare.



3. A deviation from LDC Sec. 34-1804(a) and Sec. 34-2020, which regulates parking for hotel/motels, non-residential, residential, and combined use developments, to allow a 30% reduction in required parking and a minimum of three (3) individual uses within a master planned mixed use development.

Justification: The requested deviation from LDC Sec. 34-1804(A) and Sec. 34-2020 is to primarily allow for a 30% reduction in the required parking for a mixed use development by promoting and providing alternatives such as bicycle parking, valet parking and off-site parking through potential shared parking agreements with adjacent property owners. Under the intent of regulations provided in the town's LDC, the proposed mixed-use development would require approximately 84 parking spaces, which includes a reduction of 4 vehicle spaces by providing 16 bicycle spaces throughout the



development. This parking requirement utilizes the intent of LDC Sec. 34-2020(d)(4)(b)(1) which allows for two (2) spaces per 1,000 square feet for combined uses (5 or more; not inclusive of a hotel and restaurants are limited to 25 percent of the gross floor area) of a “multiple-occupancy complex” or in this instance a master planned mixed use development. This deviation is also specifically requesting a reduction from the 5 or more “individual business establishments” as part of the multiple-occupancy complex” under LDC Sec. 34-2020(d)(4)(b)(1) to 3 or more commercial establishments that are integrated within a master planned mixed use development.

Other areas of the town allow for substantial parking reductions between 50 and 67 percent. In an effort to benefit from this desire to “park once” and promote alternative parking options and modes of transportation around the island, The Myerside is proposing a 30% parking reduction for this area of town, thus, providing approximately 60 on-site parking spaces along with the commitment to integrate at least 16 bicycle parking spaces throughout the development. The developer will also ensure connectivity through integrated pedestrian infrastructure to the surrounding rights-of-way and sidewalks to the existing trolley stop within 100 feet of the property; will evaluate valet parking and/or shared parking agreement solutions at time of final development order if the proposed parking is deemed insufficient. The developer also commits to work with the town and other local hotel proprietors to contribute their fair share to comprehensive transportation/parking solutions as may be developed in the future.

The proposed parking plan, utilizing a 30% required parking reduction, commitment of providing 3 or more commercial uses within the master planned mixed use development, and access to alternative modes of transportation will further reduce over-parked developments, help alleviate traffic congestion on the island, and in turn reduce any significant associated negative impacts to the health, safety and welfare of the island's residents and visitors.

- 4. A deviation from LDC Division 4, Table 34-3 for the CR zoning district which limits height to 30 feet zoned height and three (3) stories to allow a maximum zoned height of 37 feet and a maximum of four (4) stories.**

Justification: The Town's comprehensive plan allows for additional height through Policy 4-C-4 for parcels of land that are contiguous (or directly across a street) from taller buildings. The Myerside site is directly across the street from the Fort Myers Beach Library which has an overall height of 59'± and has an adjacent residential building to the north with an overall height of approximately 35'. Across Estero Boulevard, The Estero Beach Club Condominium and The Caper Beach Club are 5 and 12 stories respectively. The proposed project is requesting four (4) stories with a zoned height of 37' (measured from 11' Base Flood Elevation + 3' of freeboard to the mid-point of the roof) and an actual height of 50' measured from grade to rooftop.



The Myerside has been carefully designed to be compatible with adjacent uses and provides for a building that fits within its context. It does this by adjusting height and massing according to existing buildings that are next to the site. Where it abuts a three-story vacation rental to the north, the building is only two-stories with a roof deck shielded from the adjacent property. The building utilizes a “wedding cake” (stepped back) design where height gradually increases from two stories to four stories at the center of the building and toward School Street where the 59’ library is located. The wedding cake design is also utilized to soften the building’s edges. At the corner of Estero Boulevard and School Street, each story is stepped back a little further to reduce massing from the street. Additionally, the fourth floor is limited to a small portion of the building, it is stepped back furthest from the street and includes balconies which improves aesthetics.

Allowing for additional height relief through the planned development process will result in the ability to design an attractive building, commercial on the ground floor, and a stepped-back fourth story located at the center of the building and toward the library. The portion of the building, which contains only two stories, is appropriately designed and located adjacent to the existing residential structure along the northern boundary. This architectural design establishes a gradual height transition from the taller Fort Myers Beach Library to the shorter residential property to the west and is compatible with the surrounding taller buildings. Based on the above justification, the granting of this deviation will not be injurious to the neighborhood or negatively impact the overall health, safety, and welfare of the island or its residents.



5. A deviation from LDC Division 4, Table 34-3 for the CR zoning district which requires street setbacks of 10 feet to instead allow for build-to lines of 5 to 10 feet along Estero Boulevard and School Street.

Justification: The proposed Myerside development is meant to be consistent with the Town's vision to enhance the public realm and promote a building form that engages the public along Estero Boulevard and other streets such as School Street. An effective design element to achieve this is the use of build-to lines rather than front setbacks.

Under the CR zoning district, build-to lines are not required to be utilized for development/redevelopment in this area of town. The Myerside property is located within the area identified in the town's Comprehensive Plan as the "Heart of the Island" and within the Boulevard future land use category. Both of these identified areas focus on the public realm and walkability through the following policies or vision statements:

- Estero Boulevard needs to be an interesting place to walk along; scaled for people to feel comfortable walking along.
- Bring buildings closer to sidewalks.
- Parking should be placed at the rear of buildings.
- Adopting design guidelines that encourage architecture and urbanism along Estero Boulevard which contributes to the human scale.
- Maintaining the town's current "human scale."
- Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.
- Contribute to the public realm.

By allowing The Myerside to deviate from the required front setbacks and replacing that requirement with build-to lines of 5 to 10 feet along Estero Boulevard and School Street helps implement the Comprehensive Plan's vision for the Heart of the Island and the Boulevard future land use category. The Myerside concept, as shown below in the submitted renderings, is committed to enhancing the public realm and contributing to the desired aesthetic described in the town's Comprehensive Plan.



Estero Boulevard



School Street



The proposed deviation to allow for build-to lines along Estero Boulevard and School Street will be a benefit to the public and will not negatively impact the public's health, safety and welfare.

6. **A deviation from LDC Sec. 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors, in order to exceed said factors as allowed per LDC Sec. 34-1803(a)(2). This would allow a maximum intensity of 45 guest units rather than the 20 allowed per the existing table.**

Justification: The Myerside property consists of 1.03+ acres and is located within the Boulevard Future Land Use Category, which allows 6 dwelling units per acre with the equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1803(a)(1) for guest units within the Boulevard FLU are 2.5 for units less than 450 square feet, 2.0 for units between 450 square feet and 750 square feet, and 1.5 for units between 750 square feet and 1,000 square feet.

The subject property was previously approved through CPD Zoning Ordinance 21-02 for a 14-unit hotel/resort with restaurant, and retail uses, including consumption of alcohol on premises. However, it should be noted that under the Minimum Use Determination provisions of the LDC, the subject property is entitled to 12 single family dwelling units in accordance with the historic plat for this neighborhood, which delineates 12 individual lots on this property.

When starting with a base of 12 dwelling units it is necessary to reduce that base number by 4 units to 8 dwelling units due to the 4 work/live dwelling units proposed as part of the mixed use development. Applying 8 dwelling units to the equivalency ratio of 2 or 2.5 to the remaining 8, the allowed lodging units would range from 16 – 20. A maximum of 20 units could be achieved by right per current LDC provisions.

The proposed additional 25 hotel rooms/transient lodging units are requested pursuant to LDC Sec. 34-1803(a)(2), which allows for additional units under “exceptional circumstances” and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contribute to the project's consistency with LDC Sec. 34-1803(a)(2):



- Elimination of numerous non-conformities
- Rebuilding resilient and hardened site improvements and structure
- Increasing existing buffers and setbacks where abutting residential and civic uses to ensure cohesive redevelopment
- Enhancing the public realm and creating a pedestrian-friendly environment
- Encouraging bicycle and pedestrian activity
- Providing neighborhood commercial goods and services that will benefit visitors and local residents alike
- Commitment to try to establish a centralized health and wellness center that would support local practitioners and business owners and would provide a convenient one-stop location for local residents
- Providing complimentary uses to the Civic Center as envisioned for this part of the island
- Providing outstanding coastal architecture
- Contributing to the redevelopment of the island and strengthening the Town's tax base
- Providing historically proven onsite management of family-oriented hotel with onsite amenities
- Enhancing the public realm of Estero Boulevard, in support of the Comprehensive Plan's goals, objectives, and policies
- Providing onsite work/live units for employees of the hotel or associated commercial development

These exceptional circumstances and public benefits support the additional hotel rooms/transient lodging units requested.

The Myerside is asking for a total of 45 boutique hotel units as an integrated and significant component of the mixed use redevelopment encouraged by the Town. This is a 25 unit increase from what could be achieved by-right as described above but is much less than the Margaritaville approval that allowed a 300% increase from the underlying zoning district's "by right" density. The requested deviation and justification outlined above will ensure a public benefit, results from exceptional circumstances and will not adversely impact the public's health, safety, and welfare.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 125, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

STRAP Number: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Applicant: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009

Contact Name: Roland Weinmann Phone: _____

Email: roland@myerside.com Fax: _____

Current Zoning District: CPD

Future Land Use Map (FLUM) Category: Boulevard

FLUM Density Range: 14 Units Max Per PD Platted Overlay: ☒ YES ☐ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009

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

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

Applicant Mailing Address: 145 School St. Fort Myers Beach, FL 33931

Email: roland@myerside.com Fax: _____

Contact Name: Roland Weinmann Phone: 239-314-8009



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

Name: See attached list Phone: _____
Address: _____
Email: _____ Fax: _____

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☒ Planned Development
- ☒ Rezoning from CPD to ☒ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: DCI20200009
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: LDC Sec. 10-473 Description: Waiver from
Listed Species Survey requirement due to previously developed property.

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

- ☐ Single Owner (individual or husband and wife)
- Name: Cottages at Myerside LLC & Myerside LLC Phone: 239-314-8009
- Mailing Address: 145 School St. Fort Myers Beach, FL 33931
- Email: Roland@myerside.com Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

Myerside LLC

Cottages at Myerside LLC

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: 10/10/2023

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

Name Beverly Mulligan Address 133 Andre Mar Drive, FMB, FL 33931

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

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

[Signature]
Signature

Roland Weismann
Printed Name

STRAP # 19-46-24-W3-0020C.0230 & 19-46-24-W3-0020C.0270

AFFIDAVIT

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

I, Roland Weismann (name), as Owner (title)
of Cottages at Myreside LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: 10/10/2023

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

Name Beverley Milligan Address 133 Andre Mar Drive, FMB, FL 33931

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

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

[Signature]
Signature

Roland Weinmann
Printed Name

STRAP # 19-46-24-W3-0020C.0290

AFFIDAVIT

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

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

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

4/30/2021

Page 6 of 11

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Cottages at Myerside LLC

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

[Signature]
Signature

Roland Weinmann
Typed or Printed Name

Owner
Title

10/10/2023
Date

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 12 day of October, 2023, by Roland Weinmann ☒ who is personally known to me OR ☐ who has produced _____ as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Property Address: 131-151, 125 School St and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

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

☐ Yes. Property identified in subdivision: _____

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Myerside LLC

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

[Signature]

Signature

Roland Weinmann

Typed or Printed Name

Owner

Title

10/10/2023

Date

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of Y physical presence OR ☐ online notarization, this 10 day of Oct, 2023, by Roland Weinmann ☒ who is personally known to me OR ☐ who has produced _____ as identification.

[Signature]
Notary Public Signature



PART VI - Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Property Address: 131-151, 125 School St and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

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

☐ Yes. Property identified in subdivision: _____

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 300+/- feet

Depth (please provide an average width if irregular in shape) 150+/- feet

Frontage on street: 300+/- feet. Frontage on waterbody: N/A feet

Total land area: 1.03+/- ☒ acres ☐ square feet

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

Northwest of the intersection of School St and Estero Blvd.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☐ Marina

☐ Mixed Residential

☐ Recreation

☒ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



**THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING**

ADDITIONAL AGENTS LIST

Attorney

Noel Davies
Davies Duke, PLLC
1415 Panther Lane, Suite 442
Naples, FL 34109
239-216-2792
Noel.davies@daivesduke.com

Surveyor

RWA Engineering
12800 University Drive, Suite 175
Fort Myers, FL 33907
239-597-0575
MAW@consult-rwa.com

Landscaping

RWA Engineering
James M. McCord, RLA, LEED AP®
12800 University Drive, Suite 175
Fort Myers, FL 33907
239-597-0575
Jmccord@consult-rwa.com

Traffic Consultant

Planning Analytics, LLC
Jason Utley, AICP, PTP
1439 SE Airport Rd.
Arcadia, FL 34266
941-258-5061
Richardjasonutley@hotmail.com



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

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

Waiver is requested for items required for:

Public Hearing

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

Administrative Action

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

Name of Project: Myerside Resort CPD

Applicant: Cottages at Myerside LLC & Myerside LLC

Strap Number: 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290

Street Address: 25, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931

Phone Number: 850-803-5621

Email: kg@theneighborhood.company



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

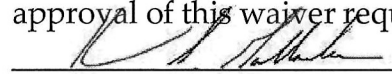
Section Number	Requirement
LDC Sec. 10-473	Listed Species Survey

Scope of project and reasons for request

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

See attached Waiver Narrative.

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


Signature

October 10, 2023

Date

Director's Decision ☒ Approved ☐ Denied

Comments:

10/14/2023 Listed Spp Survey
by Staff. No listed spp.
observed.


Signature

17 OCT 2023
Date

Revised 1/6/2017

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

Page 2 of 2

SUBMIT



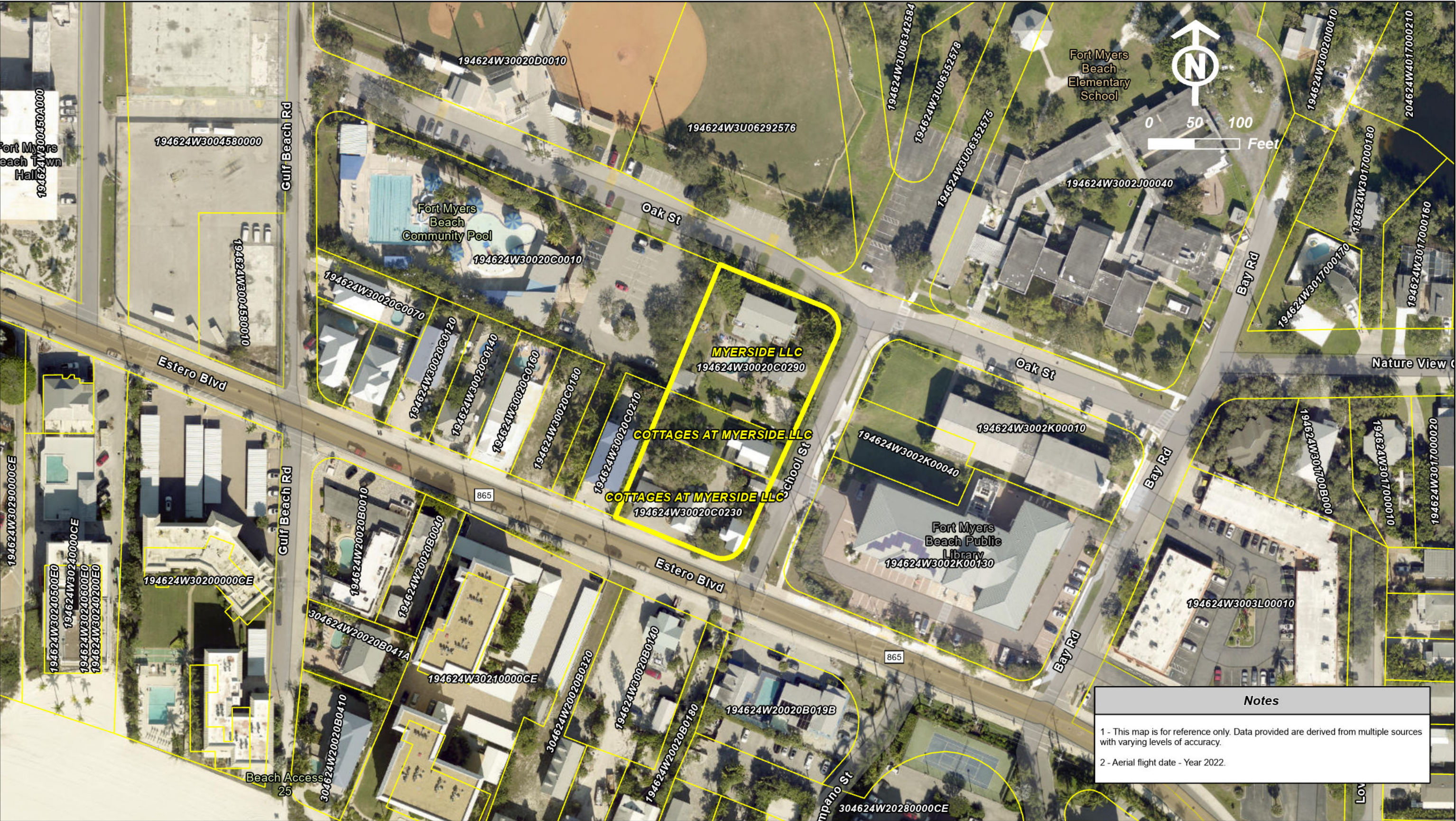
THE NEIGHBORHOOD COMPANY

Myerside Resort Commercial Planned Development (PD) A Commercial Planned Development

Waiver Justification Narrative

The property located at 125, 131-151 School St. and 2661-2681 Estero Blvd., Ft Myers Beach, FL 33931 is the subject property for an application to be submitted for a rezoning request from Commercial Planned Development (CPD) to Commercial Planned Development (CPD). This rezone request is necessary to allow the redevelopment of the Myerside site due to the destruction which was caused by Hurricane Ian in September 2022.

The Neighborhood Company, on behalf of our clients, Cottages at Myerside, LLC and Myerside, LLC, is submitting this Waiver Request from LDC Sec. 10-473 which requires a Listed Species Survey to be completed and submitted with the rezone request application. This request is made due to the property being previously developed, no native vegetation exists on the property, and the redevelopment will be within the limits of the previously developed site. Therefore, there are no listed species to impact on this site.



Myerside
Exhibit 5-1 Property Owners Map

FILE NO:	220037.01.01
DRAWN BY:	F.L.
DESIGN BY:	P.V.
DATE:	FEBRUARY 2023



THE NEIGHBORHOOD
COMPANY

I Roland Weinmann, as authorized member of Myerside LLC owner of property located at 131 – 151 School St., Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W3-0020C.0290, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Rezone Application.

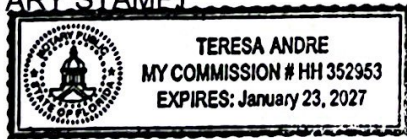
Myerside LLC

By: [Signature]
Print Name: Roland Weinmann
Title: Owner

STATE OF Florida
CITY OF Fort Myers Beach

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 10th day of October, 2023 by Roland Weinmann, as owner of Myerside, LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Florida
Print Name: Teresa Andre
My Commission Expires: 1/23/27



THE NEIGHBORHOOD
COMPANY

I Roland Weimann, as authorized member of Cottages at Myerside LLC owner of property located at 2661-2681 Estero Blvd. & 125 School St., Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W3-0020C.0230 & 19-46-24-W3-0020C.0270, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Rezone Application.

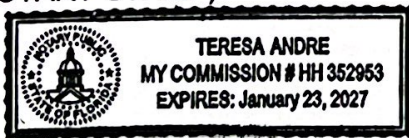
Cottages at Myerside LLC

By: [Signature]
Print Name: Roland Weimann
Title: Owner

STATE OF Florida
CITY OF Fort Myers Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of October, 2023 by Roland Weimann, as Owner of Cottages at Myerside, LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature]
Notary Public, State of Florida
Print Name: Teresa Andre
My Commission Expires: 1/23/27



**MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Rezone**

EXHIBIT 6-1: LEGAL DESCRIPTION

**LEGAL DESCRIPTION:
(AS TAKEN FROM ATTORNEY AFFIDAVIT)**

PARCEL 1:

LOTS 29, 30, 31, 32, 33, AND 34, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0290;
AND

PARCEL 2:

LOTS 27 AND 28, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0270;
AND

PARCEL 3:

LOTS 23, 24, 25 AND 26, BLOCK C, WINKLER'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 19-46-24-W3-0020C.0230;

**LEGAL DESCRIPTION:
(AS SURVEYED)**

A TRACT OR PARCEL OF LAND SITUATED IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF LOT 28, BLOCK C, WINKLER SUBDIVISION, PLAT BOOK 8, PAGE 45, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

THENCE ALONG THE EAST LINE OF SAID BLOCK C ALSO BEING THE WESTERLY RIGHT-OF-WAY OF SCHOOL STREET (50 FEET WIDE) S.21°18'00" W FOR 125.00 FEET TO A POINT ON A CURVE TO THE RIGHT;

THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.66°18'00"W. FOR 35.36 FEET;



THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD (A.K.A. C.R. 865) N.68°42'00"W., FOR 125.00 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY AND LOT 22, BLOCK C OF SAID WINKLER SUBDIVISION;

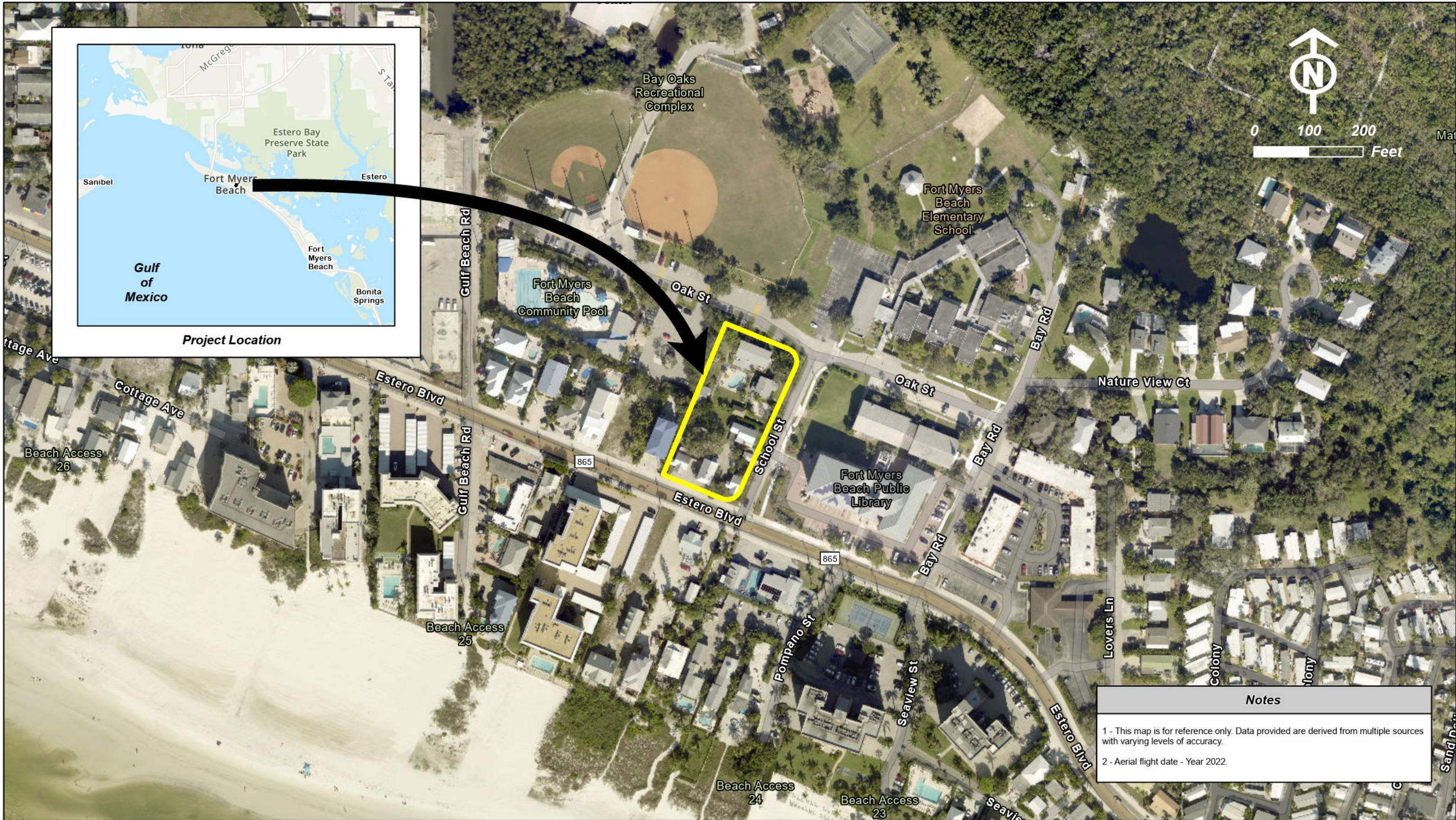
THENCE N.21°18'00"E. ALONG A LINE PARALLEL WITH AND 250.00 WEST OF THE EAST RIGHT-OF-WAY LINE OF SCHOOL STREET (50 FEET WIDE),, FOR 300.00 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 34, BLOCK C, OF SAID WINKLER SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 34 S.68°42'00"E. FOR 125.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.23°42'00"E. FOR 35.36 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SCHOOL STREET (50 FEET WIDE);

THENCE ALONG SAID WEST RIGHT-OF-WAY OF SCHOOL STREET (50 FEET WIDE) S.21°18'00"W., FOR 250.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 44,732 SQUARE FEET OR 1.03 ACRES, MORE OR LESS.



Notes	
1 - This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy.	
2 - Aerial flight date - Year 2022.	



Myerside
Exhibit 6-3 Area Location Map

FILE NO:	220037.01.01
DRAWN BY:	F.L.
DESIGN BY:	P.V.
DATE:	FEBRUARY 2023

Buffer: 500 List Size: 206

Folioid	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
10227543	COTTAGES AT MYERSIDE LLC	FINANCE DEPT	145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227544	COTTAGES AT MYERSIDE LLC		145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227545	MYERSIDE LLC		145 SCHOOL ST		FORT MYERS BEACH	FL	33931	
10227526	SK FMB GROUP LLC		17761 SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
10227527	PRARAZ BUILDERS LLC		4110 CENTER POINTE DR #210		FORT MYERS	FL	33916	
10227528	MLINARIC MARJAN &		330 JEFFERSON CT		FORT MYERS BEACH	FL	33931	
10227529	ALLSTAR PROPERTIES LLC		15373 LAUGHING GULL LN		BONITA SPRINGS	FL	34135	
10227532	CORCELLI DONALD N & MARY E		290 IBIS ST		FORT MYERS BEACH	FL	33931	
10227534	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227536	GULF BEACH LLC		100 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
10570126	DJ AREND FARMS INC	JARET BISHOP	15759 RD 138		PAULDING	OH	45879	
10570127	REEF OF FMB LLC		2411 US RT 22 SW		WASHINGTON COURT HOUSE	OH	43160	
10227537	NECULA MONICA C		7335 HERITAGE PALMS ESTATES DR		FORT MYERS	FL	33966	
10227538	KELLER GARY J & LOLA		2621 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227539	2633 ESTERO LLC		3269 BRIGHTON PLACE DR		LEXINGTON	KY	40509	
10227540	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227542	FOLLIARD PATRICK M & AMY		430 S RIVER RD		NAPERVILLE	IL	60540	
10227552	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10600372	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10610451	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10227557	BOARD OF TRUSTEES OF UNITED ME	ALLIANT PROPERTY MANAGEMENT	450 MARTIN LUTHER KING JR AVE		LAKELAND	FL	33815	
10227558	BOARD OF TRUSTEES OF UNITED ME		450 MARTIN LUTHER KING JR AVE		LAKELAND	FL	33815	
10227560	FORT MYERS BEACH PUBLIC LIBRAR		2755 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227562	ESTERO ISLAND LLC		40385 STONELEIGH ST		NORTHVILLE	MI	48167	
10227609	FORT MYERS BEACH FIRE CONTROL		100 VOORHIS ST		FORT MYERS BEACH	FL	33931	
10227610	FORT MYERS BEACH FIRE CONTROL		100 VOORHIS ST		FORT MYERS BEACH	FL	33931	
10227761	RODRIGUEZ WILFREDO		8880 NW 2ND ST		CORAL SPRINGS	FL	33071	
10227764	COVELESKI RONALD R &		210 NATURE VIEW CT		FORT MYERS BEACH	FL	33931	
10462578	ESTERO BEACH CLUB CONDO ASSN		15751 SAN CAROLOS BLVD #8		FORT MYERS	FL	33908	
10462580	ESTERO BEACH CLUB EAST CONDO		13831 VECTOR AVE		FORT MYERS	FL	33907	
10610452	TOWN OF FORT MYERS BEACH		2525 ESTERO PKWY		FORT MYERS BEACH	FL	33931	
10610453	TOWN OF FORT MYERS BEACH		2525 ESTERO PKWY		FORT MYERS BEACH	FL	33931	
10610433	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10610454	LEE COUNTY DISTRICT SCHOOL BOA		2855 COLONIAL BLVD		FORT MYERS	FL	33966	
10230037	LOV LLC		5432 BROADMOOR ST		ALEXANDRIA	VA	22315	
10230038	CONNER CHARLES R & GAIL D		53 POMPARNO ST		FORT MYERS BEACH	FL	33931	
10230039	CAPTAIN'S QUARTERS FMB LLC		7 IRONWOOD CT		LAKE ZURICH	IL	60047	
10230040	BERNHARD MATTHEW C &		1678 STATE ROUTE 60		ASHLAND	OH	44805	
10230041	MAXWELL EMILY JANE		APT 6	1250 MYERLEE COUNTRY CLUB BLVD	FORT MYERS	FL	33919	
10230042	LUMPKINS NANCIE LEE TR		16730 PINEY POINT RD		PINEY POINT	MD	20674	
10230043	FOREMAN BRADFORD G		50 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
10230044	HIMMELSTEIN ASSOCIATES LLC		PO BOX 218		SOMERS POINT	NJ	8244	
10230080	CAPER BEACH CLUB CONDO ASSN		2810 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
10227767	DIAMOND PROPERTY ALLIANCE LLC		1900 E GOLF RD STE 1275		SCHAUMBURG	IL	60173	
10227768	BROWELL BRIAN R & DEBRA I		900 ROSA LN		LAFAYETTE	IN	47905	
10227769	COFFMAN JOYCE A		55 HIAWATHA LN		GALESBURG	IL	61401	
10227770	STUCK STEVEN L & LORRAINE M		362 MISTY PINE TR		PRUDENVILLE	MI	48651	
10227771	VOLPE KENT R +	919 WARWICK LN	LIBERTYVILLE		IL	60048		
10227772	OLSEN SUSAN L	406 SPRING CREEK CT	ALBANY		IL	61230		
10227773	RAMEY STEVEN L & NANCY K	1634 DORRELL CT	GREENWOOD		IN	46143		
10227774	KDMJ ASSOCIATES INC	23884 SANCTUARY LAKES CT	BONITA SPRINGS		FL	34134		
10227775	LAIRD W E & DORIS M	1125 MERCER DR	TALLAHASSEE		FL	32312		
10227776	KREUTZ DAVID TR	2580 ESTERO BLVD # 31	FORT MYERS BEACH		FL	33931		
10227777	INCAUDO DANIEL +	98 PELICAN GLIDE LN	INLET BEACH	FL	32461			
10227778	JOHNSTON DEAN + DEBI	PO BOX 20010	149 WESTMOUNT DR N	ORILLIA	ON	L3V 7X9	CANADA	
10227779	GREGORY W GARNETT TRUST +	244 N WOODRIDGE DR		PITTSBORO	IN	46167		
10227780	T&R MULDOWNEY FAMILY LLC +	5667 N CL MYERS DR		BYRON	IL	61010		
10227781	RAMEY STEVEN L & NANCY K	1634 DORRELL CT		GREENWOOD	IN	46143		
10227782	LTE 6020 LLC	2024 OAKRIDGE ST		SAINT PAUL	MN	55119		
10227783	HV DESIGNS LLC	2592 INDIAN WELLS TRL		XENIA	OH	45385		
10227784	MANNING DEBORAH A TR	2580 ESTERO BLVD #44		FORT MYERS BEACH	FL	33931		
10227785	ZECHINATI JAMES &	924 WESTCHESTER WAY		RICHMOND	KY	40475		
10227786	SCHRADER CHARLES H TR	2580 ESTERO BLVD #51		FORT MYERS BEACH	FL	33931		
10227787	CAPPARIS PROPERTIES LLC	1500 COLONIAL BLVD #200		FORT MYERS	FL	33907		
10227788	KOOP ROBERT N & SHARON L	1137 ELMWOOD LN		ELK GROVE VILLAGE	IL	60007		
10227789	AREND DAVID L & JOANNA L	15759 ROAD 138		PAULDING	OH	45879		
10227790	HIGHLAND MANOR APARTMENTS LLC	818 LAUREN DR		VILLA HILLS	KY	41017		
10227791	GULFWAY 101 LLC	23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134		
10227792	GULFWAY 102 LLC	23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134		
10227793	WOLFE CHARLES G & PAMELA M	401 MONOCACY DR		BATH	PA	18014		
10227794	GARNETT RODNEY S & ALTHEA N	7377 N COUNTY ROAD 550 E		PITTSBORO	IN	46167		
10227795	ESTERO BEACH CLUB CONDO ASSN	2580 ESTERO BLVD OFC		FORT MYERS BEACH	FL	33931		
10227796	YEAGER JOHN A & M ELAINE	4923 STONEHAVEN DR		COLUMBUS	OH	43220		
10227797	ESTERO FMB RENTAL LLC	2580 ESTERO BLVD #44	FORT MYERS BEACH	FL	33931			
10227798	SEASHORE PROPERTIES LLC	AARON DL + MICHELLE A WRIGHT	515 PRESCOTT PL	WEST FARGO	ND	58078		
10227799	FLORIDA WRIGHT ENTERPRISES LLC		10100 CYPRESS COVE DR UNIT 354	FORT MYERS	FL	33908		
10227800	ALEXANDER MICHAEL B TR		9667 WINDGATE DR	BLOOMINGTON	IL	61705		
10227801	NORRIS MARK A & SUSAN K		3155 E STRATER RD	KENDALLVILLE	IN	46755		
10227802	CHESNUT STEVEN WAYNE &		6701 IDLEWILD ST	FORT MYERS	FL	33966		
10227803	MEYER LAURELEE M		2580 ESTERO BLVD #303	FORT MYERS BEACH	FL	33931		
10227804	TUBBS THOMAS A TR		2580 ESTERO BLVD #304	FORT MYERS BEACH	FL	33931		
10227805	ROMBERG TINA RUIZ &		2580 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931		
10227806	HEUCK DAVID & MICHELLE		14690 FAIR HAVEN RD	FORT MYERS	FL	33908		
10227807	DELBERT G CLARK TRUST +		29785 KESTRAL LANE ST	SAINT JOSEPH	MN	56374		
10227808	EBC 403 LLC	1922 MADISON ST	MADISON	WI	53711			
10227809	CONKLIN KERRY P TR	12956 ROCKY POINTE ROAD	MC CORDSVILLE	IN	46055			
10227810	ALLEN RICHARD JOHN	532 E POLK RD	ITHACA	MI	48847			
10227811	MORRISON STEVEN L &	9207 175TH ST W	ILLINOIS CITY	IL	61259			
10227812	COMBS JILL A GRAVEL &	14 OAKRIDGE CIR	WARE	MA	1082			
10227813	EBC 503 LLC	1922 MADISON ST	MADISON	WI	53711			
10227814	MELLEMA GARY & LARI ANN	11 HAYES CT	TROPHY CLUB	TX	76262			
10227815	WRIGHT AARON DAVID LEE &	515 PRESCOTT PL	WEST FARGO	ND	58078			
10227817	PITTENGER PHILIP J +	5081 OUTERVIEW DR	SPRINGFIELD	OH	45502			
10227818	SCHWAB STEPHEN & HOLLY	111 WATEREDGE LN	FREDERICKSBURG	VA	22406			
10227819	TURNER KENNETH A & SANDRA S	2709B DAY ISLAND BLVD W	UNIVERSITY PLACE	WA	98466			
10227820	BUBNIAK WILLIAM A	24 MEADOW LARK DR	COHOES	NY	12047			
10227821	MENA FRANK & LAURA +	4400 SW 133RD AVE	MIAMI	FL	33175			
10227822	JOHNSON MICHAEL A	71 SUNSET LN	SPRINGVILLE	NY	14141			
10227823	PRAULT VINCENT W &	10 THOMAS DR	NORMAL	IL	61761			
10227824	KONOPKA MARK A &	840 S MEDINA LINE RD	WADSWORTH	OH	44281			
10227825	2650 ESTERO 25 LLC	573 W17240 LAKE DR	MUSKEGO	WI	53150			
10227826	HART KATHLEEN & ROBERT	705 BEACH CREEK	WILDWOOD	NJ	8260			
10227827	FLAHERTY MARTIN & DONNA	8953 S 87TH AVE	HICKORY HILLS	IL	60457			

10227828	VERRUSO CARMELO L TR	2650 ESTERO BLVD #33	FORT MYERS BEACH	FL	33931
10227829	MORRIS DAVID A	4 BLUEBERRY PL	CHESHIRE	CT	6410
10227830	MURPHY JOHN THOMAS & BIRDIE	49 CHADWIN DR	LINDSAY	ON	K9V 0E8 CANADA
10227831	FOSTER EDWINA G &	28 OCEAN AVE	PATCHOGUE	NY	11772
10227832	BARBIERI MARIQUITA	7226 CLAYTON RD	SAINT LOUIS	MO	63117
10227833	LAUCHNER JOEL K & WANDREA R	2650 ESTERO BLVD #43	FORT MYERS BEACH	FL	33931
10227834	HOLLOWAY MICHELLE & JAMES	600 SE BRENTWOOD DR	WAUKEE	IA	50263
10227835	EBCE 45 LLC	S73W17240 LAKE DR	MUSKEGO	WI	53150
10227836	TODD JOSEPH K & SUSAN D	2650 ESTERO BLVD APT 51	FORT MYERS BEACH	FL	33931
10227837	SUN SAND & SURF PROPERTIES LLC	601 E OGDEN AVE #510	MILWAUKEE	WI	53202
10227838	STEPANIUK MARY C	2650 ESTERO BLVD #53	FORT MYERS BEACH	FL	33931
10227839	MORAN PATRIC J & BEVERLY A	620 NORTH PARK BLVD	GLEN ELLYN	IL	60137
10227840	WHITE JOHNIE C II &	376 ATWOOD DR	LEXINGTON	KY	40515
10227841	TURNER KENNETH A & SANDRA S	2709B DAY ISLAND BLVD W	UNIVERSITY PLACE	WA	98466
10227842	SUSAN WEIDENKOPF WATTS TRUST +	16774 PANTHER PAW CT	FORT MYERS	FL	33908
10227843	UNKNOWN HEIRS OF	10939 YOUNG RD	ANSONIA	OH	45303
10227844	BDR SUNSHINE LLC	1150 BRIDLEWOOD LN	LEXINGTON	KY	40515
10227845	CARLIN GRANT A +	830 EASTLAWN	WIDSOR	ON	N8S 3H7 CANADA
10227846	GRANDGEORGE ROBERT E &	PO BOX 459	SOMONAUK	IL	60552
10227847	ARNESON MARGARET M &	PO BOX 210	SHERIDAN	IL	60551
10227848	HONKALA DEBRA S TR	PO BOX 361	SOMONAUK	IL	60552
10227849	WEAVER FREDERICK I & JILL S	2650 ESTERO BLVD UNIT 205	FORT MYERS BEACH	FL	33931
10227850	MADER JEANNE R TR	20 THORNTON RD	LONDONDERRY	NH	3053
10227851	TROJAN DARWIN M & JODI P	9 ALGONQUIN TRL	BARRIE	ON	L4M 5M2 CANADA
10227852	BEVIS WILLIAM J & CRYSTAL L L/	9231 SYCAMORE SPRINGS CT	DAYTON	OH	45458
10227853	HUNTER HARRY + JOANNE	2650 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10227854	HUNTER HARRY + JOANNE	2650 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10227855	TOlLEY PELOTON LLC	2650 ESTERO BLVD # 306	FORT MYERS BEACH	FL	33931
10227856	PALMS TO POWDER LLC	226988 BOULDER RIDGE	WAUSAU	WI	54401
10227857	STANDISH MARTHA	22 BROOKSIDE RD	WALLINGFORD	PA	19086
10227858	PRICE JEREMY TR	450 1ST STREET SOUTHWEST	CEDAR RAPIDS	IA	52404
10227859	ROTH VERRA ANNE	6731 NW 28TH AV	FT LAUDERDALE	FL	33309
10227860	KITCHEN JANICE K L/E	2650 ESTERO BLVD #406	FORT MYERS BEACH	FL	33931
10227861	FAUSTINI ROSE MARIE TR	2650 ESTERO BLVD #502	FORT MYERS BEACH	FL	33931
10227862	RDW LIMITED PARTNERSHIP	813 WESTCHESTER DR	LEXINGTON	KY	40502
10227863	DIETRICH DONALD B TR	9099 RIVERSIDE DR E STE 1318 E	WINDSOR	ON	N8S 4P9 CANADA
10227864	JOHNSON MICHAEL A	71 SUNSET LN	SPRINGVILLE	NY	14141
10227865	DVORAK DAVID M & JANETTE	2650 ESTERO BLVD #506	FORT MYERS BEACH	FL	33931
10230081	DUGAN MARILOU A TR	5725 LAKE BRIAR DR	MILLSTADT	IL	62260
10230082	BOYE CHARLES & LOURDES	4366 SW 130TH AVE	DAVIE	FL	33330
10230083	MILLIES FRED L + JOANN J TR	W 240 S 10050 CASTLE RD	BIG BEND	WI	53103
10230084	KUPSTYS ALBERT P & ELLEN N	6900 ESTERO BLVD APT205	FORT MYERS BEACH	FL	33931
10230085	DAVID A WARD TRUST +	1221 N SHORE DR	CLEAR LAKE	IA	50428
10230089	GULF VIEW LLC	4114 COCHRANE PKWY	AMES	IA	50014
10230090	LANG VIVIAN J G TR	206 SUNSET DR	HALLANDALE BEACH	FL	33009
10230091	PETER WILLIAM C TR	2532 ESTERO BLVD #205	FORT MYERS BEACH	FL	33931
10230092	DINGLE LINDA A	1235 YALE PL # 204	MINNEAPOLIS	MN	55403
10230093	GOETZ ROBERT JOHN &	2800 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
10230094	FELLIN JAMES S & MICHELLE A	114 SHERBORNE DR	MCMURRAY	PA	15317
10230099	SPLITTORFF LYNN A TR	1217 BUCKINGHAM CT	RAYMORE	MO	64083
10230100	LUCKE THOMAS J TR	PO BOX 75	WISCONSIN DELLS	WI	53965
10230101	CHRISTIE EDWARD C +	30 HIGH ST	ALLENDALE	NJ	7401
10230102	BELTRAMI DEBRA L TR	1028 E TALBOT ST	ARLINGTON HEIGHTS	IL	60004
10230103	MAYER THOMAS R & MUSA J	250 W 82ND ST APT 42	NEW YORK	NY	10024
10230104	HEFFERON DANIEL J	9095 COTTONWOOD CANYON PLACE	LENEXA	KS	66219
10230109	MATTEI BARBARA M	521 CANYON CIR	WISCONSIN DELLS	WI	53965
10230110	GAMAUF DONALD F & JEAN E TR	2800 ESTERO BLVD #502	FORT MYERS BEACH	FL	33931
10230111	COOPER DANAH HARPER TR	6718 DANIEL CT	FORT MYERS	FL	33908
10230112	HOFFMAN JEAN E TR	1304B W DAVISON ST	ROANOKE	IL	61561
10230113	LUCKE THOMAS J TR	801 MEADOW LAWN	WISCONSIN DELLS	WI	53965
10230114	BALTES DORIS J TR	2021 NUTT RD	DAYTON	OH	45458
10230119	BRECKENFELDER DAVID &	640 RANDY LANE	FORT MYERS BEACH	FL	33931
10230120	KALLIES CAPER LLC	2640 MALAITA CT	CAPE CORAL	FL	33991
10230121	MILLIES DANIEL R	597 W23685 PAR AVE	BIG BEND	WI	53103
10230122	BRUNNER KENT A & KIMBERLY S TR	494 CARRIAGE LN	HUDSON	WI	54016
10230123	BRUNNER KIMBERLY S TR	494 CARRIAGE LN	HUDSON	WI	54016
10230124	ANDOLINI PROPERTIES LTD	4800 MUNSON NW	CANTON	OH	44718
10230129	2800 ESTERO 701 LLC	8428 MARKET AVE	N CANTON	OH	44721
10230130	2800 ESTERO 702 LLC	8428 MARKET AVE N	N CANTON	OH	44721
10230131	KLEINE JANET M TR	933 ST JAMES PARK AVE	MONROE	MI	48161
10230132	KLEINJAN FAMILY LP	333 33RD AVE S	SAINT CLOUD	MN	56301
10230133	SAND JAMES W & JEAN T TR	32276 NARNIA LN	AVON	MN	56310
10230134	HARDIN JANICE P TR	834 FREEMAN LAKE RD	ELIZABETHTOWN	KY	42701
10230139	BENSON MARK M TR	735 N WATER ST STE 205	MILWAUKEE	WI	53202
10230140	WOOD KELLY R &	2800 ESTERO BLVD #802	FORT MYERS BEACH	FL	33931
10230141	DOERR BRUCE TR	924 MAES RD	MURPHYSBORO	IL	62966
10230142	GALMARINI MARIA JULIA TR	104 HISPANIOLA LN	BONITA SPRINGS	FL	34134
10230143	HEWITT INVESTMENTS LLC	8638 HART DR	WIND LAKE	WI	53185
10230144	COX KINNEY CHERYL	5214 PALOMAR LN	DALLAS	TX	75229
10230149	MATTEI RENTAL LLC	346 CHURCH ST	WISCONSIN DELLS	WI	53965
10230150	LAUE JEANNE TR	2800 ESTERO BLVD #902	FORT MYERS BEACH	FL	33931
10230151	KELLEY BEACHFRONT RESORT LLC	3248 TAVOLARA LN	NAPLES	FL	34114
10230152	SMITH RONNIE A & NANCY	740 GRAYSON LN	JACKSON	TN	38305
10230153	VITALE PIETRO TR	2800 ESTERO BLVD #905	FORT MYERS BEACH	FL	33931
10230154	VITALE GIOVANNI TR	20400 HALL ROAD	CLINTON TOWNSHIP	MI	48038
10230159	GERMANTOWN MUTUAL INSURANCE CO	PO BOX 1020	GERMANTOWN	WI	53022
10230160	MOSS BRENDA JOYCE	328 GLENBROOK DR	MIDLAND	ON	L4R 5G4 CANADA
10230161	LASH RONALD D & JANICE M	2800 ESTERO BLVD #1003	FORT MYERS BEACH	FL	33931
10230162	RICHARD L KIEFER JR TRUST +	11751 N 400 EAST RD	GRIDLEY	IL	61744
10230163	SAND LEO M TR	2800 ESTERO BLVD #1005	FORT MYERS BEACH	FL	33931
10230164	HEWITT INVESTMENTS LLC	8638 HART DR	WIND LAKE	WI	53185
10230169	DUFF J SCOTT & DIANE L	9085 OCONNERS POINT DR	BELLE CENTER	OH	43310
10230170	BAGNOLA BRIDGET F TR	7004 SALERNO ST NW	CANTON	OH	44718
10230171	STEVEN JOHN SHEBA TRUST +	192 GILWOOD PARK DR	PENETANGUISHENE	ON	L9M 1Z6 CANADA
10230172	HAGEN LYMAN B +	2330 LANE RD	COLUMBUS	OH	43220
10230173	RIEMEN BRETT & LESLIE	2763 TOWER RD	MCFARLAND	WI	53558
10230174	BRANDEWIE BRIAN & JODELL L	19029 BRIGADOON PL	CORNELIUS	NC	28031
10230175	MATTEI MONTE +	346 CHURCH ST	WISCONSIN DELLS	WI	53965
10230176	SAND LEO M TR	2800 ESTERO BLVD #1005	FORT MYERS BEACH	FL	33931
10230177	DONNELLY RICHARD A	304 RON AIRE DR	PIQUA	OH	45356
10230178	MAZA MICHAEL & LISA	2175 LAKE SHORE LANDING	ALPHARETTA	GA	30005
10230179	JOHNSTON S LLC	9430 TALL PINES WAY	PIQUA	OH	45356
10230180	ATANASOFF KRIST D +	156 SUNSET SHORE RD	IRON RIVER	MI	49935

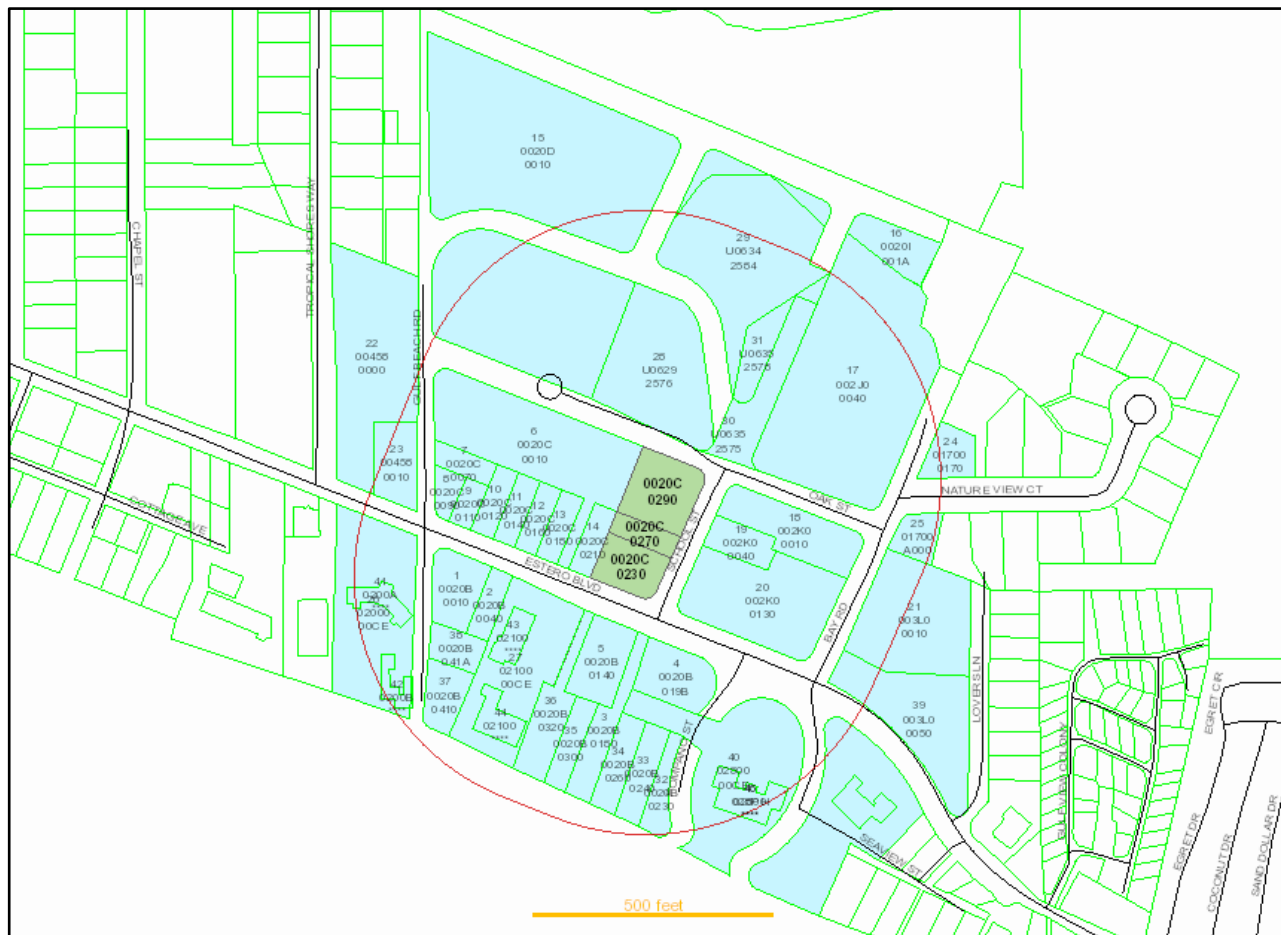


THE NEIGHBORHOOD COMPANY

Myerside Commercial Planned Development (CPD)
125, 131-151 Second St. and 2661-2681 Estero Blvd., Fort Myers Beach, FL

Exhibit 6-7

500' Surrounding Property Owners Map



SK FMB GROUP LLC
17761 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916

MLINARIC MARJAN &
330 JEFFERSON CT
FORT MYERS BEACH FL 33931

ALLSTAR PROPERTIES LLC
15373 LAUGHING GULL LN
BONITA SPRINGS FL 34135

CORCELLI DONALD N & MARY E
290 IBIS ST
FORT MYERS BEACH FL 33931

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

GULF BEACH LLC
100 GULF BEACH RD
FORT MYERS BEACH FL 33931

DJ AREND FARMS INC
15759 RD 138
PAULDING OH 45879

REEF OF FMB LLC
JARET BISHOP
2411 US RT 22 SW
WASHINGTON COURT HOUSE OH 43160

NECULA MONICA C
7335 HERITAGE PALMS ESTATES DR
FORT MYERS FL 33966

KELLER GARY J & LOLA
2621 ESTERO BLVD
FORT MYERS BEACH FL 33931

2633 ESTERO LLC
3269 BRIGHTON PLACE DR
LEXINGTON KY 40509

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

FOLLIARD PATRICK M & AMY
430 S RIVER RD
NAPERVILLE IL 60540

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

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

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

FORT MYERS BEACH PUBLIC LIBRAR
2755 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO ISLAND LLC
40385 STONELEIGH ST
NORTHVILLE MI 48167

FORT MYERS BEACH FIRE CONTROL
100 VOORHIS ST
FORT MYERS BEACH FL 33931

FORT MYERS BEACH FIRE CONTROL
100 VOORHIS ST
FORT MYERS BEACH FL 33931

RODRIGUEZ WILFREDO
8880 NW 2ND ST
CORAL SPRINGS FL 33071

COVELESKI RONALD R &
210 NATURE VIEW CT
FORT MYERS BEACH FL 33931

ESTERO BEACH CLUB CONDO ASSN
15751 SAN CAROLOS BLVD #8
FORT MYERS FL 33908

ESTERO BEACH CLUB EAST CONDO
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907

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

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

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

LEE COUNTY DISTRICT SCHOOL BOA
2855 COLONIAL BLVD
FORT MYERS FL 33966

LOV LLC
5432 BROADMOOR ST
ALEXANDRIA VA 22315

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

CAPTAIN'S QUARTERS FMB LLC
7 IRONWOOD CT
LAKE ZURICH IL 60047

BERNHARD MATTHEW C &
1678 STATE ROUTE 60
ASHLAND OH 44805

MAXWELL EMILY JANE
APT 6
1250 MYERLEE COUNTRY CLUB BLVD
FORT MYERS FL 33919

LUMPKINS NANCIE LEE TR
16730 PINEY POINT RD
PINEY POINT MD 20674

FOREMAN BRADFORD G
50 GULF BEACH RD
FORT MYERS BEACH FL 33931

HIMMELSTEIN ASSOCIATES LLC
PO BOX 218
SOMERS POINT NJ 08244

CAPER BEACH CLUB CONDO ASSN
2810 ESTERO BLVD
FORT MYERS BEACH FL 33931

DIAMOND PROPERTY ALLIANCE LLC
1900 E GOLF RD STE 1275
SCHAUMBURG IL 60173

BROWELL BRIAN R & DEBRA I
900 ROSA LN
LAFAYETTE IN 47905

COFFMAN JOYCE A
55 HIAWATHA LN
GALESBURG IL 61401

STUCK STEVEN L & LORRAINE M
362 MISTY PINE TR
PRUDENVILLE MI 48651

VOLPE KENT R +
919 WARWICK LN
LIBERTYVILLE IL 60048

OLSEN SUSAN L
406 SPRING CREEK CT
ALBANY IL 61230

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

KDMJ ASSOCIATES INC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

LAIRD W E & DORIS M
1125 MERCER DR
TALLAHASSEE FL 32312

KREUTZ DAVID TR
2580 ESTERO BLVD # 31
FORT MYERS BEACH FL 33931

INCAUDO DANIEL +
98 PELICAN GLIDE LN
INLET BEACH FL 32461

JOHNSTON DEAN + DEBI
PO BOX 20010
149 WESTMOUNT DR N
ORILLIA ON L3V 7X9
CANADA

GREGORY W GARNETT TRUST +
244 N WOODRIDGE DR
PITTSBORO IN 46167

T&R MULDOWNNEY FAMILY LLC +
CJ KENTNER
5667 N CL MYERS DR
BYRON IL 61010

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

LTE 6020 LLC
2024 OAKRIDGE ST
SAINT PAUL MN 55119

HV DESIGNS LLC
2592 INDIAN WELLS TRL
XENIA OH 45385

MANNING DEBORAH A TR
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

ZECHINATI JAMES &
924 WESTCHESTER WAY
RICHMOND KY 40475

SCHRADER CHARLES H TR
2580 ESTERO BLVD #51
FORT MYERS BEACH FL 33931

CAPPARIS PROPERTIES LLC
1500 COLONIAL BLVD #200
FORT MYERS FL 33907

KOOP ROBERT N & SHARON L
1137 ELMWOOD LN
ELK GROVE VILLAGE IL 60007

AREND DAVID L & JOANNA L
15759 ROAD 138
PAULDING OH 45879

HIGHLAND MANOR APARTMENTS LLC
818 LAUREN DR
VILLA HILLS KY 41017

GULFWAY 101 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

GULFWAY 102 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

WOLFE CHARLES G & PAMELA M
401 MONOCACY DR
BATH PA 18014

GARNETT RODNEY S & ALTHEA N
7377 N COUNTY ROAD 550 E
PITTSBORO IN 46167

ESTERO BEACH CLUB CONDO ASSN
2580 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

YEAGER JOHN A & MELAINE
4923 STONEHAVEN DR
COLUMBUS OH 43220

ESTERO FMB RENTAL LLC
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

SEASHORE PROPERTIES LLC
AARON DL + MICHELLE A WRIGHT
515 PRESCOTT PL
WEST FARGO ND 58078

FLORIDA WRIGHT ENTERPRISES LLC
10100 CYPRESS COVE DR UNIT 354
FORT MYERS FL 33908

ALEXANDER MICHAEL B TR
9667 WINDGATE DR
BLOOMINGTON IL 61705

NORRIS MARK A & SUSAN K
3155 E STRATER RD
KENDALLVILLE IN 46755

CHESNUT STEVEN WAYNE &
6701 IDLEWILD ST
FORT MYERS FL 33966

MEYER LAURELEE M
2580 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

TUBBS THOMAS A TR
2580 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

ROMBERG TINA RUIZ &
2580 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HEUCK DAVID & MICHELLE
14690 FAIR HAVEN RD
FORT MYERS FL 33908

DELBERT G CLARK TRUST +
29785 KESTRAL LANE ST
SAINT JOSEPH MN 56374

EBC 403 LLC
1922 MADISON ST
MADISON WI 53711

CONKLIN KERRY P TR
12956 ROCKY POINTE ROAD
MC CORDSVILLE IN 46055

ALLEN RICHARD JOHN
532 E POLK RD
ITHACA MI 48847

MORRISON STEVEN L &
9207 175TH ST W
ILLINOIS CITY IL 61259

COMBS JILL A GRAVEL &
14 OAKRIDGE CIR
WARE MA 01082

EBC 503 LLC
1922 MADISON ST
MADISON WI 53711

MELLEMA GARY & LARI ANN
11 HAYES CT
TROPHY CLUB TX 76262

WRIGHT AARON DAVID LEE &
515 PRESCOTT PL
WEST FARGO ND 58078

PITTENGER PHILIP J +
5081 OUTERVIEW DR
SPRINGFIELD OH 45502

SCHWAB STEPHEN & HOLLY
111 WATEREDGE LN
FREDERICKSBURG VA 22406

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

BUBNIAK WILLIAM A
24 MEADOW LARK DR
COHOES NY 12047

MENA FRANK & LAURA +
4400 SW 133RD AVE
MIAMI FL 33175

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

PRAULT VINCENT W &
10 THOMAS DR
NORMAL IL 61761

KONOPKA MARK A &
840 S MEDINA LINE RD
WADSWORTH OH 44281

2650 ESTERO 25 LLC
S73 W17240 LAKE DR
MUSKEGO WI 53150

HART KATHLEEN & ROBERT
705 BEACH CREEK
WILDWOOD NJ 08260

FLAHERTY MARTIN & DONNA
8953 S 87TH AVE
HICKORY HILLS IL 60457

VERRUSO CARMELO L TR
2650 ESTERO BLVD #33
FORT MYERS BEACH FL 33931

MORRIS DAVID A
4 BLUEBERRY PL
CHESHIRE CT 06410

MURPHY JOHN THOMAS & BIRDIE
49 CHADWIN DR
LINDSAY ON K9V 0E8
CANADA

FOSTER EDWINA G &
28 OCEAN AVE
PATCHOGUE NY 11772

BARBIERI MARIQUITA
7226 CLAYTON RD
SAINT LOUIS MO 63117

LAUCHNER JOEL K & WANDREA R
2650 ESTERO BLVD #43
FORT MYERS BEACH FL 33931

HOLLOWAY MICHELLE & JAMES
600 SE BRENTWOOD DR
WAUKEE IA 50263

EBCE 45 LLC
S73W17240 LAKE DR
MUSKEGO WI 53150

TODD JOSEPH K & SUSAN D
2650 ESTERO BLVD APT 51
FORT MYERS BEACH FL 33931

SUN SAND & SURF PROPERTIES LLC
601 E OGDEN AVE #510
MILWAUKEE WI 53202

STEPANIUK MARY C
2650 ESTERO BLVD #53
FORT MYERS BEACH FL 33931

MORAN PATRIC J & BEVERLY A
620 NORTH PARK BLVD
GLEN ELLYN IL 60137

WHITE JOHNIE C II &
376 ATWOOD DR
LEXINGTON KY 40515

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

SUSAN WEIDENKOPF WATTS TRUST +
16774 PANTHER PAW CT
FORT MYERS FL 33908

UNKNOWN HEIRS OF
10939 YOUNG RD
ANSONIA OH 45303

BDR SUNSHINE LLC
1150 BRIDLEWOOD LN
LEXINGTON KY 40515

CARLIN GRANT A +
830 EASTLAWN
WIDSOR ON N8S 3H7
CANADA

GRANDGEORGE ROBERT E &
PO BOX 459
SOMONAUKE IL 60552

ARNESON MARGARET M &
PO BOX 210
SHERIDAN IL 60551

HONKALA DEBRA S TR
PO BOX 361
SOMONAUK IL 60552

WEAVER FREDERICK L & JILL S
2650 ESTERO BLVD UNIT 205
FORT MYERS BEACH FL 33931

MADER JEANNE R TR
SUSAN M MACLENNAN
20 THORNTON RD
LONDONDERRY NH 03053

TROJAN DARWIN M & JODI P
9 ALGONQUIN TRL
BARRIE ON L4M 5M2
CANADA

BEVIS WILLIAM J & CRYSTAL L L/
9231 SYCAMORE SPRINGS CT
DAYTON OH 45458

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

TOLLEY PELOTON LLC
2650 ESTERO BLVD # 306
FORT MYERS BEACH FL 33931

PALMS TO POWDER LLC
226988 BOULDER RIDGE
WAUSAU WI 54401

STANDISH MARTHA
22 BROOKSIDE RD
WALLINGFORD PA 19086

PRICE JEREMY TR
450 1ST STREET SOUTHWEST # 503
CEDAR RAPIDS IA 52404

ROTH VERRA ANNE
6731 NW 28TH AV
FT LAUDERDALE FL 33309

KITCHEN JANICE K L/E
2650 ESTERO BLVD #406
FORT MYERS BEACH FL 33931

FAUSTINI ROSE MARIE TR
2650 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

RDW LIMITED PARTNERSHIP
813 WESTCHESTER DR
LEXINGTON KY 40502

DIETRICH DONALD B TR
9099 RIVERSIDE DR E STE 1318 E
WINDSOR ON N8S 4P9
CANADA

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

DVORAK DAVID M & JANETTE
2650 ESTERO BLVD #506
FORT MYERS BEACH FL 33931

DUGAN MARILOU A TR
5725 LAKE BRIAR DR
MILLSTADT IL 62260

BOYE CHARLES & LOURDES
4366 SW 130TH AVE
DAVIE FL 33330

MILLIES FRED L + JOANN J TR
W 240 S 10050 CASTLE RD
BIG BEND WI 53103

KUPSTYS ALBERT P & ELLEN N
6900 ESTERO BLVD APT205
FORT MYERS BEACH FL 33931

DAVID A WARD TRUST +
1221 N SHORE DR
CLEAR LAKE IA 50428

GULF VIEW LLC
4114 COCHRANE PKWY
AMES IA 50014

LANG VIVIAN J G TR
206 SUNSET DR
HALLANDALE BEACH FL 33009

PETER WILLIAM C TR
2532 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

DINGLE LINDA A
1235 YALE PL # 204
MINNEAPOLIS MN 55403

GOETZ ROBERT JOHN &
2800 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

FELLIN JAMES S & MICHELLE A
114 SHERBORNE DR
MCMURRAY PA 15317

SPLITTORFF LYNN A TR
1217 BUCKINGHAM CT
RAYMORE MO 64083

LUCKE THOMAS J TR
PO BOX 75
WISCONSIN DELLS WI 53965

CHRISTIE EDWARD C +
30 HIGH ST
ALLENDALE NJ 07401

BELTRAMI DEBRA L TR
1028 E TALBOT ST
ARLINGTON HEIGHTS IL 60004

MAYER THOMAS R & MUSA J
250 W 82ND ST APT 42
NEW YORK NY 10024

HEFFERON DANIEL J
9095 COTTONWOOD CANYON PLACE
LENEXA KS 66219

MATTEI BARBARA M
521 CANYON CIR
WISCONSIN DELLS WI 53965

GAMAUF DONALD F & JEAN E TR
2800 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

COOPER DANAH HARPER TR
6718 DANIEL CT
FORT MYERS FL 33908

HOFFMAN JEAN E TR
1304B W DAVISON ST
ROANOKE IL 61561

LUCKE THOMAS J TR
801 MEADOW LAWN
WISCONSIN DELLS WI 53965

BALTES DORIS J TR
2021 NUTT RD
DAYTON OH 45458

BRECKENFELDER DAVID &
640 RANDY LANE
FORT MYERS BEACH FL 33931

KALLIES CAPER LLC
KATHLEEN GRAHAM
2640 MALAITA CT
CAPE CORAL FL 33991

MILLIES DANIEL R
S97 W23685 PAR AVE
BIG BEND WI 53103

BRUNNER KENT A & KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

BRUNNER KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

ANDOLINI PROPERTIES LTD
DEAN A BAGNOLA
4800 MUNSON NW
CANTON OH 44718

2800 ESTERO 701 LLC
8428 MARKET AVE
N CANTON OH 44721

2800 ESTERO 702 LLC
8428 MARKET AVE N
N CANTON OH 44721

KLEINE JANET M TR
933 ST JAMES PARK AVE
MONROE MI 48161

KLEINJAN FAMILY LP
333 33RD AVE S
SAINT CLOUD MN 56301

SAND JAMES W & JEAN T TR
32276 NARNIA LN
AVON MN 56310

HARDIN JANICE P TR
834 FREEMAN LAKE RD
ELIZABETHTOWN KY 42701

BENSON MARK M TR
735 N WATER ST STE 205
MILWAUKEE WI 53202

WOOD KELLY R &
2800 ESTERO BLVD #802
FORT MYERS BEACH FL 33931

DOERR BRUCE TR
924 MAES RD
MURPHYSBORO IL 62966

GALMARINI MARIA JULIA TR
104 HISPANIOLA LN
BONITA SPRINGS FL 34134

HEWITT INVESTMENTS LLC
NICOLE R HEWITT
8638 HART DR
WIND LAKE WI 53185

COX KINNEY CHERYL
5214 PALOMAR LN
DALLAS TX 75229

MATTEI RENTAL LLC
346 CHURCH ST
WISCONSIN DELLS WI 53965

LAUE JEANNE TR
2800 ESTERO BLVD #902
FORT MYERS BEACH FL 33931

KELLEY BEACHFRONT RESORT LLC
3248 TAVOLARA LN
NAPLES FL 34114

SMITH RONNIE A & NANCY
740 GRAYSON LN
JACKSON TN 38305

VITALE PIETRO TR
2800 ESTERO BLVD #905
FORT MYERS BEACH FL 33931

VITALE GIOVANNI TR
20400 HALL ROAD
CLINTON TOWNSHIP MI 48038

GERMANTOWN MUTUAL INSURANCE CO
PO BOX 1020
GERMANTOWN WI 53022

MOSS BRENDA JOYCE
328 GLENBROOK DR
MIDLAND ON L4R 5G4
CANADA

LASH RONALD D & JANICE M
2800 ESTERO BLVD #1003
FORT MYERS BEACH FL 33931

RICHARD L KIEFER JR TRUST +
11751 N 400 EAST RD
GRIDLEY IL 61744

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

HEWITT INVESTMENTS LLC
8638 HART DR
WIND LAKE WI 53185

DUFF J SCOTT & DIANE L
9085 OCONNERS POINT DR
BELLE CENTER OH 43310

BAGNOLA BRIDGET F TR
7004 SALERNO ST NW
CANTON OH 44718

STEVEN JOHN SHEBA TRUST +
192 GILWOOD PARK DR
PENETANGUISHENE ON L9M 1Z6
CANADA

HAGEN LYMAN B +
2330 LANE RD
COLUMBUS OH 43220

RIEMEN BRETT & LESLIE
2763 TOWER RD
MCFARLAND WI 53558

BRANDEWIE BRIAN & JODELL L
19029 BRIGADOON PL
CORNELIUS NC 28031

MATTEI MONTE +
346 CHURCH ST
WISCONSIN DELLS WI 53965

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

DONNELLY RICHARD A
304 RON AIRE DR
PIQUA OH 45356

MAZA MICHAEL & LISA
2175 LAKE SHORE LANDING
ALPHARETTA GA 30005

JOHNSTON 5 LLC
9430 TALL PINES WAY
PIQUA OH 45356

ATANASOFF KRIST D +
156 SUNSET SHORE RD
IRON RIVER MI 49935

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

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

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

Project Name: Myerside PD Amendment
Authorized Applicant: Cottages at Myerside LLC & Myerside LLC
STRAP Number(s): 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270;
19-46-24-W3-0020C.0290.

Current Property Status: Damaged/Vacant
Current Zoning: PD
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ☒ yes, ☐ no FLUM Density Range: 10 du/acre

Requested Action:

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

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☐	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☒	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)
Please see attached Narrative.	

B. Phasing of Construction

☒	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)

C. Comprehensive Plan Compliance.

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

Please see attached.

D. Design Standards Compliance

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

Please see attached.



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

[illegible]

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

[illegible]



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

[illegible]

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

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

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

Myerside Final Site Plan

TRAFFIC IMPACT STATEMENT

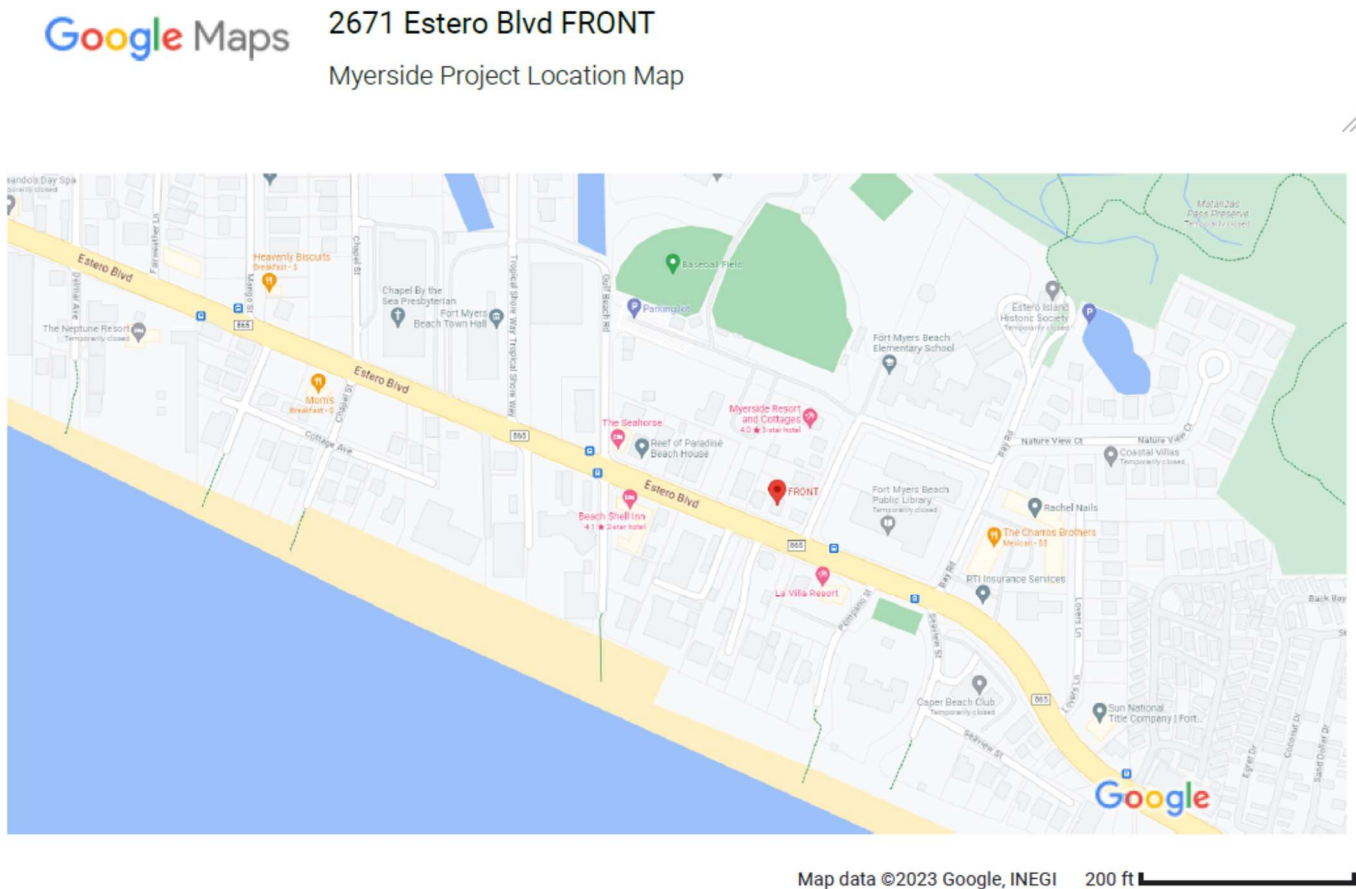
Submitted November 10, 2023

Narrative

The Applicant is proposing 42 lodging units, 4 staff housing units and 10,000 square feet of retail uses on the following parcel ID numbers: 19-46-24-W3-0020C.0230, 19-46-24-W3-0020C.0270 and 19-46-24-W3-0020C.0290. Based upon a review of the Lee County Property Appraiser's website, parcel ID number 19-46-24-W3-0020C.0230 consists of 15,000 square feet of land (0.344 +/- acres), parcel ID number 19-46-24-W3-0020C.0270 consists of 7,500 square feet of land (0.17 +/- acres) and parcel ID number 19-46-24-W3-0020C.0290 consists of 21,778 square feet of land (0.5 +/- acres). These three parcels are located in the northwest quadrant of Estero Boulevard and School Street in the Town of Fort Myers Beach, Florida. A general location map is provided in Figure 1.

Historically, these three parcels have had a collective total of 14 guest units constructed on them (per the property owner). These structures were severely damaged by Hurricane Ian on September 28, 2022. For the purposes of this report, the 14 guest units will be considered the baseline condition from a trip generation standpoint.

Figure 1.



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The trip generation rates for the proposed uses were estimated based upon the Institute of Transportation Engineers (ITE), Trip Generation – 11th Edition. No internal capture, pass-by capture or diverted trips will be considered as a part of this analysis. The analysis will evaluate the incremental increase of trips from the proposed change in intensity from the baseline conditions for a link analysis. For the driveway and intersection analysis, all estimated project trips (gross trips) will be evaluated.

For this analysis, the following three land use codes were selected in order to evaluate the potential trip generation associated with the proposed development of this parcel: Multifamily (LUC 220), Hotel (310) and Strip Retail < 40 KSF (LUC 822). The trip generation was evaluated for potential traffic impacts on the first-impacted thoroughfare link and subsequent downstream links having a project impact of 5% or greater (if any).

Trip Generation

The tables below provide the estimated potential trip generation associated with the proposed land uses based upon ITE Trip Generation 11th Edition.

Table 1 - Daily Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	7.99	T = 10.84(X) - 423.51	14	112	56	56	0%	0	0	0	112	56	56
Total Existing Trips						112	56	56				112	56	56	
Proposed Land Use															
Hotel	310	Rooms	7.99	T = 10.84(X) - 423.51	45	64	32	32	0%	0	0	0	64	32	32
Multifamily Housing (Low-Rise)	220	Dwelling Units	6.74	T = 6.41(X) + 75.31	4	101	50	50	0%	0	0	0	101	50	50
Strip Retail Plaza (<40k)	822	1,000 Square Feet	54.45	T = 42.20(X) + 229.68	8.5	588	294	294	0%	0	0	0	588	294	294
Total Proposed Trips															
Change in Trips from Baseline						754	377	377				754	377	377	

Table 2 - AM Peak Hour Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	0.46	T = 0.50(X) - 7.45	14	6	4	3	0%	0	0	0	6	4	3
Total Existing Trips						6	4	3				6	4	3	
Proposed Land Use															
Hotel	310	Rooms	0.46	T = 0.50(X) - 7.45	45	21	12	9	0%	0	0	0	21	12	9
Multifamily Housing (Low-Rise)	220	Dwelling Units	0.46	T = 0.50(X) - 7.45	4	2	0	1	0%	0	0	0	2	0	1
Strip Retail Plaza (<40k)	822	1,000 Square Feet	2.36	Ln(T) = 66 Ln(X) + 1.84	8.5	20	12	8	0%	0	0	0	20	12	8
Total Proposed Trips						43	24	19				43	24	19	
Change in Trips from Baseline						36	20	16				36	20	16	

* Due to the small magnitude of the proposed number of multifamily dwelling units, the fitted curve was not an appropriate choice to calculate the trip generation and thus the average rate was used.

Table 3 - PM Peak Hour Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Fitted Curve Equation	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
										2-Way	In	Out	2-Way	In	Out
Existing Land Use															
Hotel	310	Rooms	0.59	T = .74(X) - 27.89	14	8	4	4	0%	0	0	0	8	4	4
Total Existing Trips						8	4	4				8	4	4	
Proposed Land Use															
Hotel	310	Rooms	0.59	T = .74(X) - 27.89	45	27	14	13	0%	0	0	0	27	14	13
Multifamily Housing (Low-Rise)	220	Dwelling Units	0.59	T = .74(X) - 27.89	4	2	1	1	0%	0	0	0	2	1	1
Strip Retail Plaza (<40k)	822	1,000 Square Feet	6.59	Ln(T) = 0.71 Ln(X) + 2.72	8.5	56	28	28	0%	0	0	0	56	28	28
Total Proposed Trips						85	43	42	0	0	0	0	85	43	42
Change in Trips from Baseline						77	39	38				77	39	38	

* Due to the small magnitude of the proposed number of multifamily dwelling units, the fitted curve was not an appropriate choice to calculate the trip generation and thus the average rate was used.

Analysis Period

Based upon the trip generation rates in the tables provided in the section above, this project will generate more trips in the PM Peak-Hour than in the AM Peak-Hour. Thus, the analysis period selected for the potential use is the PM Peak-Hour.

Internal Capture/Pass-by Capture/Diverted Trips

No consideration will be given to Pass-by Capture, Internal Capture or Diverted Trips as a part of the analysis for this project. The internal capture estimates are provided in the Appendix of this report. However, the following analysis will take a more conservative approach and not include internal capture as a consideration.

Trip Distribution/Assignment

All project trips were assigned as presented in Table 4 below.

Table 4 - Project Traffic Distribution/Assignment (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Project Trip Distribution	Project Trips
First-Impacted Thoroughfare					
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	100%	77

Study Area / Area of Impact

The significant impact area includes first-impacted thoroughfares and thoroughfares carrying project traffic equal to or greater than five percent of the pm peak hour service volume ("capacity") at adopted level of service (LOS). Estero Boulevard is the first-impacted thoroughfare facility, and it is the only segment estimated to be significantly impacted by the proposed development. Table 5 on the next page indicates the impacted roadway links, and the project traffic impacts on the impacted links and the capacity of those facilities based upon the 2020 FDOT QLOS Handbook.

Table 5 - Determination of Significance Five (5) Percent (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Project Trip Distribution	Project Trips	Project Traffic % of Service Vol Capacity	Significance Threshold	Significant Impact
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	100%	77	5.8%	$\geq 5\%$	yes

As shown in Table 5 above, the development's traffic is estimated to exceed the five (5) percent significance threshold on the first-impacted thoroughfare roadway segment.

The study area will include the following roadway segment:

Study Segments	Project Impact
• Estero Blvd from San Carlos Blvd to Avenida Pescadora	5.8%

Level of Service Analysis

Existing Conditions

Table 6 below contains the roadway data used to evaluate the existing roadway level of service. Existing traffic was based upon the Florida Department of Transportation (FDOT) 2022 Annual Average Daily Traffic (AADT) Report. The FDOT traffic report indicates that the AADT volume on the segment of Estero Boulevard from San Carlos Boulevard to Avenida Pescadora is 12,500 trips. Those trips were multiplied by a K-Factor of 9% to determine the existing peak-hour traffic ($12,500 \times 0.09 = 1,125$).

Table 6 - Existing Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Peak-Hour Ex. Vol	Existing V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare							
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,125	0.85	N

Future Background Traffic Conditions (Existing + Reserved Trips)

Table 7 below contains the roadway data used to evaluate the future background traffic conditions without project traffic roadway level of service. An annual growth rate of 1% was assumed as the growth rate provided by the FDOT Trend Analysis Tool was a negative growth rate. The project is assumed to have a two-year buildout period.

Table 7 - Future Background Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Peak-Hour Ex. Vol	Annual Growth Rate	Future Peak-Hour Existing + Growth Over 2 Years	Future V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,125	1%	1,148	0.86	N

Future Total Traffic Conditions with Project Traffic

Table 8 below contains the roadway data used to evaluate the future total traffic conditions with project traffic roadway level of service.

Table 8 - Future Total Traffic Roadway Segment Level of Service Analysis (PM Peak-Hour)

Roadway	Segment	Lanes (Type)	Adopted LOS	Peak-Hour Service Volume Capacity	Future Peak- Hour Existing + Growth Over 2 Years	Project Traffic	Future Total Traffic	Future V/C Ratio	Exceeds LOS (Y/N)
First-Impacted Thoroughfare									
Estero Blvd	San Carlos Blvd to Avenida Pescadora	2(U)	D	1,330	1,148	77	1,224	0.92	N

As illustrated by Table 8 above, the proposed project does not create a failing condition for the link analyzed in the study area.

Access

As mentioned previously in this report, it is important to recognize the proposed project is a redevelopment project. The previous use had one access point off of Estero Boulevard located between 80 to 142 feet west of School Street (measures are approximate). That access on Estero Boulevard will be closed. The previous use also had three access points off of School Street and one access off of Oak Street.

The proposed redevelopment project is proposing access via two driveways (see Concept Plan in the Appendix). One driveway will access School Street, the other driveway will provide access to the west of the parcel. A driveway to Bay Oaks Recreational Complex has been created on Estero Boulevard approximately 210 feet west of the intersection of Estero Boulevard and School Street. The Applicant is still working out the details of the proposed driveway connection to the west of the property. This access will be a full movement access. The access on School Street is proposed to be a right-out access only. Both Estero Boulevard and School Street have a posted speed limit of 25 mph. The access to the west of the parcel is to Town of Fort Myers Beach lands and not a thoroughfare road so the speed limit is also assumed to be 25 mph. The Applicant will work with the Town of Fort Myers Beach regarding final access locations and future ROW needs if any.

The proposed reconfiguration of access points will eliminate two accesses on School Street. As the proposed access off School Street is a right-out connection, a worst-case scenario will be considered where all entering movements will occur at the new driveway located on the western property boundary. Total gross trips will be considered and not just the new trips above the previous trips considered as the baseline traffic.

Table 9 - Access Movements PM Peak-Hour

	Northbound			Eastbound			Southbound			Westbound		
Driveway/Intersection	L	T	R	L	T	R	L	T	R	L	T	R
Driveways												
Western Driveway	0	0	43	0	0	0	0	0	0	18	0	0
School Street Driveway	0	0	0	0	0	24	0	0	0	0	0	0
Intersections												
Estero Blvd and Bay Oaks Access	0	0	0	22	0	0	9	0	9	0	0	21
Estero Blvd and School Street	0	0	0	0	0	0	12	0	12	0	0	0

Special Consideration

The Fort Myers Beach Elementary School is located to the northeast of the intersection of School Street and Oak Street. Based upon a conversation with Dr. Adam Malloy with the Lee County School District, the estimated student population for the 2023-2024 school year is 43 students. The arrival time for students is 7:55 AM and the dismissal time is 2:10 PM. Based upon the dismissal time (see Bell Schedule documentation in the Appendix). The school traffic will not have any impact during the PM Peak-Hour.

Regarding school traffic circulation, parents arrive at the Fort Myers Beach Elementary School by traveling north on Bay Road and turning left onto Oak Street. Once on Oak Street, the parent pulls off Oak Street on the north side and drops students off at the pick-up/drop-off lane. After dropping their student(s) off, the parent travels west on Oak Street to School Street and turns left onto School Street. As the proposed project access on School Street is a right-in/right-out only access, no AM Peak-Hour northbound left-turn queuing analysis is required for entering movements to the parcel from School Street.

Right-Turn Lane Analysis

Based upon the access movements assumed in Table 9 above and NCHRP 457: Evaluating Intersection Improvements: An Engineering Study Guide published by the Transportation Research Board in 2001, the project does not require a right-turn lane. The graphics provided in the Appendix of this report show that a right-turn lane is not warranted for the proposed project. The following two intersections/accesses were analyzed for right-turn lane warrants 1) project driveway to the west 2) intersection of Estero Boulevard and new access point to Bay Oaks Recreational Complex

Left-Turn Lane Analysis

As an existing two-way left-turn lane exists on Estero Boulevard, no left-turn lane warrant analysis was conducted for the proposed project. The two-way left-turn lane is continuous and has adequate space for left-turn movements.

Multi-Modal Transportation

Bicycle lanes do not exist immediately adjacent to the site. However, there are sharrows painted on both the eastbound and westbound lanes of Estero Boulevard. A sidewalk does exist on the southern side of the property immediately adjacent to the site. The developer, per prior PD Approval, was conditioned to provide funds to the Town of Fort Myers Beach in order to provide a standard sidewalk along School Street. Those funds have been paid to the Town. The nearest bus stop appears to be located approximately 500 feet west of the project site along Estero Boulevard. A bus stop also exists east of the site in front of the library.

Conclusion

This development is not projected to create adverse transportation impacts on the impacted thoroughfare roadway analyzed in this Traffic Impact Statement. It is acknowledged that the Applicant will need to work with the Town of Fort Myers Beach staff on future ROW needs and proposed access points during the review process.

Figure 2. Site Location Parcel Boundary

Myerside Property Location



Support Documentation

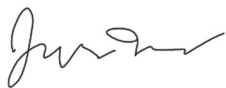
The following is a list of support documentation that has been included as a part of the Traffic Impact Statement submittal.

1. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0230
2. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0270
3. Lee County Property Record Card for Parcel ID No. 19-46-24-W3-0020C.0290
4. ITE Daily Trip Generation for LUC 310 – Previous Use
5. ITE AM Trip Generation for LUC 310 – Previous Use
6. ITE PM Trip Generation for LUC 310 – Previous Use
7. ITE Daily Trip Generation for LUC 220 – Proposed Use
8. ITE AM Trip Generation for LUC 220 – Proposed Use
9. ITE PM Trip Generation for LUC 220 – Proposed Use
10. ITE Daily Trip Generation for LUC 310 – Proposed Use
11. ITE AM Peak-Hour Trip Generation for LUC 310 – Proposed Use
12. ITE PM Peak-Hour Trip Generation for LUC 310 – Proposed Use
13. ITE Daily Trip Generation for LUC 822 – Proposed Use
14. ITE AM Peak-Hour Trip Generation for LUC 822 – Proposed Use
15. ITE PM Peak-Hour Trip Generation for LUC 822 – Proposed Use
16. FDOT AADT for Estero Boulevard Site 6044
17. Table 4 FDOT QLOS Handbook
18. FDOT Historical Traffic Data for Estero Blvd
19. FDOT Trend Analysis Tool Graph
20. Concept Plan
21. Bell Schedule – Fort Myers Beach Elementary School
22. NCHRP Report 457 Right-Turn Lane Analysis using access movements proposed in Table 9 – western project driveway
23. NCHRP Report 457 Right-Turn Lane Analysis using access movements proposed in Table 9 – Estero Boulevard and new driveway connection to Bay Oaks Recreational Complex
24. Lee County Area Transit Bus System Map

Signature Sheet and Disclaimer

This Traffic Impact Statement (TIS) was completed by Planning Analytics, LLC. The trip generation estimates utilized in this TIS are based upon Trip Generation published by the Institute of Transportation Engineers. The analysis conducted in this TIS is based upon the Florida Department of Transportation's QLOS Handbook which utilizes generalized service volumes and the 2022 Annual Average Daily Traffic Report. Any intersection and/or site related design features must be accepted and approved by The Town of Fort Myers Beach staff prior to construction.

Respectfully submitted by,

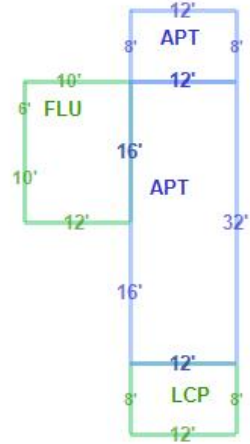


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Project Manager
Planning Analytics, LLC
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941.258.5061

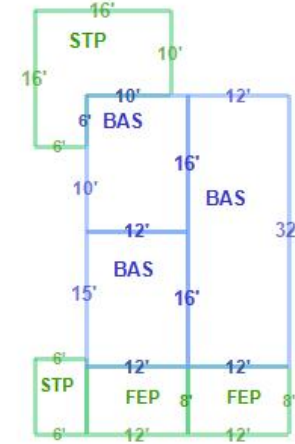
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LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:28 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL						FOLIO ID: 10227543 STRAP: 19-46-24-W3-0020C.0230												
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	CARD 1 of 3 (Continued)											
SITE ADDRESS 2661-2681 ESTERO BLVD OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE								STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
		ELEVATION	ELEV	ELEVATION 7'-9"																			
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA KITCHENS	XKI	1.00																			
		LIVING UNITS	LVGU	2.00																			
		UNITS IN BUILDING	UNITS	2.00																			
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0



FLOOR 1

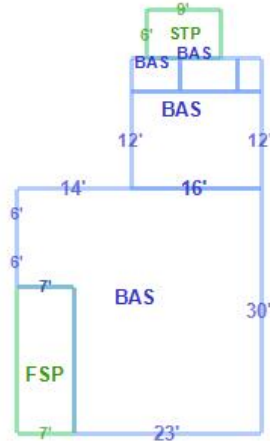


LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:28 PM		BUILDING CHARACTERISTICS										BUILDING SUBAREA DETAIL										FOLIO ID: 10227543 STRAP: 19-46-24-W3-0020C.0230						
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE							AREA TYPE		YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	CARD 2 of 3									
SITE ADDRESS 2661-2681 ESTERO BLVD OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		STORIES		1.0							BASE	1942	704	100	704		12,412	STRUCT INDEX 0.75	BASE RATE 117.53	EFF BASE RATE 88.15	EFF AREA 723	RCN 63,732	REMAINING WORTH 20%	COST VALUE 12,746				
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC		EXTERIOR WALL	7	ASBESTOS/ASPHALT SHINGLE							FINISHED SCREEN PORCH	1942	63	30	19	335	IMP TYPE 97 - Cottage/Bungalow	MODEL 1 - SINGLE FAMILY RESIDENTIAL										
DOR CODE 08 - MULTI-FAMILY LESS THAN 10		EXTERIOR WALL	0	NONE																								
NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE		ROOF STRUCTURE	16	GABLE																								
		ROOF COVER	12	MODULAR METAL\SHINGLE																								
		INTERIOR WALL	5	DRYWALL																								
		INTERIOR WALL	0	NONE																								
		INTERIOR FLOOR	5	ASPHALT TILE																								
		INTERIOR FLOOR	9	PINE/LAMINATE/LUXURY VINYL																								
		HEATING FUEL	4	ELECTRIC																								
		HEATING TYPE	3	FORCED AIR-NOT DUCTED																								
		AC TYPE	2	WINDOW UNIT																								
		QUALITY	3.0000	AVERAGE																								
		CEILING HEIGHT	CLGHT	CEILING HEIGHT UNDER 8'																								
		TOTALS										767		723	12,746													
EXTRA FEATURES	LINE	CODE	DESCRIPTION		LENGTH	WIDTH	UNITS	UNIT PRICE		PCT COND		L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST											
	TOTAL OF EXTRA FEATURE VALUES																											
LAND	LINE	CODE	DESCRIPTION		ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE		UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES											
	1	800	MF<10		TFC2	0	0	1.00	1.00	0	25.00		15,000.00	SF	1.00	-	PB											
	TOTAL OF LAND LINE VALUES																	375,000										
																		BOOK/PAGE OR INSTRUMENT		DATE	TYPE INST	OVR CODE	V SALE I	PRICE	VALUE SUMMARY		Current Values	2022

LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:28 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL							FOLIO ID: 10227543 STRAP: 19-46-24-W3-0020C.0230											
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
SITE ADDRESS 2661-2681 ESTERO BLVD OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 1-2'																			
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		LIVING UNITS	LVGU	1.00																			
		UNITS IN BUILDING	UNITS	1.00																			
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

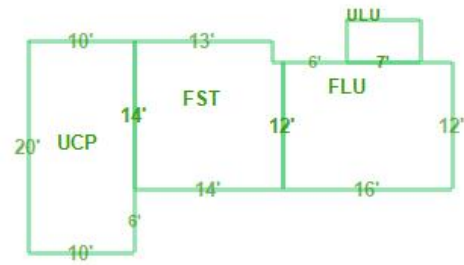
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LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:28 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL						FOLIO ID: 10227543 STRAP: 19-46-24-W3-0020C.0230												
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
SITE ADDRESS 2661-2681 ESTERO BLVD OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 1-2'																			
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		LIVING UNITS	LVGU	1.00																			
		UNITS IN BUILDING	UNITS	1.00																			
PROPERTY DESCRIPTION WINKLERS SUBD BLK C PB 8 PG 45 LOTS 23 THRU 26 INC																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

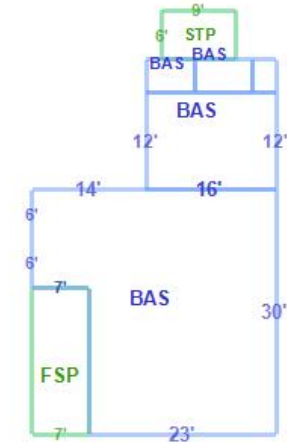
LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:23 PM		BUILDING CHARACTERISTICS				BUILDING SUBAREA DETAIL						FOLIO ID: 10227544 STRAP: 19-46-24-W3-0020C.0270							
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE		AREA TYPE	YEAR	GROSS PCT	ADJ				CARD 1 of 1						
SITE ADDRESS		STORIES		1.0		BASE	1959	1,030	100	1,030	53,747	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE	
125 SCHOOL ST		BEDROOMS		2		FINISHED LOWER UTILITY	1959	192	30	58	3,027	0.74	117.53	86.97	1,245	108,278	60%	64,967	
OWNER'S NAME		BATHROOMS		1.5		FINISHED SCREEN PORCH	1959	126	30	38	1,983	IMP TYPE 97 - Cottage/Bungalow						MODEL 1 - SINGLE FAMILY RESIDENTIAL	
COTTAGES AT MYERSIDE LLC		EXTERIOR WALL	7	ASBESTOS/ASPHALT SHINGLE		FINISHED UTILITY	1959	194	40	78	4,070								
OWNER'S ADDRESS		EXTERIOR WALL	0	NONE		STOOP	2019	54	10	5	261								
145 SCHOOL ST		ROOF STRUCTURE	16	GABLE		UNFINISHED CARPORT	1959	200	15	30	1,565								
FORT MYERS BEACH FL 33931		ROOF COVER	12	MODULAR METAL\SHINGLE		UNFINISHED LOWER UTILITY	1959	28	20	6	313								
PROPERTY DESCRIPTION		INTERIOR WALL	5	DRYWALL															
WINKLERS SUBD.		INTERIOR WALL	0	NONE															
BLK C PB 8 PG 45		INTERIOR FLOOR	14	CARPET															
LOTS 27 + 28		INTERIOR FLOOR	0	NONE															
DOR CODE 01 - SINGLE FAMILY RESIDENTIAL		HEATING FUEL	4	ELECTRIC															
NBHD CODE 07-105.0		HEATING TYPE	3	FORCED AIR-NOT DUCTED															
CRESCENT ST TO LOVERS LANE		AC TYPE	2	WINDOW UNIT															
		QUALITY	4.0000	ABOVE AVERAGE															
		CEILING HEIGHT	CLGHT	CEILING HEIGHT 8-10'															
							TOTALS	1,824	1,245	64,967									
EXTRA FEATURES	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST					
	1	GAR F	GARAGE - FRAME	16.00	12.00	192.00	25.18	1.00	B	1959	2.00	0.60	-	2,901					
	TOTAL OF EXTRA FEATURE VALUES													2,901					
LAND	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES				
	1	100	SFR	TFC2	0	0	1.00	1.00	0	35.00	7,500.00	SF	1.00	-	PB				
	2	9999	AVM LND		0	0	1.00	1.00	8	362,255.00	1.00	UT	1.00	-	AVM				
TOTAL OF LAND LINE VALUES															624,755				
BOOK/PAGE OR INSTRUMENT												DATE	TYPE	OVR	V	SALE PRICE			
2018000003913												1/3/2018	05	05	1	1,250,000			
FLOOR 1																			
																			
BOOK/PAGE OR INSTRUMENT												DATE	TYPE	OVR	V	SALE PRICE	VALUE SUMMARY	Current Values	2022
2018000003913												1/3/2018	05	05	1	1,250,000	BUILDING COST VALUE	64,967	54,897
																	BUILDING EXTRA FEATURES	2,901	2,901
																	LAND EXTRA FEATURES	*	*
																	LAND VALUE	624,755	262,500
																	COST APPROACH VALUE	692,623	320,298
																	INCOME APPROACH VALUE	*	*
																	SALES APPROACH VALUE	362,240	554,800
																	MARKET VALUE	362,240	554,800

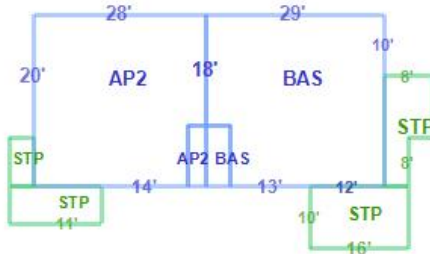
LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:23 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL					FOLIO ID: 10227544 STRAP: 19-46-24-W3-0020C.0270									
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR	GROSS PCT	ADJ		CARD 1 of 1 (Continued)									
SITE ADDRESS 125 SCHOOL ST OWNER'S NAME COTTAGES AT MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION GOOD															
		ELEVATION	ELEV	ELEVATION 3-6'															
		FOUNDATION	FNDTN	FOUNDATION PILINGS - WOOD															
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL															
		DRIVEWAY	DRIVE	DRIVEWAY CONC/ASPH															
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD															
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE															
		LIVING UNITS	LVGU	1.00															
		UNITS IN BUILDING	UNITS	1.00															
PROPERTY DESCRIPTION WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 27 + 28																			
DOR CODE 01 - SINGLE FAMILY RESIDENTIAL NBHD CODE 07-105.0 CRESCENT ST TO LOVERS LANE																			
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST					
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES				
											BOOK/PAGE OR INSTRUMENT		DATE	TYPE INST	OVR CODE	V SALE I PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0



FLOOR 1



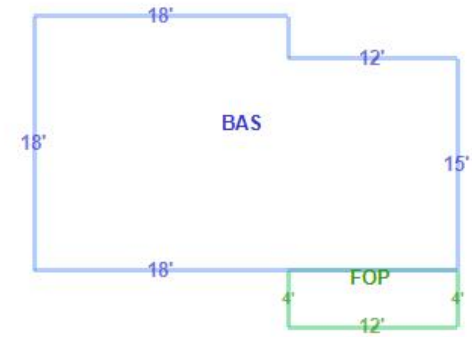
LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS										BUILDING SUBAREA DETAIL										FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290																									
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE							AREA TYPE	YEAR BUILT	GROSS AREA	PCT ADJ	BASE AREA	CAP	COST												CARD 1 of 2																		
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		STORIES		1.0							APARTMENT	1969	772	100	772		39,945										STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE														
		BEDROOMS		8							APARTMENT 2	1969	784	100	784		40,566										0.86	116.83	100.47	3,338	335,369	52%	172,715														
		BATHROOMS		5.0							APARTMENT 3	1969	754	100	754		39,014										IMP TYPE	14 - Quadrplex		MODEL	3 - MULTIPLE RES/HOTEL																
		EXTERIOR WALL	8	WOOD ON SHEATHING							BASE	1969	812	100	812		42,015										FLOOR 1																				
		EXTERIOR WALL	10	HARDI/LOG/FSP							FINISHED LOWER UTILITY	1969	70	30	21		1,087																														
		ROOF STRUCTURE	16	GABLE							FINISHED OPEN PORCH	1969	251	20	50		2,587																														
		ROOF COVER	3	ASPHALT OR COMPOSITION							FINISHED UTILITY	1969	144	50	72		3,725																														
		INTERIOR WALL	5	DRYWALL							PATIO	1969	672	5	34		1,759																														
		INTERIOR WALL	0	NONE							STOOP	1969	395	10	39		2,018																														
		INTERIOR FLOOR	11	CERAMIC CLAY TILE																																											
		INTERIOR FLOOR	14	CARPET																																											
		HEATING FUEL	4	ELECTRIC																																											
		HEATING TYPE	4	FORCED AIR-DUCTED																																											
		AC TYPE	3	CENTRAL																																											
		QUALITY	3.0000	AVERAGE																																											
		CEILING HEIGHT	CLGHT	CEILING HEIGHT 8-10'																																											
		TOTALS											4,654		3,338		172,715																														
EXTRA FEATURES	LINE	CODE	DESCRIPTION						LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST																												
	1	XAC	XTRA/ADDITIONAL A/C UNITS						0.00	0.00	3.00	0.00	1.00	B	1969	0.00	1.00	-	0																												
		TOTAL OF EXTRA FEATURE VALUES																		0																											
LAND	LINE	CODE	DESCRIPTION						ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES																											
	1	800	MF<10						RC	0	0	1.00	1.00	0	40.00	21,778.00	SF	1.00	-	JF																											
		TOTAL OF LAND LINE VALUES																		871,120																											

LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL						FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290												
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 7-9'																			
		FOUNDATION	FNDTN	FOUNDATION BREAKAWAY WALLS																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA BIDET	XBD	0.00																			
		EXTRA KITCHENS	XKI	3.00																			
		LIVING UNITS	LVGU	4.00																			
		UNITS IN BUILDING	UNITS	4.00																			
PROPERTY DESCRIPTION WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 29 THRU 34																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 53-201.0 FM BCH / BONITA BCH																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0

**Floor Plan not found for
Folio=10227545,
BuildingNo=1, FloorNo=0,
Year=2022**

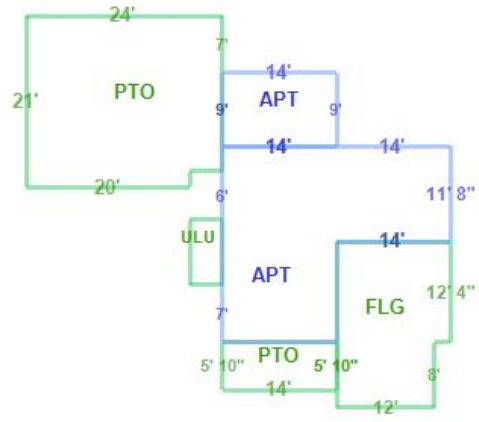
FLOOR 1



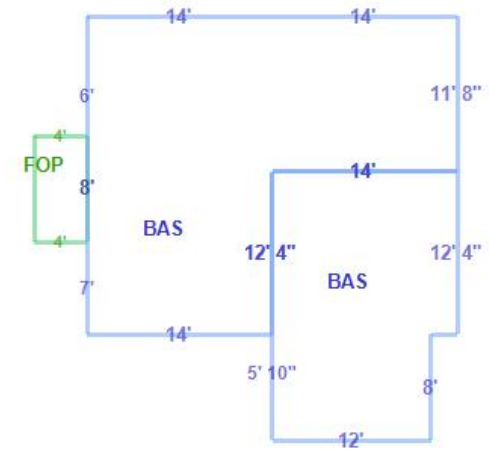
LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS				BUILDING SUBAREA DETAIL						FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290							
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE		AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	CARD 2 of 2						
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		STORIES	1.0			APARTMENT	1957	625	100	625		23,004	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE
		BEDROOMS	4			BASE	1957	768	100	768		28,267	0.73	155.14	113.25	1,515	171,574	33%	55,761
		BATHROOMS	2.0			FINISHED LOWER GARAGE	1957	269	30	81		2,981	IMP TYPE	27 - Duplex	MODEL	1 - SINGLE FAMILY RESIDENTIAL			
		EXTERIOR WALL	7	ASBESTOS/ASPHALT SHINGLE		FINISHED OPEN PORCH	1957	32	20	6		221							
		EXTERIOR WALL	0	NONE		PATIO	1957	578	5	29		1,067							
		ROOF STRUCTURE	16	GABLE		UNFINISHED LOWER UTILITY	1957	32	20	6		221							
		ROOF COVER	3	ASPHALT OR COMPOSITION															
		INTERIOR WALL	5	DRYWALL															
		INTERIOR WALL	0	NONE															
		INTERIOR FLOOR	9	PINE/LAMINATE/LUXURY VINYL															
		INTERIOR FLOOR	14	CARPET															
		HEATING FUEL	4	ELECTRIC															
		HEATING TYPE	4	FORCED AIR-DUCTED															
AC TYPE	3	CENTRAL																	
DOR CODE	08 - MULTI-FAMILY LESS THAN 10	QUALITY	3.0000	AVERAGE															
NBHD CODE	53-201.0 FM BCH / BONITA BCH	CEILING HEIGHT	CLGHT	CEILING HEIGHT UNDER 8'															
						TOTALS		2,304		1,515		55,761							
EXTRA FEATURES	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST					
	1	XAC	XTRA/ADDITIONAL A/C UNITS	0.00	0.00	1.00	0.00	1.00	B	1957	0.00	1.00	-	0					
														TOTAL OF EXTRA FEATURE VALUES					0
LAND	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES				
	1	800	MF<10	RC	0	0	1.00	1.00	0	40.00	21,778.00	SF	1.00	-	JF				
														TOTAL OF LAND LINE VALUES					871,120

LEE COUNTY PROPERTY APPRAISER GENERATED ON 7/13/2023 2:31 PM		BUILDING CHARACTERISTICS			BUILDING SUBAREA DETAIL						FOLIO ID: 10227545 STRAP: 19-46-24-W3-0020C.0290												
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR BUILT	GROSS AREA	PCT BASE	ADJ AREA	CAP	COST	STRUCT INDEX	BASE RATE	EFF BASE RATE	EFF AREA	RCN	REMAINING WORTH	COST VALUE					
SITE ADDRESS 131-151 SCHOOL ST OWNER'S NAME MYERSIDE LLC OWNER'S ADDRESS 145 SCHOOL ST FORT MYERS BEACH FL 33931		CONDITION	COND	CONDITION AVERAGE																			
		ELEVATION	ELEV	ELEVATION 7-9'																			
		FOUNDATION	FNDTN	FOUNDATION BREAKAWAY WALLS																			
		FLOOR PLAN	FLRPLN	FLOOR PLAN TRADITIONAL																			
		DRIVEWAY	DRIVE	DRIVEWAY NONE/GRAVEL																			
		LANDSCAPING	LANDSC	LANDSCAPING TYPICAL OF NBHD																			
		TOPOGRAPHY	TOPOG	TOPOGRAPHY STREET GRADE																			
		EXTRA BIDET	XBD	0.00																			
		EXTRA KITCHENS	XKI	1.00																			
		LIVING UNITS	LVGU	2.00																			
		UNITS IN BUILDING	UNITS	2.00																			
PROPERTY DESCRIPTION WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 29 THRU 34																							
DOR CODE 08 - MULTI-FAMILY LESS THAN 10 NBHD CODE 53-201.0 FM BCH / BONITA BCH																							
E X T R A F E A T U R E S	LINE	CODE	DESCRIPTION	LENGTH	WIDTH	UNITS	UNIT PRICE	PCT COND	L/B	YEAR	AMN DEPR	DEPR ADJ	CAP FLAG	COST									
L A N D	LINE	CODE	DESCRIPTION	ZONING	FRONT	DEPTH	DF	CF	TYPE	UNIT PRICE	UNITS	UT	TOTAL ADJ	CAP	EVAL NOTES	BOOK/PAGE OR INSTRUMENT	DATE	TYPE INST	OVR CODE	V SALE PRICE	VALUE SUMMARY	Current Values	2022

FLOOR 0



FLOOR 1



Hotel (310)

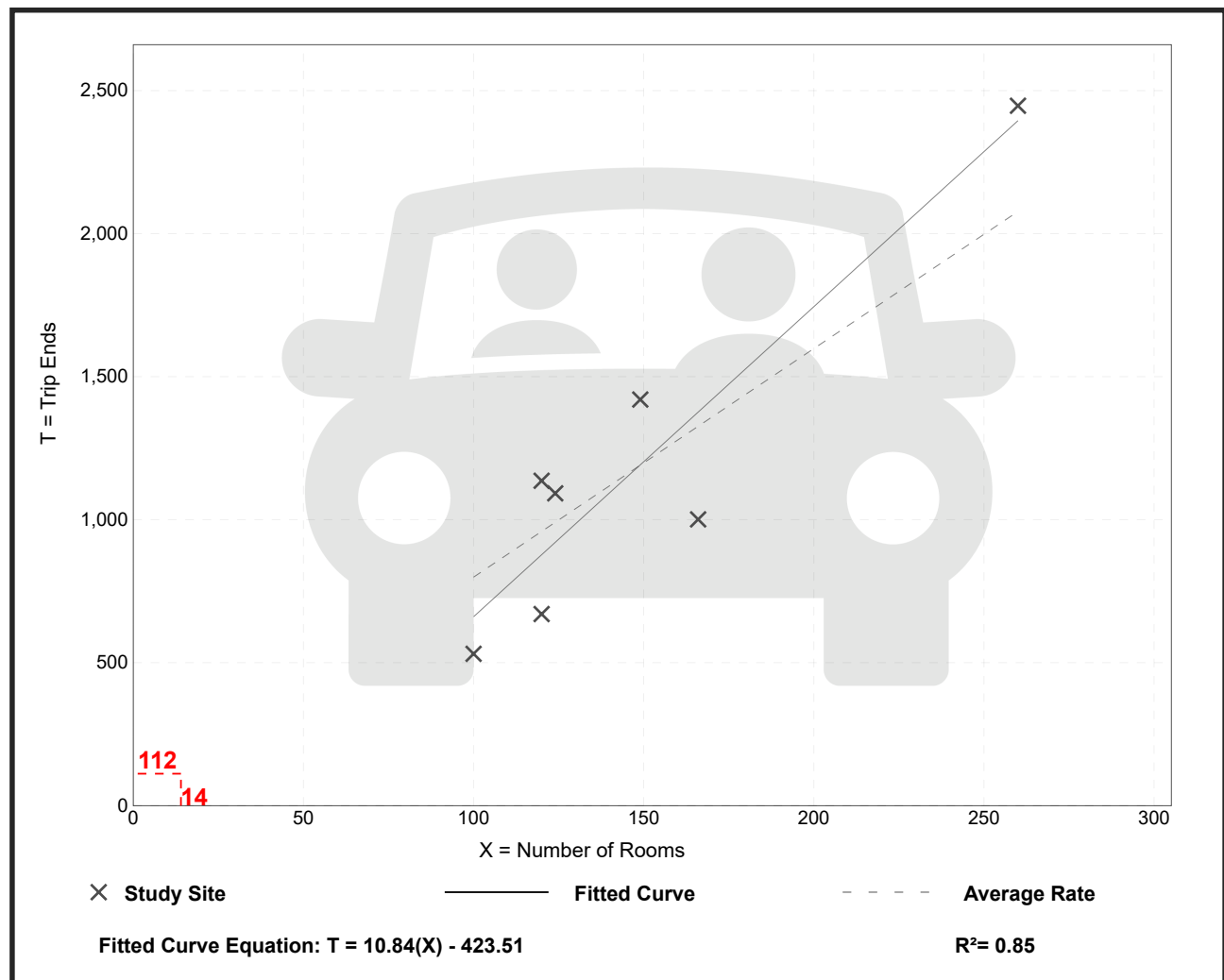
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



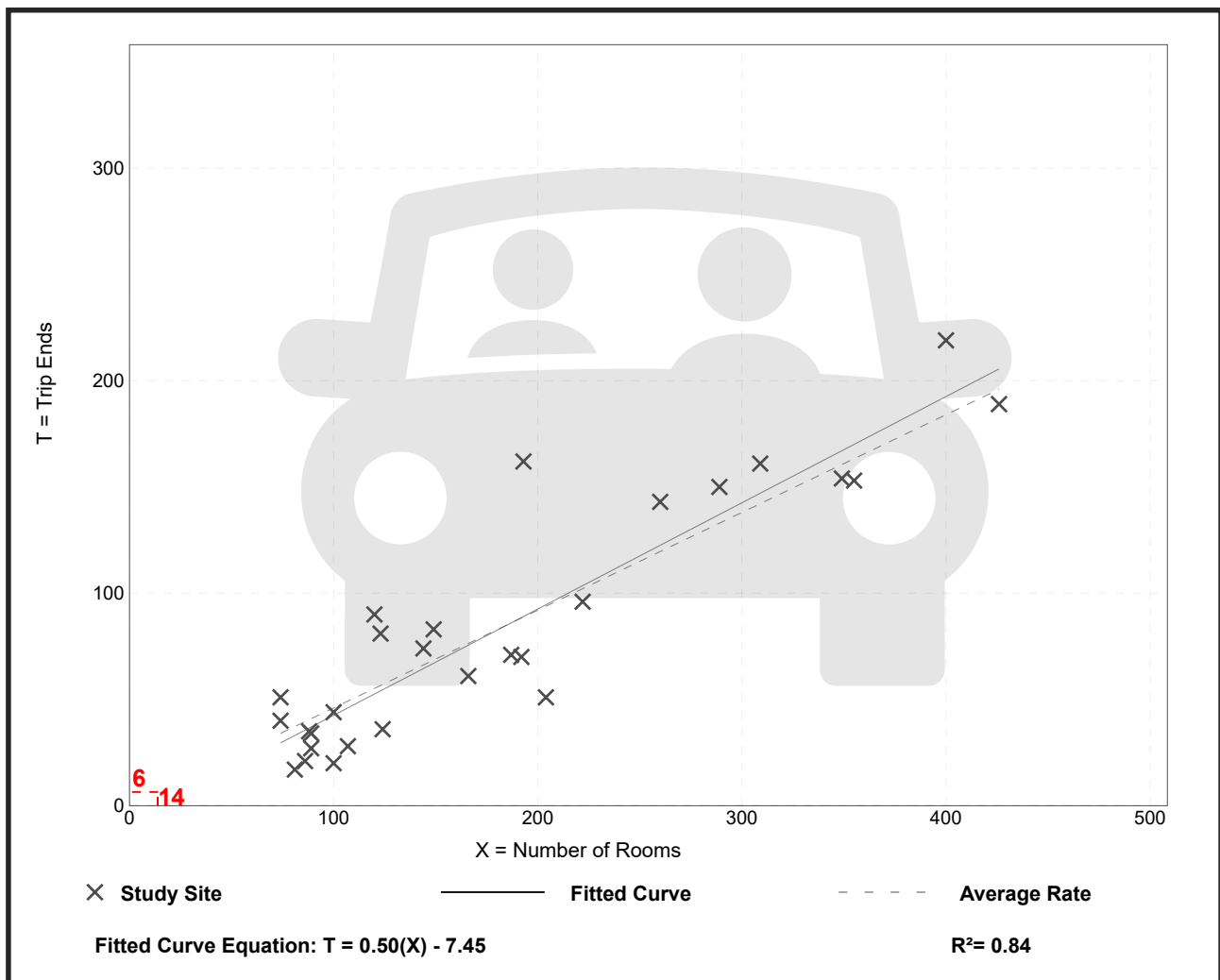
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 28
 Avg. Num. of Rooms: 182
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



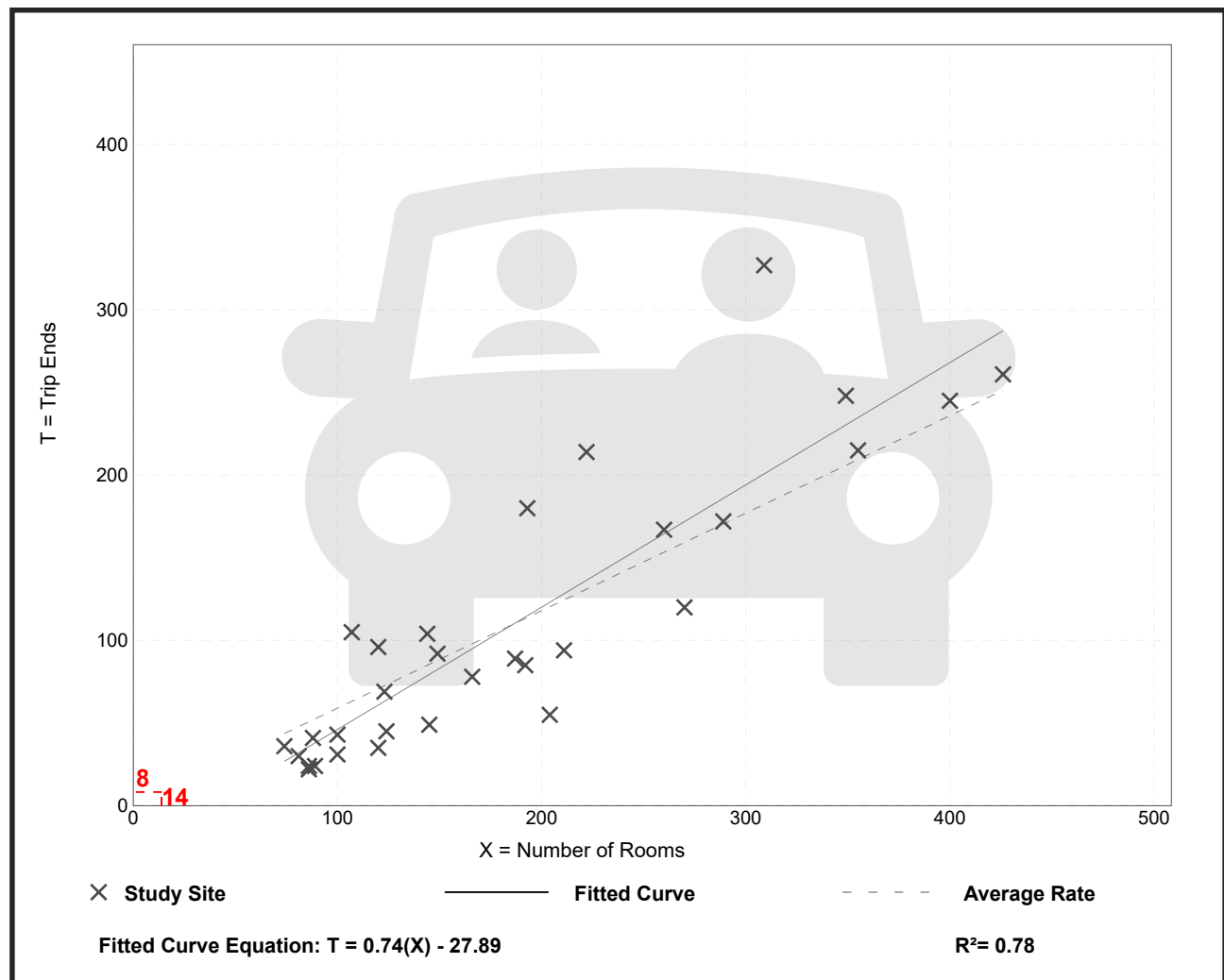
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 31
 Avg. Num. of Rooms: 186
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Hotel (310)

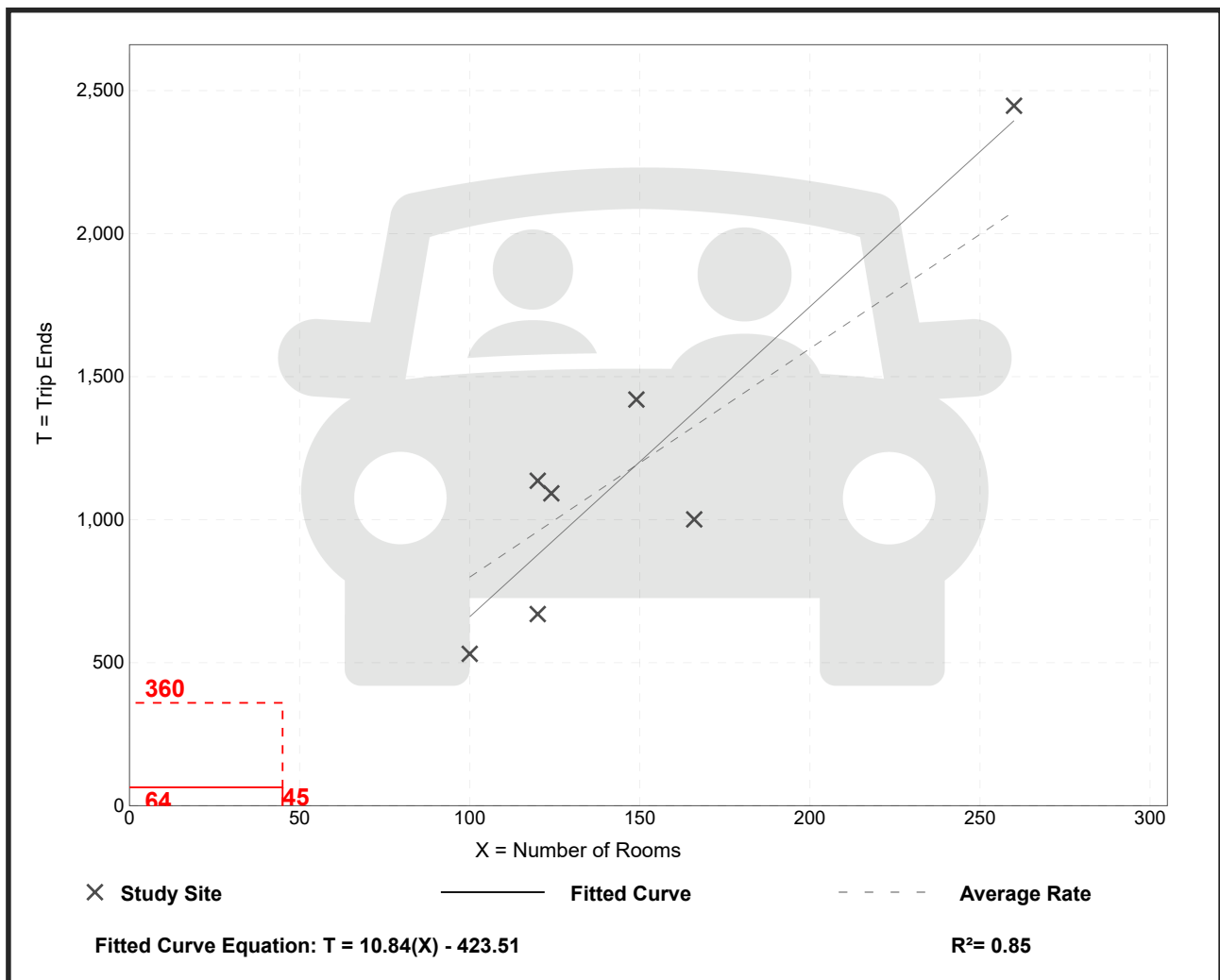
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



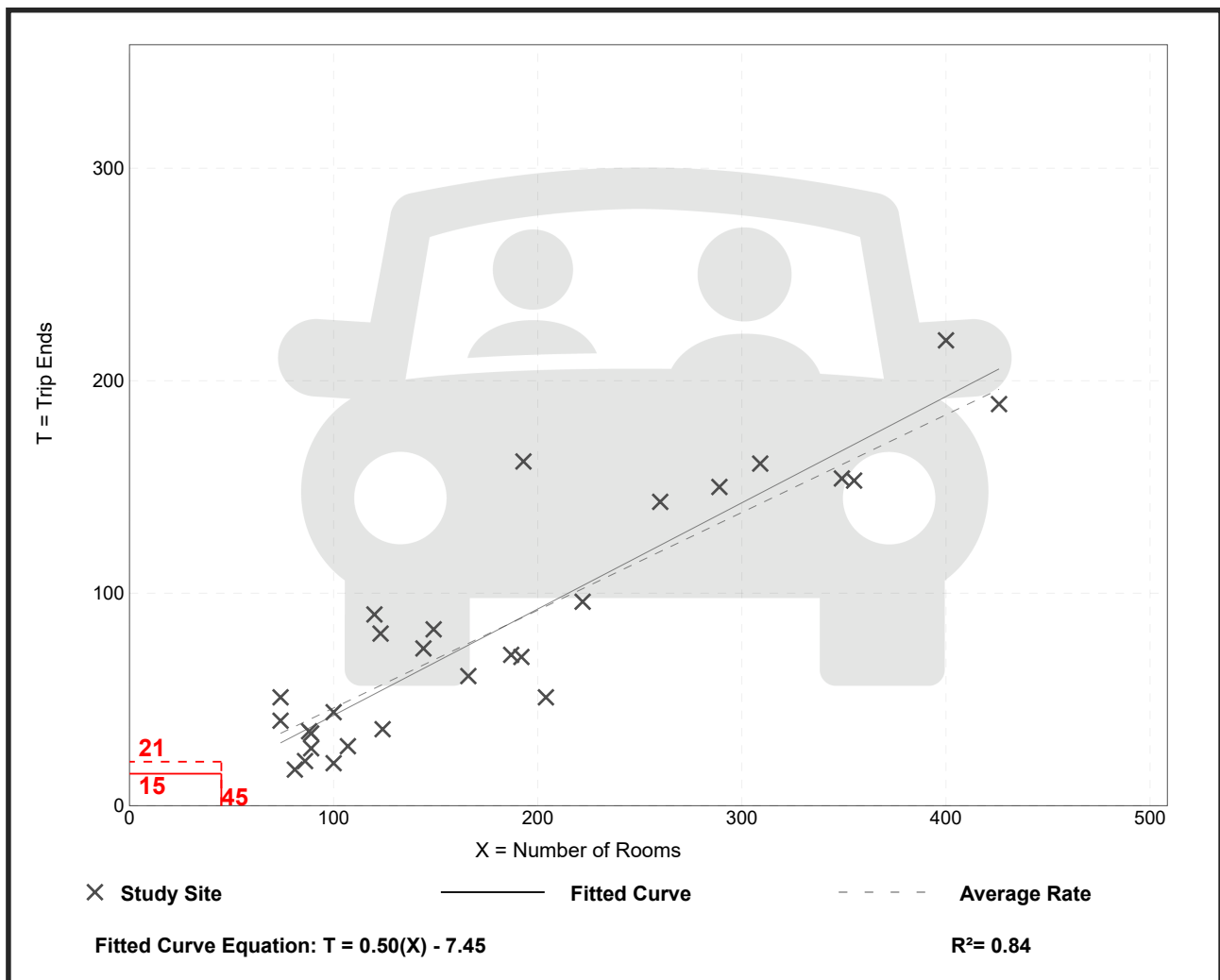
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 28
 Avg. Num. of Rooms: 182
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



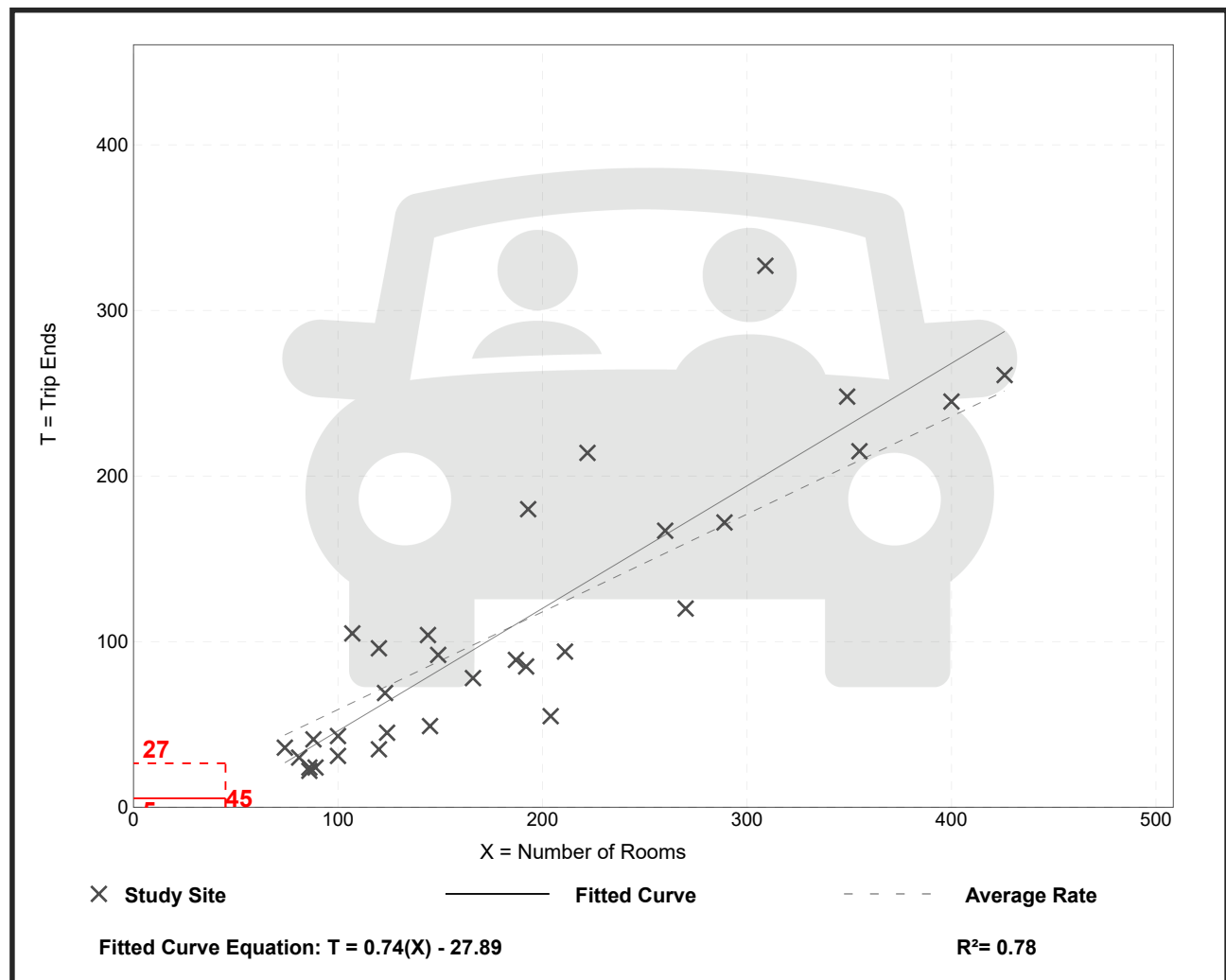
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 31
 Avg. Num. of Rooms: 186
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

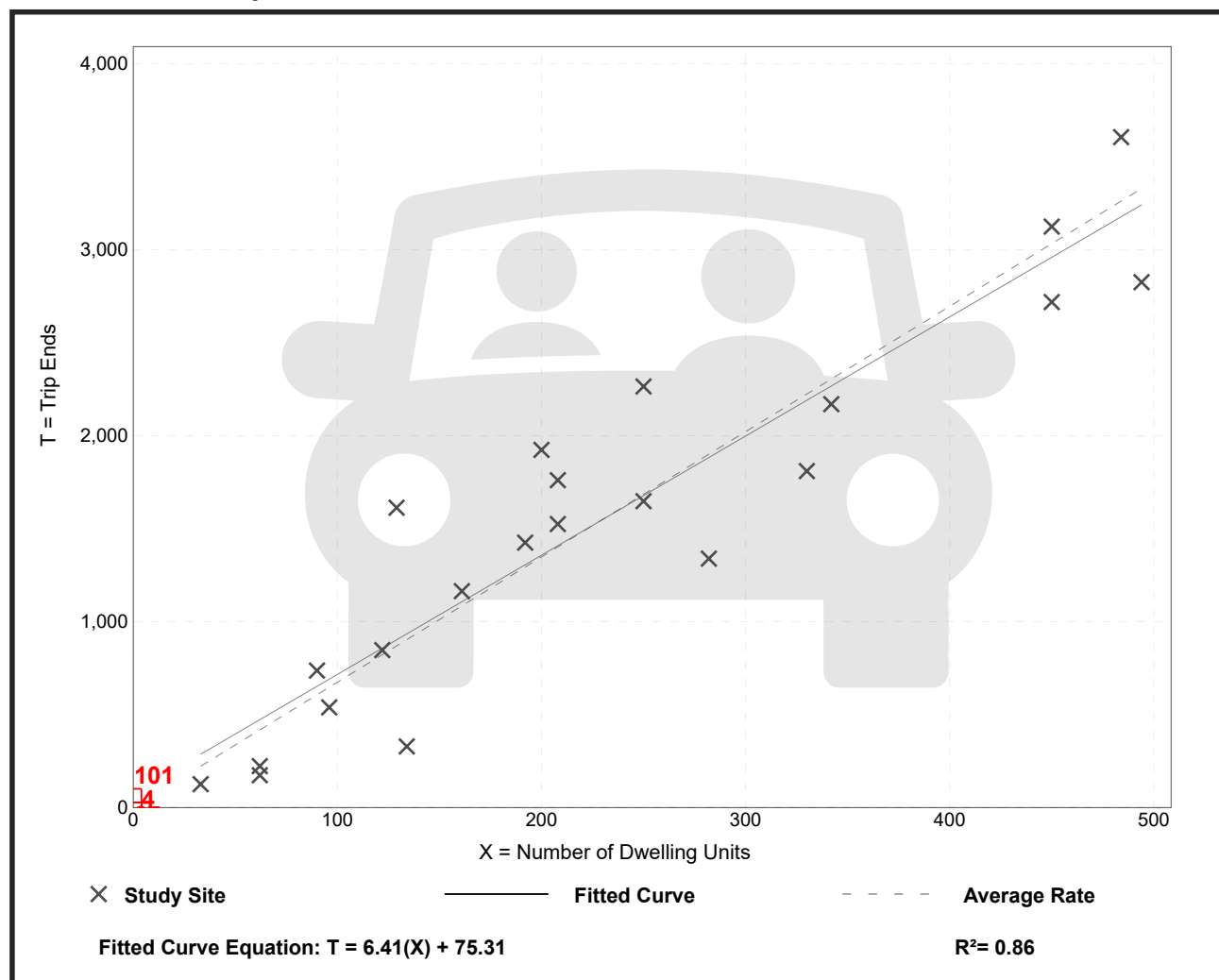
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

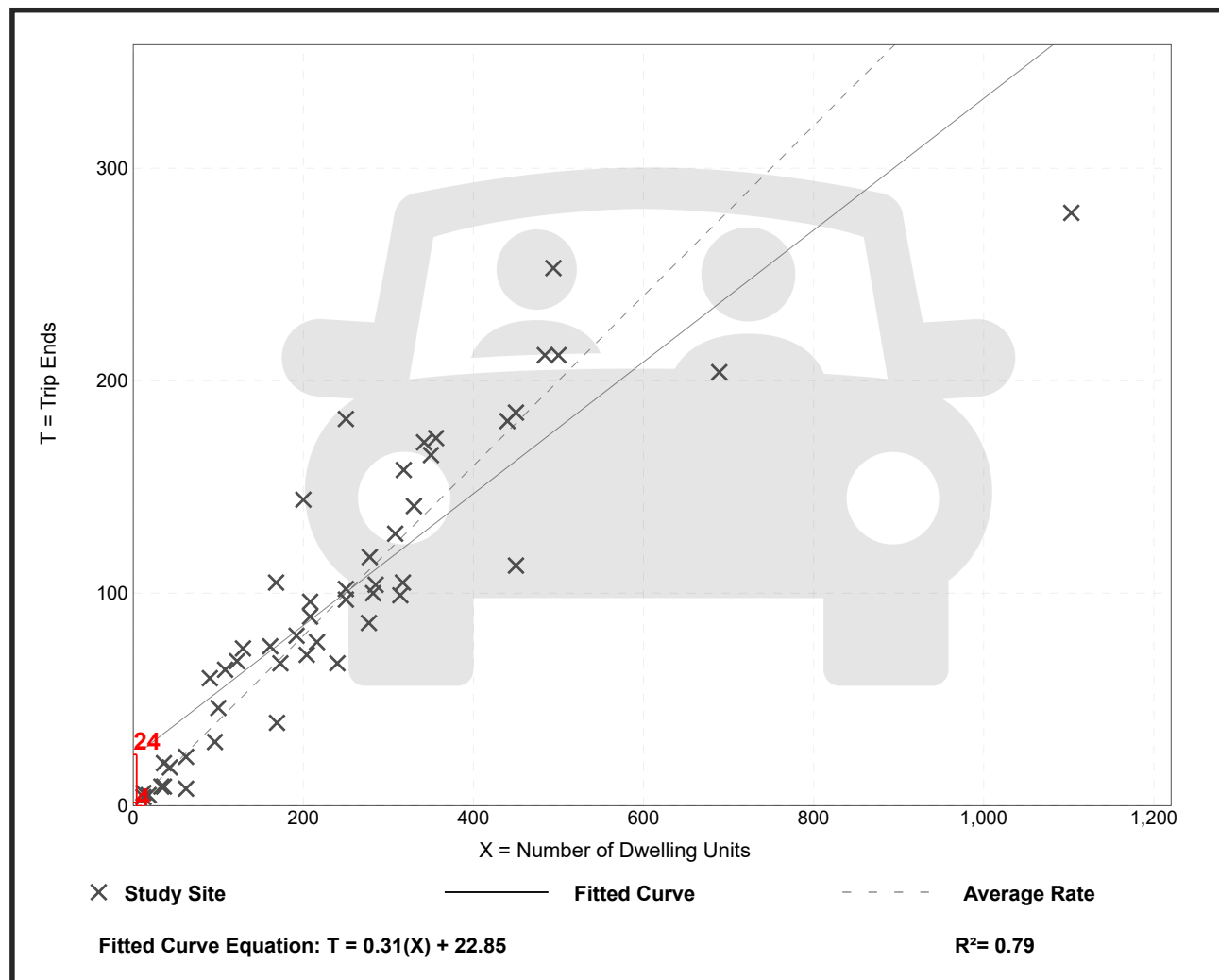
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

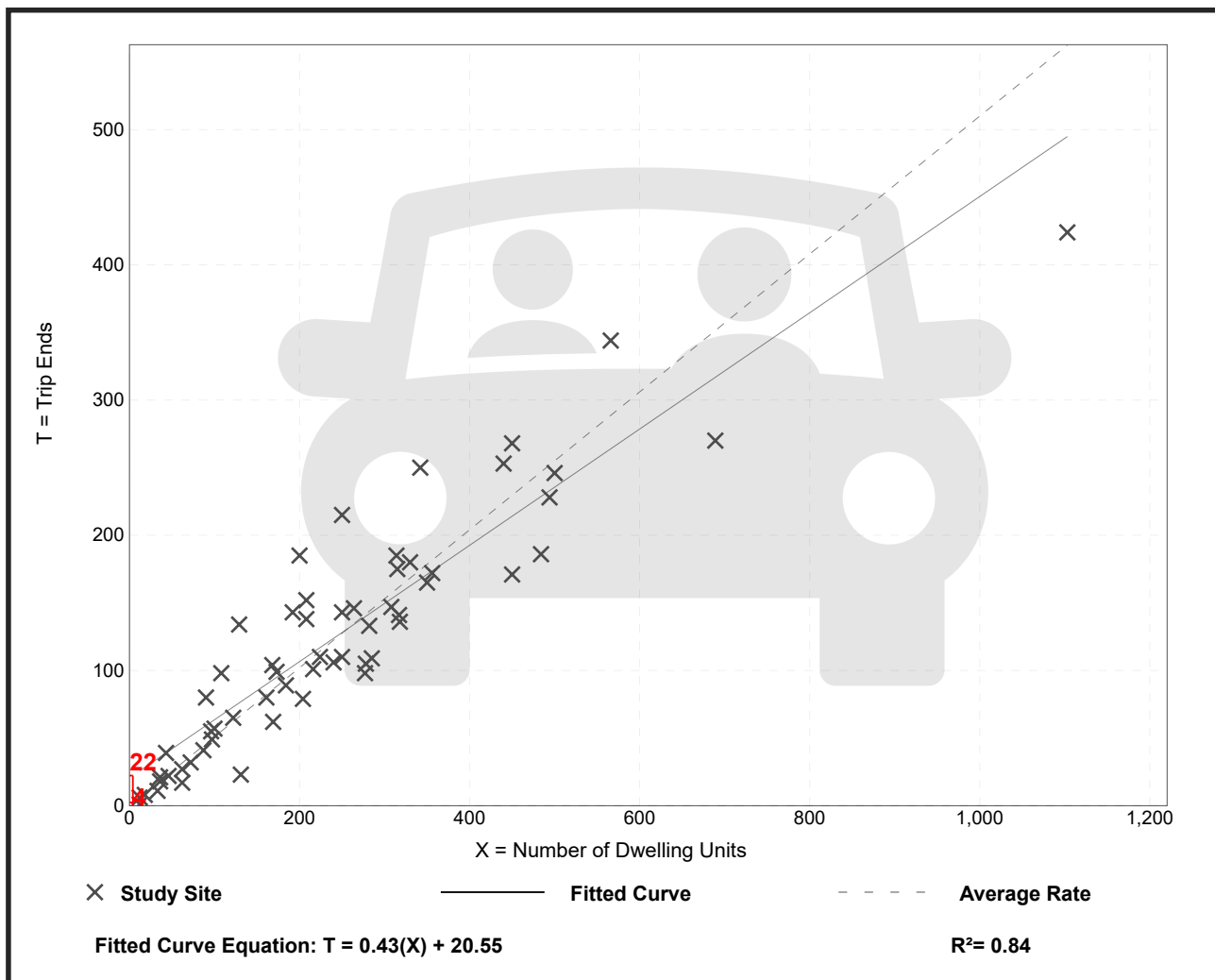
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

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

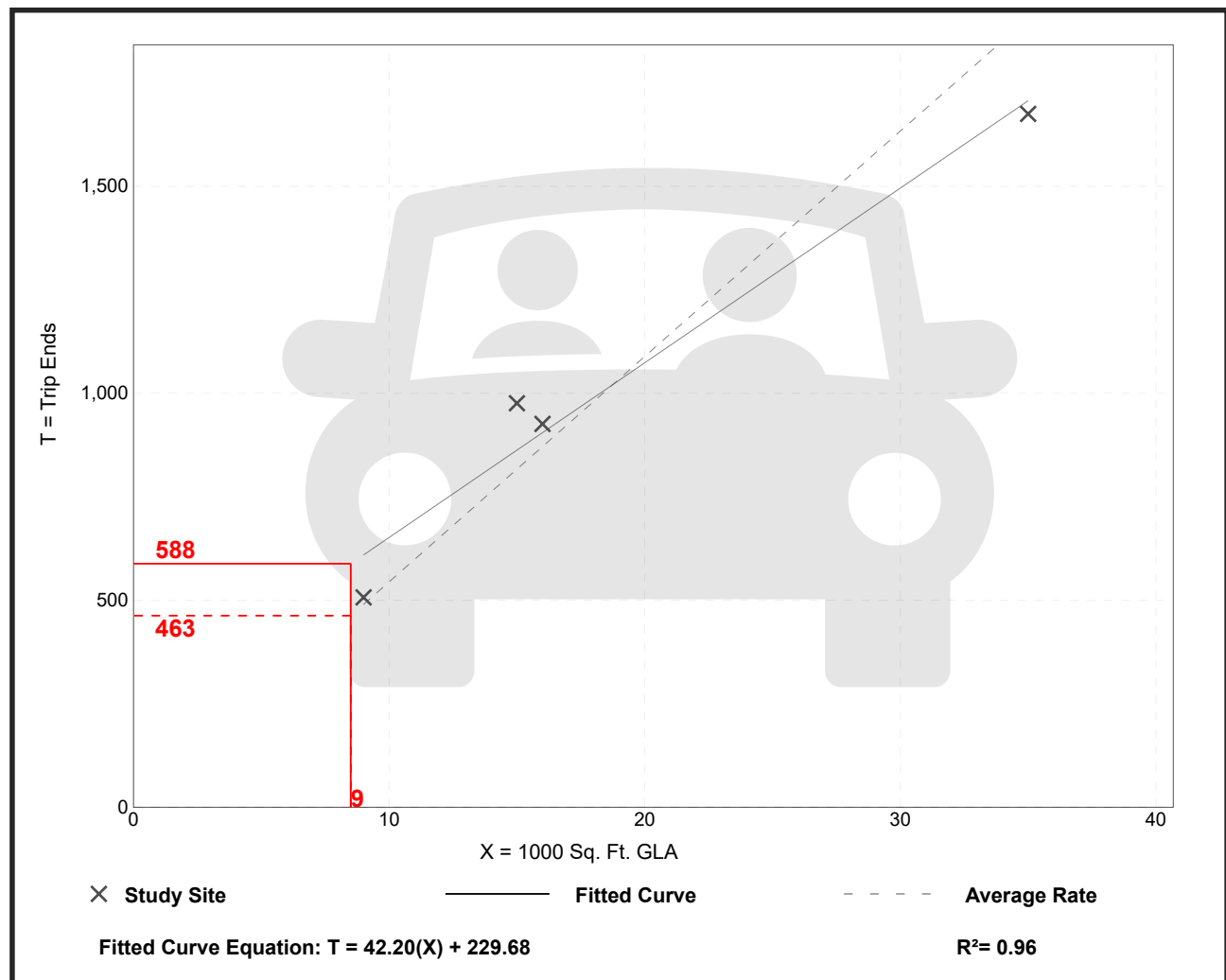
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size



Strip Retail Plaza (<40k) (822)

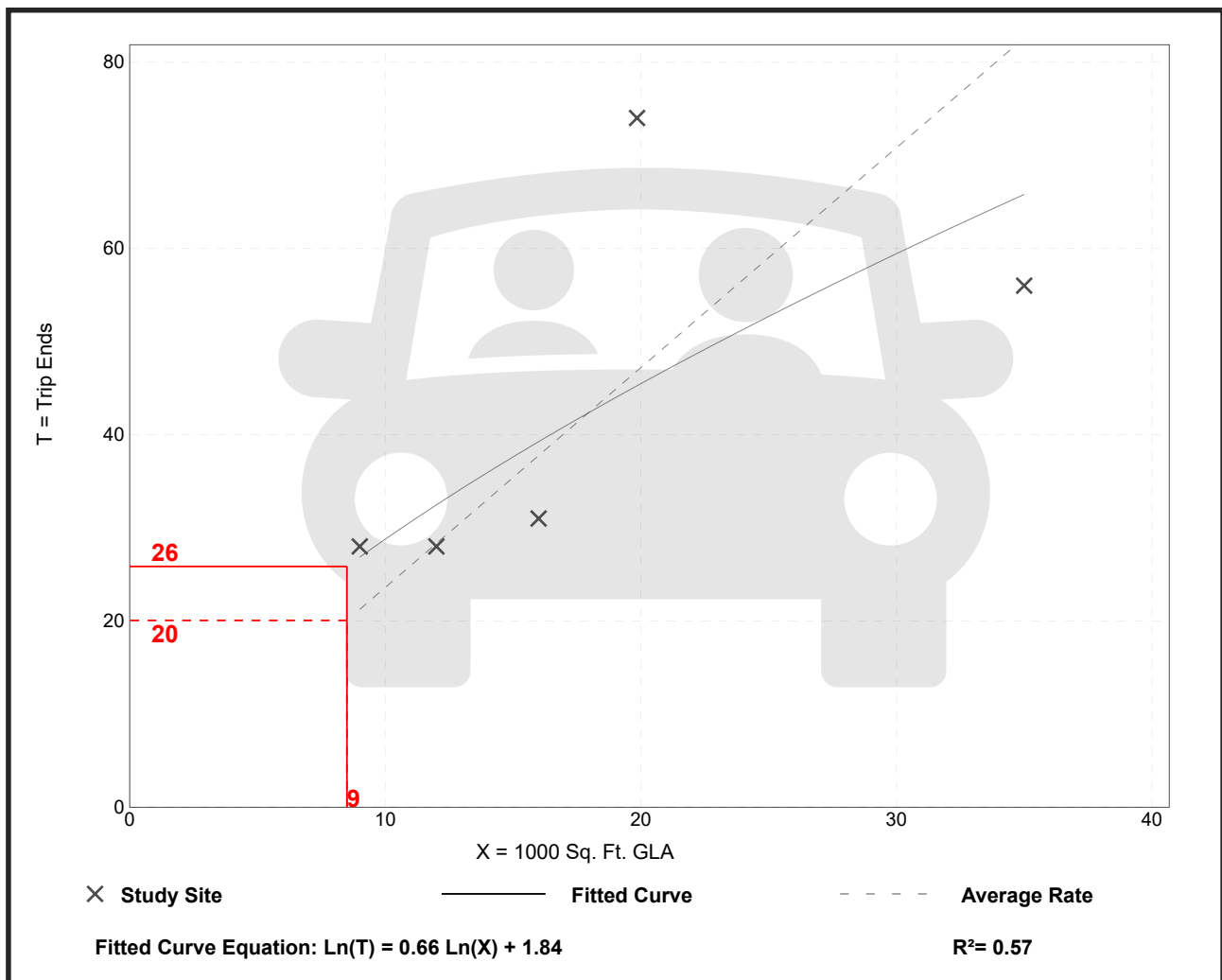
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 18
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation

Caution – Small Sample Size



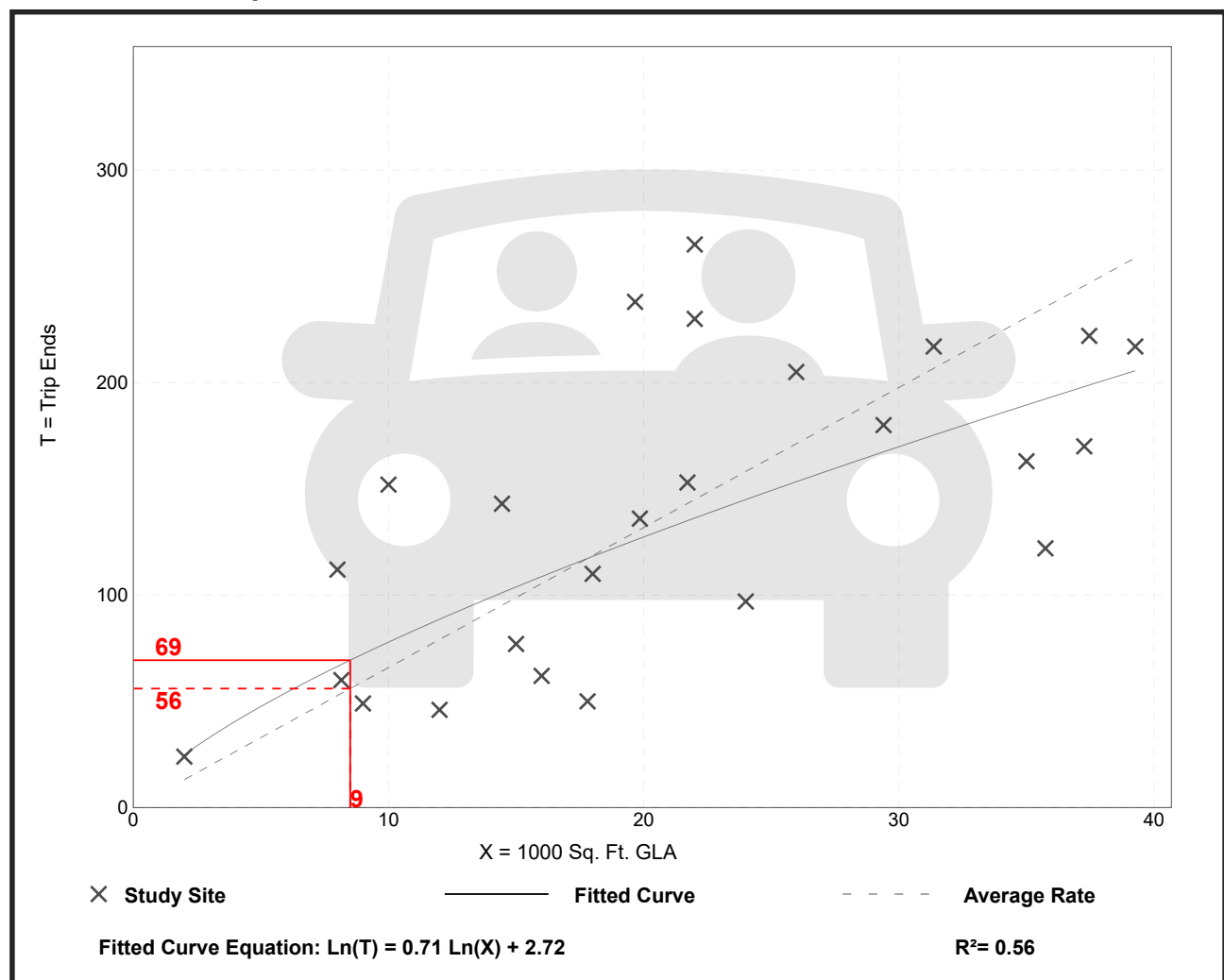
Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 25
 Avg. 1000 Sq. Ft. GLA: 21
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation



FLORIDA DEPARTMENT OF TRANSPORTATION
2022 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 12 LEE

SITE =====	SITE TYPE =====	DESCRIPTION =====	DIRECTION 1 =====	DIRECTION 2 =====	AADT TWO-WAY =====	"K" FCTR =====	"D" FCTR =====	"T" FCTR =====
6028	T	FOWLER ST, S OF HANSON ST, PTMS 2028, LCPR 28	0E	0E	24500 X	9.0	54.0F	7.3F
6029	T	CR 867/MCGREGOR BLVD, N OF MANUELS DR, PTMS 2029	0E	0E	12500 X	9.0	54.0F	4.1F
6030	T	DANIELS PKWY, 100? FT E OF PONDEROSA WY, PTMS 20	0E	0E	49000 X	9.0	54.0F	9.6D
6031	T	DANIELS PKWY, 150' W OF EAGLE RIDGE DR, PTMS 203	0E	0E	59500 X	9.0	54.0F	9.8F
6033		CHAMBERLIN PKWY, 250' S OF DANIELS PKWY, PTMS 20	S 0E	N 0E	1000 E	9.0	53.7F	6.4D
6034	T	PONDELLA RD, E OF BETMAR BLVD, PTMS 2034, LCPR 3	0E	0E	22500 X	9.0	54.0F	9.8F
6035	T	SUMMERLIN RD, 500' S OF PARK MEADOWS RD, PTMS 20	0E	0E	33000 X	9.0	54.0F	5.4F
6036	T	SUMMERLIN RD, 1000' E OF JOHN MORRIS RD PTMS	0E	0E	25500 X	9.0	53.9F	5.4F
6037	T	SR 867/MCGREGOR BLVD, 500' S OF PINE RIDGE RD, P	0E	0E	27500 X	9.0	53.9F	3.0X
6038	T	MCGREGOR BLVD/CR 867, N OF KELLY RD PTMS 20	0E	0E	16500 X	9.0	53.9F	8.3D
6039	T	GLADIOLUS DR, W OF BASS RD, PTMS 2039, LCPR 39	0E	0E	24000 X	9.0	53.9F	4.1F
6040	T	DEL PRADO BLVD, AT FOUR MILE COVE BLVD, PTMS 204	0E	0E	44500 X	9.0	54.0F	9.8F
6041	T	SR 739/US 41B, 500' N OF EDISON BRIDGE, PTMS 19,	0E	0E	45500 F	9.0	52.7F	8.2P
6042	T	BONITA BEACH RD/CR 865, W OF I-75, PTMS 2042, LC	0E	0E	39000 X	9.0	53.9F	4.1F
6043	T	COLLEGE PKWY, 600' E OF WINKLER RD, PTMS 2043, L	0E	0E	37000 X	9.0	53.9F	5.4F
6044	T	ESTERO BLVD, 100' N OF DONORA BLVD, PTMS 2044, L	0E	0E	12500 X	9.0	53.9F	8.3D

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED

"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011

AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST;
V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN

"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

13-MAR-2023 13:50:57

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622UPD

1_12_CAADT.TXT

TABLE 4

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

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	1,510	1,600	**	4	4,050	5,640	6,800	7,420	
4	Divided	*	3,420	3,580	**	6	5,960	8,310	10,220	11,150	
6	Divided	*	5,250	5,390	**	8	7,840	10,960	13,620	14,850	
8	Divided	*	7,090	7,210	**	10	9,800	13,510	17,040	18,580	
						12	11,600	16,350	20,930	23,200	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	660	1,330	1,410	4	4,130	5,640	7,070	7,690	
4	Divided	*	1,310	2,920	3,040	6	6,200	8,450	10,510	11,530	
6	Divided	*	2,090	4,500	4,590	8	8,270	11,270	13,960	15,380	
8	Divided	*	2,880	6,060	6,130	10	10,350	14,110	17,310	19,220	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lanes					
Non-State Signalized Roadways - 10%						Present in Both Directions + 1,800					
Median & Turn Lane Adjustments						Ramp Metering + 5%					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		UNINTERRUPTED FLOW HIGHWAYS					
2	Divided	Yes	No	+5%		Lanes	Median	B	C	D	E
2	Undivided	No	No	-20%		2	Undivided	1,050	1,620	2,180	2,930
Multi	Undivided	Yes	No	-5%		4	Divided	3,270	4,730	5,960	6,780
Multi	Undivided	No	No	-25%		6	Divided	4,910	7,090	8,950	10,180
—	—	—	Yes	+ 5%		Uninterrupted Flow Highway Adjustments					
One-Way Facility Adjustment						Lanes	Median	Exclusive left lanes	Adjustment factors		
Multiply the corresponding two-directional volumes in this table by 0.6						2	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Lane Coverage	B	C	D	E		* Cannot be achieved using table input value defaults.					
0-49%	*	260	680	1,770		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
50-84%	190	600	1,770	>1,770		Source:					
85-100%	830	1,700	>1,770	**		Florida Department of Transportation					
PEDESTRIAN MODE²						Systems Implementation Office					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						https://www.fdot.gov/planning/systems/					
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	250	850							
50-84%	*	150	780	1,420							
85-100%	340	960	1,560	>1,770							
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6044 - ESTERO BLVD, 100' N OF DONORA BLVD, PTMS 2044, LCPR 44

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
----	-----	-----		-----		-----	-----	-----
2022	12500 X		0		0	9.00	53.90	8.30
2021	12500 X		0		0	9.00	53.50	4.10
2020	12500 X		0		0	9.00	53.40	5.70
2019	13000 T		0		0	9.00	53.80	3.10
2018	12500 S		0		0	9.00	53.30	2.60
2017	12400 F		0		0	9.00	52.90	3.60
2016	12476 C	N	6191	S	6285	9.00	52.90	2.80
2015	12751 C	N	6358	S	6393	9.00	52.90	2.80
2014	13531 C	N	6744	S	6787	9.00	52.90	5.20
2013	13496 C	N	6702	S	6794	9.00	52.70	6.50
2012	13657 C	N	6707	S	6950	9.00	53.20	3.00
2011	13753 C	N	6771	S	6982	9.00	52.90	3.50
2010	13554 C	N	6682	S	6872	9.77	53.36	2.80
2009	14113 C	N	7088	S	7025	9.55	52.60	3.10
2008	14205 C	N	7155	S	7050	9.56	52.72	3.60

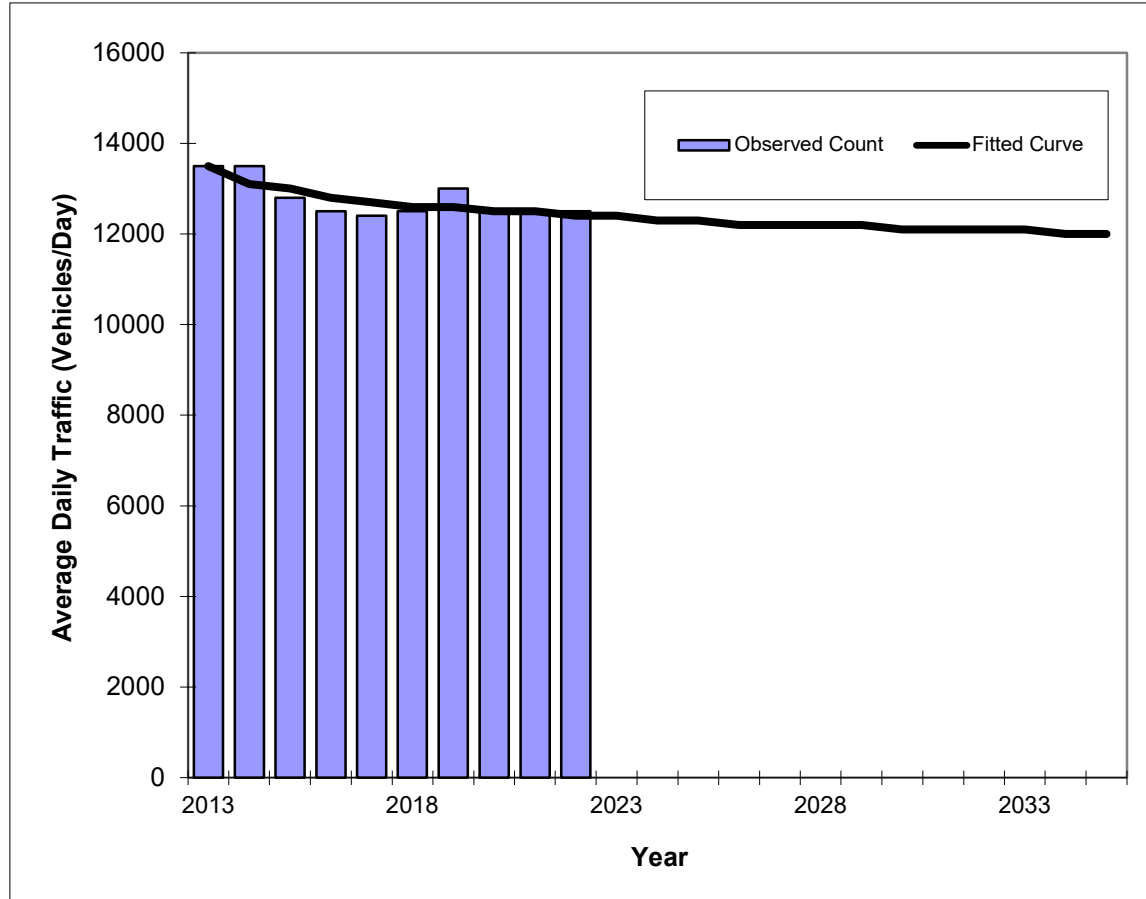
AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends - V03.a

ESTERO BLVD. --

FIN#	1234
Location	1

County:	Lee (12)
Station #:	6044
Highway:	ESTERO BLVD.



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2013	13500	13500
2014	13500	13100
2015	12800	13000
2016	12500	12800
2017	12400	12700
2018	12500	12600
2019	13000	12600
2020	12500	12500
2021	12500	12500
2022	12500	12400
2023 Opening Year Trend		
2023	N/A	12400
2024 Mid-Year Trend		
2024	N/A	12300
2025 Design Year Trend		
2025	N/A	12300
TRANPLAN Forecasts/Trends		

Trend R-squared:	64.21%
Compounded Annual Historic Growth Rate:	-0.94%
Compounded Growth Rate (2022 to Design Year):	-0.27%
Printed:	26-Jul-23
Decaying Exponential Growth Option	

*Axle-Adjusted

[Administration and Faculty](#)

[Attendance Policy](#)

[Bell Schedule](#)

[Dress Code/Uniform](#)

[Dismissal Procedures](#)

[Menus \(Breakfast/Lunch\)](#)

[School Calendar](#)

[Safety and Security](#)

[Supply List](#)

[School Equity Coordinator](#)

[School Report Card \(SPARS\)](#)

[Kids Care](#)

[Media Center](#)

[Fort Myers Beach Elementary School](#) / [Our School](#) / Bell Schedule

Bell Schedule



Full Day Schedule

7:55AM - 2:10PM

Early Dismissal

7:55AM - 12:10PM

Fort Myers Beach Elementary School

2751 Oak Street, Fort Myers Beach, FL 33931
Phone (239) 463-6356 | Fax (239) 463-3592

Website by SchoolMessenger Presence. © 2023 Intrado Corporation. All rights reserved. Non-Discrimination Policy Website Accessibility

Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.

INPUT

Roadway geometry:	2-lane roadway
Variable	Value
Major-road speed, mph:	25
Major-road volume (one direction), veh/h:	570
Right-turn volume, veh/h:	43

OUTPUT

Variable	Value
Limiting right-turn volume, veh/h:	755
Guidance for determining the need for a major-road right-turn bay for a 2-lane roadway:	
Do NOT add right-turn bay.	

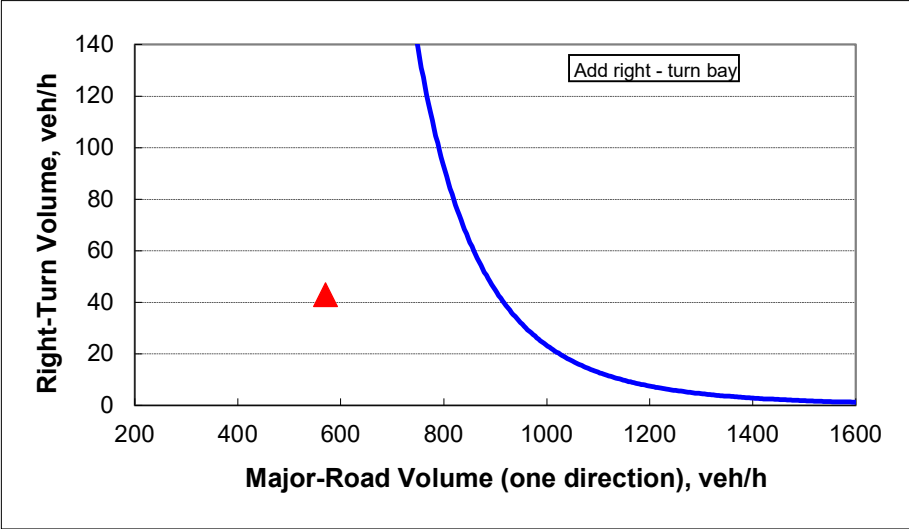


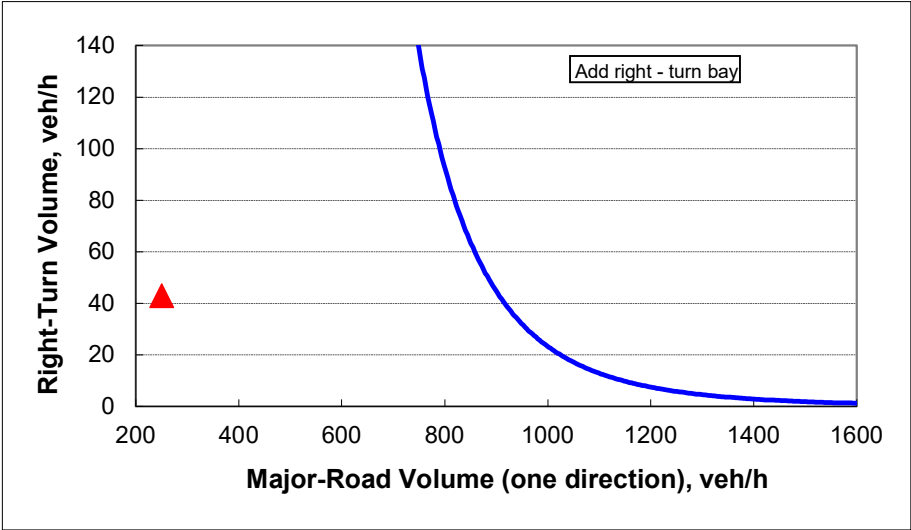
Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.

INPUT

Roadway geometry:	2-lane roadway
Variable	Value
Major-road speed, mph:	25
Major-road volume (one direction), veh/h:	250
Right-turn volume, veh/h:	43

OUTPUT

Variable	Value
Limiting right-turn volume, veh/h:	123963
Guidance for determining the need for a major-road right-turn bay for a 2-lane roadway:	
Do NOT add right-turn bay.	



How to Ride

¿Como Usarlo? / Fason pou vwayaj

- LeeTran’s bus routes are numbered and shown on the map in different colors.
- Locate on the map your starting point, your destination and the bus route(s) closest to them.
- Choose the appropriate bus schedule, showing departure times from major landmarks.
- Decide when you want to arrive at your destination, then work backward to determine when you need to catch the bus.
- Locate a LeeTran bus stop sign on the same side of the road as the direction in which you want to travel. Stand near the sign, so the driver knows that you want to catch the bus.

- Arrive at your bus stop at least five minutes before your departure time.

- Have your fare or pass ready, and enter the bus at the front door.

- If you have difficulty stepping on or off the bus, ask the driver to make the bus “kneel” to curb level. All LeeTran buses and trolleys have wheelchair ramps or lifts, and tie-downs. The driver will assist you.

- If you are entitled to a reduced fare, please have your ID ready.

- Onboard, signal for the bus to stop either by pulling the cord or pressing the strip along the windows at least one block before your desired stop.

- Leave the bus by the rear door and do not cross in front of the bus after disembarking.

- Use LeeTran’s easy online TripPlanner to map your trip at www.rideleetran.com

- Las rutas de LeeTran están numeradas y se muestran en el mapa con diferentes colores.

- Localice en el mapa su punto de partida y su destino final y la ruta o rutas más cercanas a los lugares que usted vaya a ir.

- Elija el horario apropiado que enseñe las horas de salida para los lugares claves que le sirvan para orientarse y poder llegar a donde usted desee ir.

- Decida a que hora quiera llegar a su destino, luego revise el horario del autobús y deter mine cuando lo debe tomar.

- Localice una parada del autobús en el mismo lado de la calle, en la dirección en la que usted quiera ir.

- Llegue a la parada por lo menos cinco minutos antes de la hora de la salida.

- Tenga el dinero del pasaje listo y entre al autobús por la puerta de enfrente.

- Si usted tiene dificultad al entrar o salir del autobús, dígame al chofer que baje el autobús al nivel de la banqueta.

- Todos los autobuses y trolebuses de LeeTran tienen rampas para las sillas de ruedas o elevadores y amares para las sillas. El chofer lo/la asistirá.

- Si usted tiene un descuento o reducción en su pasaje, por favor tenga su identificación lista.

- Señale para que el chofer pare el autobús ya sea jalando el cordón o haciendo presión en la franja junto a la ventanilla por lo menos una cuadra antes de su parada.

- Por favor después de salir del autobús no camine enfrente del mismo.

- Wout otobis LeeTran yo nimewote epi yo parèt sou kat jeyografik la nan diferan koulè.

- Lokalize sou kat jeyografik la pwen depa w, destinasyon w ak wout otobis(yo) ki pi pre yo.

- Chwazi orè otobis ki apwopriye a, ki montre lè y ap deplase sot nan gwo pwen repè yo.

- Deside lè w vle rive nan destinasyon w, epi apati de lè sa mache arekilon pou detèmine lè w ta dwe pran otobis la.

- Lokalize yon pano arè otobis LeeTran sou menm bò lari ak direksyon ou vle vwayaje a. Kanpe bò pano a, konsa chofè a konnen ou ou vle monte otobis la.

- Rive nan arè otobis la omwen senk minit anvan lè pou otobis la deplase.

- Mete lajan w oswa pas ou a prè, epi rantrè nan otobis la nan pòt devan an.

- Si w gen difikilte pou monte oswa desann otobis la, mande chofè a pou l fè otobis la “bese (kneel)” nan nivo twotwa a. Tout otobis LeeTran yo ak trolley yo genyen ramp oswa elevatè pou chèn woutlak, ak atachman. Chofè a pral ede w.

- Si w gen dwa pou yon tarif redwi, tanpri pare pou montre pyès idantifikasyon w.

- Pandan w nan otobis la, siyale pou otobis la kanpe swa lè w rale kòd la swa lè w peze bann ki bò fenèt yo omwen yon blòk anvan kote w ta renmen kanpe a.

- Desann otobis la nan pòt dèyè a epi pinga w travèse lari a devan otobis la aprè w fin desann li.

- Itilize planifikatè vwayaj (TripPlanner) LeeTran nan ki fasil sou entènèt la pou planifye vwayaj ou a nan www.rideleetran.com

Transit Fares

Tarifas de Pasaje
Tarif tranzit



Adult Fare	\$1.50
Discount Fare	\$0.75
Children 42” and Under	FREE

Discount Fares

Identificaciones de Transporte / Tarif rabè

LeeTran fare discount ID cards enable people 65 years of age or more, with disabilities, and full-time students to ride at a reduced fare. Photo ID TropiCards are made at the Rosa Parks Transportation Center, 2250 Widman Way, Fort Myers. Seniors must show proof of age; people with disabilities must show medical certification; and students must show proof of school enrollment.

Las tarjetas de identificación con descuento de tarifa de LeeTran permiten que las personas de 65 años o más, con discapacidades y estudiantes de tiempo completo viajen a una tarifa reducida. Las tarjetas TropiCards de identificación con foto se hacen en el Centro de Transporte de Rosa Parks, 2250 Widman Way, Fort Myers. Las personas mayores deben mostrar prueba de edad; las personas con discapacidades deben mostrar una certificación médica y los estudiantes deben mostrar un comprobante de inscripción escolar.

Kat idantifikasyon pou tarif rabè LeeTran nan pèmèt moun ki gen 65 an oswa plis, ki gen andikap, ak etidyan apilantan yo pou yo vwayaje avèk tarif ki redwi. Yo fè idantifikasyon foto TropiCards yo nan Rosa Parks Transportation Center, 2250 Widman Way, Fort Myers. Moun ajè yo dwe montre prèv laj yo; moun ki gen andikap yo dwe montre sètifikasyon medikal; epi elèv yo dwe montre prèv yo enskri nan lekòl.

Bus Passes

Pases de Autobús
Pas pou otobis yo

	Regular Adult	Senior/ Disabled Discount	Student Discount
31-Day Passes	\$40	\$23	\$25
7-Day Passes	\$15	\$11	\$12
12-Trip Passes	\$13.50	\$6.50	\$6.75
All Day Pass	\$4		
3-Day Trolley Pass	\$4		

LeeTran riders can save money by purchasing passes good for multiple trips. They can be purchased on our secure website, rideleetran.com, or at the following locations:

LeeTran puede ahorrarle dinero al comprar los pases para múltiples viajes. Los Boletos se pueden comprar en el internet visitando rideleetran.com y los siguientes locales:

Pasaje LeeTran yo ka ekonomize lajan lè yo achte pas ki bon pou plizyè vwayaj. Ou ka achte yo sou sitwèb nou an ki sekiirè, rideleetran.com. oswa nan lokal ki pral site aprè yo:

Fort Myers

Rosa Parks Transportation Center
Customer Service Counter and TVM
2250 Widman Way

LeeTran Headquarters
Customer Service Counter
3401 Metro Parkway

Florida SouthWestern State College Bookstore
8099 College Parkway

Lakes Regional Library
15290 Bass Road

Riverdale Branch Library
2421 Buckingham Road

Edison Mall Transfer Station
TVM only
4125 Cleveland Ave

Beach Park & Ride
Seasonal Customer Service Counter and TVM
11101 Summerlin Square Drive

Cape Coral

Cape Coral-Lee County Public Library
921 SW 39th Terrace

Cape Coral Tranfer Center
TVM only
820 SE 47th Terrace

North Fort Myers

North Fort Myers Public Library
2001 N. Tamiami Trail

Lehigh Acres

East County Regional Library
881 Gunnerly Road



All Publix Stores in Lee County
Compre su pase en cualquier Publix
Creole translation to come

Help Everyone Enjoy the Ride

Ayude a Que Todo el Mundo Disfrute el Viaje
Ede tout moun pwofite vwayaj la



- Eating, drinking, smoking (including e-cigarettes), and profanity are prohibited.

- Electronic devices that could disturb others, such as radios, video games, or MP3 players must be used with headphones.

- Please reserve the front seats for elderly or disabled riders.

- Please do not block the aisles with packages, bags or strollers.

- No weapons, alcohol or illegal substances are permitted on the bus.

- Passengers must remain behind the yellow line while the bus is in motion.

- Shirts and shoes are required.

- Comer, beber, fumar y decir palabras obscenas está prohibido.

- Aparatos electrónicos que puedan molestar a otros, como radios, juegos de video, o MP3 deben de ser usados con audífonos.

- Por favor deje los asientos de enfrente libres para los pasajeros de mayor edad y aquellos que están incapacitados.

- Por favor no bloquee el pasillo del autobús con paquetes, bolsas o con carritos de los niños.

- No están permitidas las bebidas alcohólicas, sustancias ilegales, ni armas en el autobús.

- Los pasajeros deben de permanecer detrás de la línea amarilla mientras el autobús este en movimiento.

Paratransit Service

El Servicio Paratransit
Transpò adapte pou
moun ki andikape



LeeTran’s paratransit service called Passport is available for those whose disabilities make it difficult for them to use a regular bus. Passport operates in the same service area, during the same hours, and on the same days as regular route bus service. A certification process is required; to obtain an application or additional information, call the Passport office at 239-533-0300, Monday through Friday between 8 a.m. and 5 p.m.

El servicio paratransit llamado Pasaporte está disponible para aquellos que sus incapacidades hacen imposible para que ellos puedan usar un autobús regular. El servicio Pasaporte opera en la misma zona, durante las mismas horas, y los mismos días que los autobuses regulares. Un proceso de certificación es requerido; para obtener una solicitud o más información, llame a la oficina del Pasaporte al 239-533-0300 de lunes a viernes entre las 8:00 de la mañana a las 5:00 de la tarde.



Sévis transpò adapte pou moun ki andikape LeeTran nan ki rele Passport disponib pou moun kote andikap yo rann li difisil pou yo itilize yon otobis nòmal. Passport opere nan menm zòn sévis la, pandan menm lè yo, epi nan menm jou ak sévis otobis wout nòmal yo. Gen yon pwosesis sètifikasyon ki obligatwa; pou jwenn yon aplikasyon oswa enfòmasyon siplemantè, rele ofis Passport la nan 239-533-0300. De lendi a vandredi ant 8 è a.m. ak 5 è p.m.



Limited Use Passes are available in single or multi-trip/day options. They can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran Ticket Vending Machine.

Limited Use Passes están disponibles en opciones de uno o varios viajes/día. Se pueden comprar en las oficinas centrales de LeeTran, en el centro de transporte de Rosa Parks o en cualquier máquina expendedora de boletos de LeeTran.

Limited Use Passes disponib nan opsyon vwayaj sen oswa plizyè vwayaj nan yon jounen. Ou ka achte yo nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran.

Cash is still accepted on all buses. Remember, the fare box does not provide change so make sure you have the exact fare amount.

Todavía se acepta efectivo en todos los autobuses. Recuerde, el cuadro de tarifa no proporciona cambio, así que asegúrese de tener el monto exacto de la tarifa.

Yo toujou aksepte lajan kach nan tout otobis yo. Sonje bwat kote w depoze lajan an apa bay monnen kidonk asire w ou gen montan egzat pou vwayaj la.



Holiday Service

Los Servicios en los Días Feriados
Sèvis nan jou ferye



There is no LeeTran service on the following holidays:

- New Year’s Day
- Memorial Day
- 4th of July
- Labor Day
- Thanksgiving
- Christmas Day

No hay servicio para los autobuses de LeeTran en los siguientes Días Feriados:

- Año Nuevo
- Día Conmemorativo
- El 4 de julio
- El Día del Trabajo
- El Día del Accón de Gracias
- Navidad

Pa gen sévis LeeTran nan jou ferye ki pral site la yo:

- Joudlan
- Jou Souvni
- 4 Jiyè
- Jou Travay
- Aksyondegras
- Nwèl

Lost and Found

Objetos Perdidos y Encontrados
Objè pèdi

Personal items left on the buses are collected at the end of the day and held for 90 days per state statute. Parishables (food items) are thrown out the same day. If you have lost an item on the bus, please call 239-533-8726 to determine if it can be recovered. LeeTran is not responsible for lost or stolen items.

Los objetos que fueron olvidados en los autobuses son recogidos al finalizar el día y serán guardados por 90 días. Si usted ha olvidado un objeto en el autobús, por favor llame al 239-533-8726 para determinar si se puede recuperar. LeeTran no es responsable por los objetos olvidados o robados.

Yo kolekte atik pèsonèl moun kite nan otobis yo nan fen jounen an epi yo kenbe yo pandan 90 jou selon lwa eta a. Yo jete atik perisab (manje) menm jou a. Si w te pèdi yon bagay nan otobis la, tanpri rele 239-533-8726 pou detèmine si w ka rejwenn li. LeeTran pa responsab pou bagay ou ki pèdi oswa bagay ou yo volè.

Title VI Compliance

Título VI Cumplimiento
Konfòmite ak Tit VI

LeeTran complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin. If you feel you have been discriminated against, you may file a complaint by calling LeeTran at 239-533-8726 or Lee County’s Office of Equal Employment Opportunity at 239-533-2245.

LeeTran cumple con el Título VI del Acta de Derechos Civiles de 1964 que prohíbe la discriminación por causa de su raza, color o nación de origen en cualquier programa o actividad que recibe dinero federal. Para reportar violaciones llame a LeeTran al 239-533-8726 o las oficinas del Condado de Lee al 239-533-2245.

LeeTran konfòme lak Tit VI nan lwa sou Dwa Sivil ane 1964 la (Civil Rights Act of 1964) ki entèdi diskriminasyon sou baz ras, koulè oswa orijin nasyonal. Si w santi w te viktim diskriminasyon, ou ka pote yon plent lè w rele LeeTran nan 239-533-8726 oswa Ofis Opòtinite Travay Egal konte Lee (Lee County’s Office of Equal Employment Opportunity) nan 239-533-2245.



System Map

Diagrama del Sistema • Kat Sistèm

FORT MYERS • FLORIDA



Your Ride Is Here

3401 Metro Parkway
Fort Myers, FL 33901

(239) LEE-TRAN (533-8726)
rideleetran@leegov.com
rideleetran.com

LeeTran Customer Service
Call (239) 533-8726 ext. 1

Customer Service Hours
Mon- Fri: 8am to 5pm
Saturday & Sunday: Closed

Suggested Apps

- Planning your trip
- Managing your fare amount
- Tracking buses in real-time

transit LeeFare

Welcome Aboard

Bienvenido a bordo
Byenvini abò

LeeTran has served Lee county residents and visitors since 1977. It currently operates 26 bus routes with over 1,700 bus stops covering more than 400 miles of roadway.

LeeTran offers a safe and reliable way of getting to work, school, shopping or recreation.

LeeTran ha servido a los residentes y visitantes del condado de Lee desde 1977. Actualmente opera 26 rutas con más de 1,700 paradas de autobús cubriendo más de 400 millas.

LeeTran ofrece una forma de ir al trabajo, a la escuela, compras o recreación segura y confiable.

LeeTran ap desèvi rezidan ak vizitè konte Lee depi 1977. Pou lemoman li opere 26 wout otobis avèk plis pase 1 700 arè otobis ki kouvri plis pase 400 mil sipèfisi wout.

LeeTran ofri yon fason ki san danje epi ki fway pou al travay, al lekòl, al fè acha oswa al nan amizman.





LeeTran



Routes - Rutas - Wout yo

- 5 Edison Mall/Forum
- 10 Edison Mall/Dunbar
- 15 Rosa Parks/Tice
- 20 Dunbar/Rosa Parks
- 30 Bell Tower/Camelot Isles
- 40 Cape Transfer Ctr./Coralwood Mall
- 50 Airport/Beach Park & Ride
- 60 San Carlos Park/Gulf Coast Town Ctr.
- 70 Rosa Parks/Cape Transfer Ctr.
- 80 Edison Mall/Bell Tower
- 100 Rosa Parks/Riverdale
- 110 Edison Mall/Lehigh Acres
- 120 Edison Mall/Cape Transfer Ctr.
- 130 Edison Mall/Beach Park & Ride
- 140 Merchants Crossing/Bell Tower
- 240 Coconut Point Mall/Bell Tower
- 410 Bowditch Park/Lovers Key
- 490 Beach Park & Ride/Times Square
- 515 Lehigh Acres Circulator
- 590 Merchants Crossing/Suncoast
- 595 Merchants Crossing/Pondella Rd.
- 600 Coconut Point/Immokalee Rd

Downtown Fort Myers



Map Symbols - Símbolos del Mapa

- Bus Route
Línea de Autobús
- Select Trips Only
Viajes Seleccionados
- Route Direction
Dirección de Línea
- CAT
Collier Area Transit Route
Línea de Tránsito del Área Collier
- Seasonal Tram & Trolley Routes
Rutas de Tram y Trolley Estacional
- Transfer Locations
Lugares de transferencia
- Interline Locations
Interlínea de transferencia
- Publix - Buy Passes Here
Publix - Comprar pases aquí
- Clinic/Hospital
Hospital
- Park & Ride
Parqueo público
- College/University
Universidad
- Shopping Center
Centro comercial
- Library
Biblioteca
- Place of Interest
Lugar de interés

Points of Interest
Lugares de Interés

- A Lee County Public Works
- B Lee County Justice Center
- C Lee County Administration
- D Ft. Myers City Hall
- E US Courthouse
- F Caloosa Sound Convention Center

Beach Tram - FREE SEASONAL SERVICE
NOVEMBER THROUGH APRIL

Downtown River District Trolley
SEASONAL SERVICE - NOVEMBER THROUGH APRIL

- BLUE Oasis/McGregor
- GOLD Rosa Parks/North Fort Myers





MYERSIDE

CAFE

SOUVENIRS



























THE NEIGHBORHOOD COMPANY

THE MYERSIDE COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING

SCHEDULE OF USES

Lodging

Principal:

- Hotel/Motel (Inclusive of Hotel Condominiums)
- Guest Units

Accessory:

- On premise consumption of alcoholic beverages
- Hotel/Motel Accessory Uses
- Personal Services
- Recreational Facilities

Residential

- Work/Live Units

Retail

- Offices, General or Medical
- Personal Services
- Restaurant with on premise consumption of alcoholic beverages
- Retail Store, Small & Large
- Subordinate Commercial Uses



THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
PROPERTY DEVELOPMENT STANDARDS

Minimum Lot Size

Lot Area	1.03 ± acre
Lot Width	145 feet
Lot Depth	300 feet

Build to Line (Estero Blvd.)	5 - 10 feet
-------------------------------------	-------------

Minimum Setbacks Primary Structure

Secondary Street (School St.)	10 feet
Rear Yard (Oak St.)	50 feet
Side Yard	15 Feet

Minimum Setbacks Accessory Structures

Secondary Street (School St.)	10 feet
Rear Yard (Oak St.)	0 feet for dumpster enclosure, 10 feet for all other structures
Side Yard	15 Feet

Maximum Zoned Height	37 feet (measured from base flood elevation + 3' of freeboard to mid-point of roof)
-----------------------------	---

Maximum Actual Height	50 feet (measured from grade to peak of roof)
------------------------------	---

Maximum Stories	4 Stories
------------------------	-----------

Maximum Floor Area Ratio	1.0
---------------------------------	-----



SOUTH WEST DISTRICT
THE FLORIDA ANNUAL CONFERENCE

The United Methodist Church

THE REV. DR. DEBORAH L. ALLEN, DISTRICT SUPERINTENDENT
SANDY J. VOIGT, SR. ADMINISTRATIVE ASSISTANT

October 30, 2023

Council, LPA and Staff of the:
Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, Florida, 33931

Re: Myerside LLC CPD MIXED USE APPLICATION

To Whom It May Concern:

Beach United Methodist Church is an immediate neighbor of the Myerside property owned by Beverley Milligan and Roland Weinmann. Through various ministers at the church, we have worked with them, our neighbors, for over 12 years, supporting them in the clean-up and renovation of their property and the resulting gentrification of our neighborhood. We also supported them in their recent and successful 2021 Application to expand their resort to include additional units, a restaurant and a store. We did this because they have been good neighbors, have contributed to the neighborhood and the community.

As a community, we have all suffered great losses, but were not surprised and pleased to hear from Ms. Milligan about the resilient, reasonable and attractive Myerside rebuild. She reviewed with us the concept drawings, which we understand includes 42 units, 4-6 of which will be used for staff and the balance, hotel. We were excited to hear about the hope to attract health and wellness professionals and other quality retail back to the island populating the proposed retail space, as well as a full-service restaurant, that will be open both to the public and provide room service, offer poolside service and occupy space on the main floor.

Beach United Methodist Church and Myerside are uniquely situated in a community hub, where it makes sense to provide to this island, Bay Oaks, the Library and the community, what Myerside hopes to build and offer. We note that previously every unit at Myerside enjoyed a Bay Oaks membership. We know that Bev and Roland are invested in the FMB Community and we have already witnessed how they brought back to life a property that was ground zero for the drug trade on the island. They did it once and we fully believe they will take the lead in being one of the first boutique businesses to build back and build better

It is for the above reasons that our South West United Methodist district office fully supports Myerside in its application and urge council to approve the application in its entirety.

Sincerely,

Rev. Dr. Deborah L Allen
District Superintendent

To: Town of Ft. Myers Beach
Town Council, and
Planning Commission

August 30, 2023

Re: Myerside Proposal Plans

To Whom It May Concern;

We own the property immediately adjacent to 2661-2681 Estero Blvd.

We have met with Myerside and have been shown sketches of the redevelopment plans as of August 30, 2023. This project would serve the town and the community well.

Bev and Roland, as well as the Myerside staff have been great neighbors.

We strongly encourage all parties involved to support this project.

Thank you in advance for considering this letter.

Sincerely,

Marty and Amy Folliard

Owners of 2651 Estero Blvd.



MEMO

To: File

From: Laura Tefft

Date: August 31, 2023

Subject: Summary of Public Outreach Meeting from 08/31/2023

A public outreach meeting was held on August 31, 2023, with an open invitation to Fort Myers Beach Chamber of Commerce and Board of Realtors.

The meeting was held at the Diamondhead Resort on Fort Myers Beach and started at 5 pm. A presentation was made by the Myerside Team Members with an opportunity for questions at the end of the presentation.

A copy of the presentation and summary list of the questions are enclosed for review.



MEMO

To: The Myerside Commercial Planned Development
From: Laura Tefft
Date: August 31, 2023
Subject: Summary of Questions from the Chamber of Commerce/Realtor Meeting

Please find below a summary of the questions which were posed by audience members during the Fort Myers Beach Chamber of Commerce/Realtor meeting which took place on August 31, 2023. I have provided a few of the replies in *italics*.

1. Is there a lobby? *Yes, it will be on the commercial level.*
2. How many workforce units? *We anticipate 4 workforce units in addition to the hotel units.*
3. Is there a trolley stop at the library? *Yes, there is one in front of the Library on Estero Blvd.*
4. What will the setback be off Estero? *There will be a build-to-line, and it is anticipated to be between 10-15' from EOP to covered area.*
5. Historically people lived in the trees? Will they be replanting them? *We will have a planting plan as we go through the approval processes for construction.*
6. Is the requested density within the LDC guidelines? *It was explained that through the planned development process the Town allows developers to request height and density. There is a density multiplier within the LDC.*
7. What is the FAR? *Floor Area Ratio was explained.*
8. A concern was raised about sewer & water capacity. *A capacity analysis will be done through the Development Order review process.*

Misc. Comments –

- Loved design.
- Build it.
- Compliments to the team & hearing what people are saying they want.
- Height seems to be the biggest concern.
- Heart of the Island Committee Member spoke that she was glad to see they were working toward carrying out the Comp Plan Vision.

THE MYERSIDE

Fort Myers Beach, Florida

Community Information Presentation

August 31, 2023

INTRODUCTIONS

THE MYERSIDE

- Owners: Beverly Milligan and Roland Weinmann
- Fort Myers Beach, FL
- Owners since 2012

THE NEIGHBORHOOD COMPANY

- Fort Myers, FL / Land Use Planning & Design

JAY KAMB GROUP

- Fort Lauderdale, FL / Architectural Design & Renderings



BACKGROUND & MOVING FORWARD

MYERSIDE RESORT & COTTAGES – PRE IAN

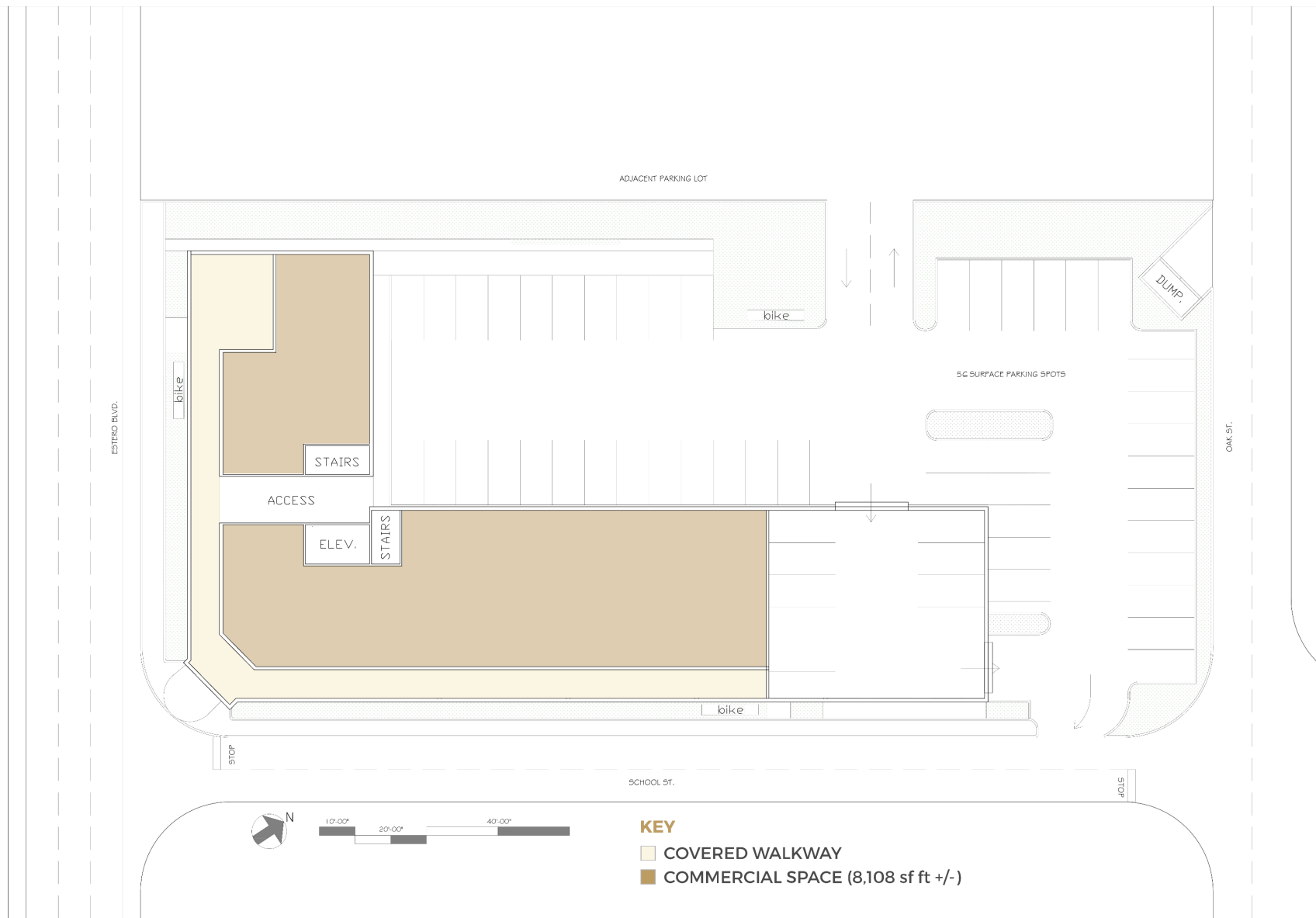
- Originally developed 1950's and 1960's
- 1 Acre – Consists of 12 platted lots of the Winkler's Subdivision
- 12 Residential Units, Office, Amenities and Accessory Uses
- 2021 - Town approved rezoning to expand to 14 Lodging Units, Amenities, Restaurant, and Retail
- Excited that development was almost underway
- Devastating impacts of Ian forced to go with a new vision of Myside

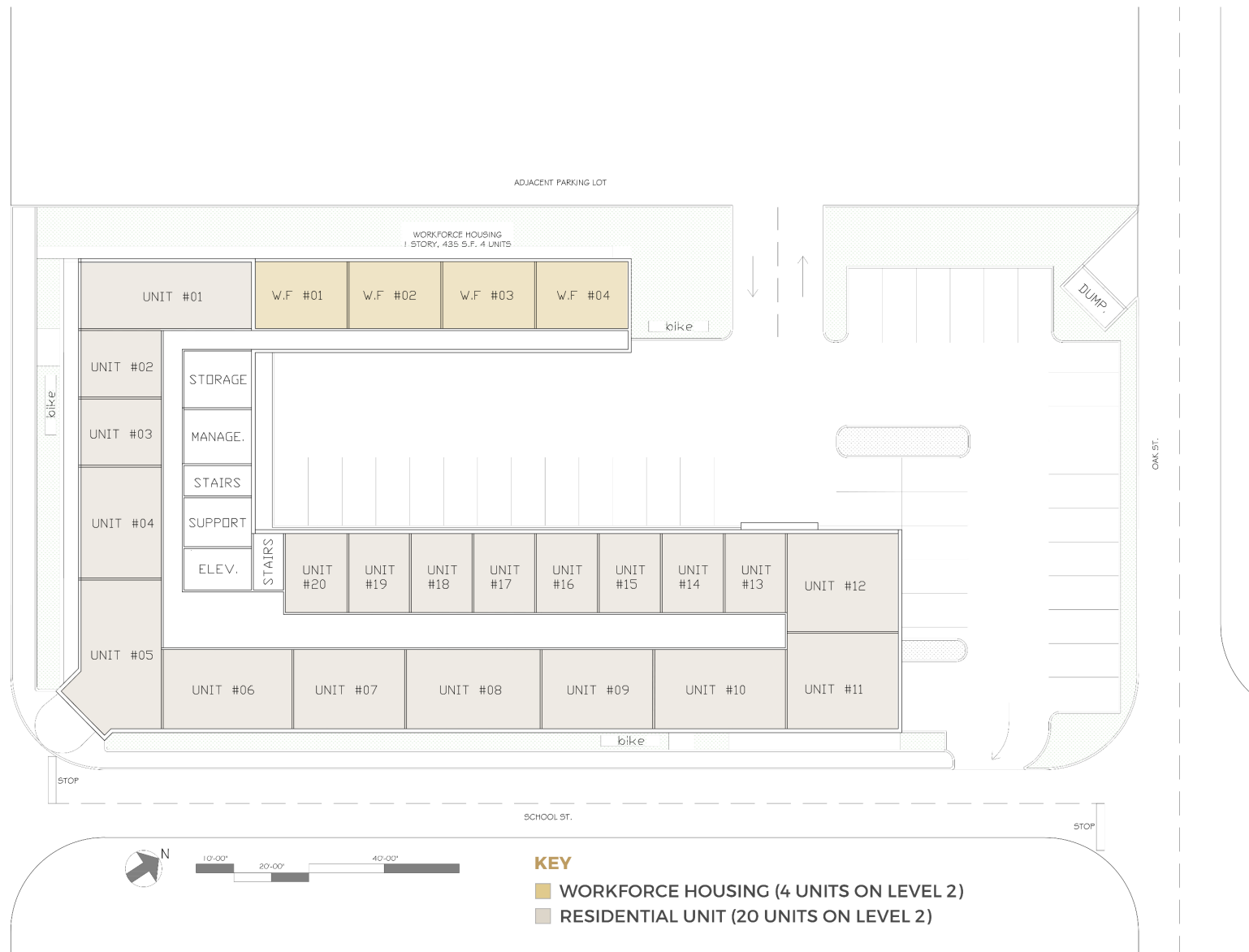
BACKGROUND & MOVING FORWARD

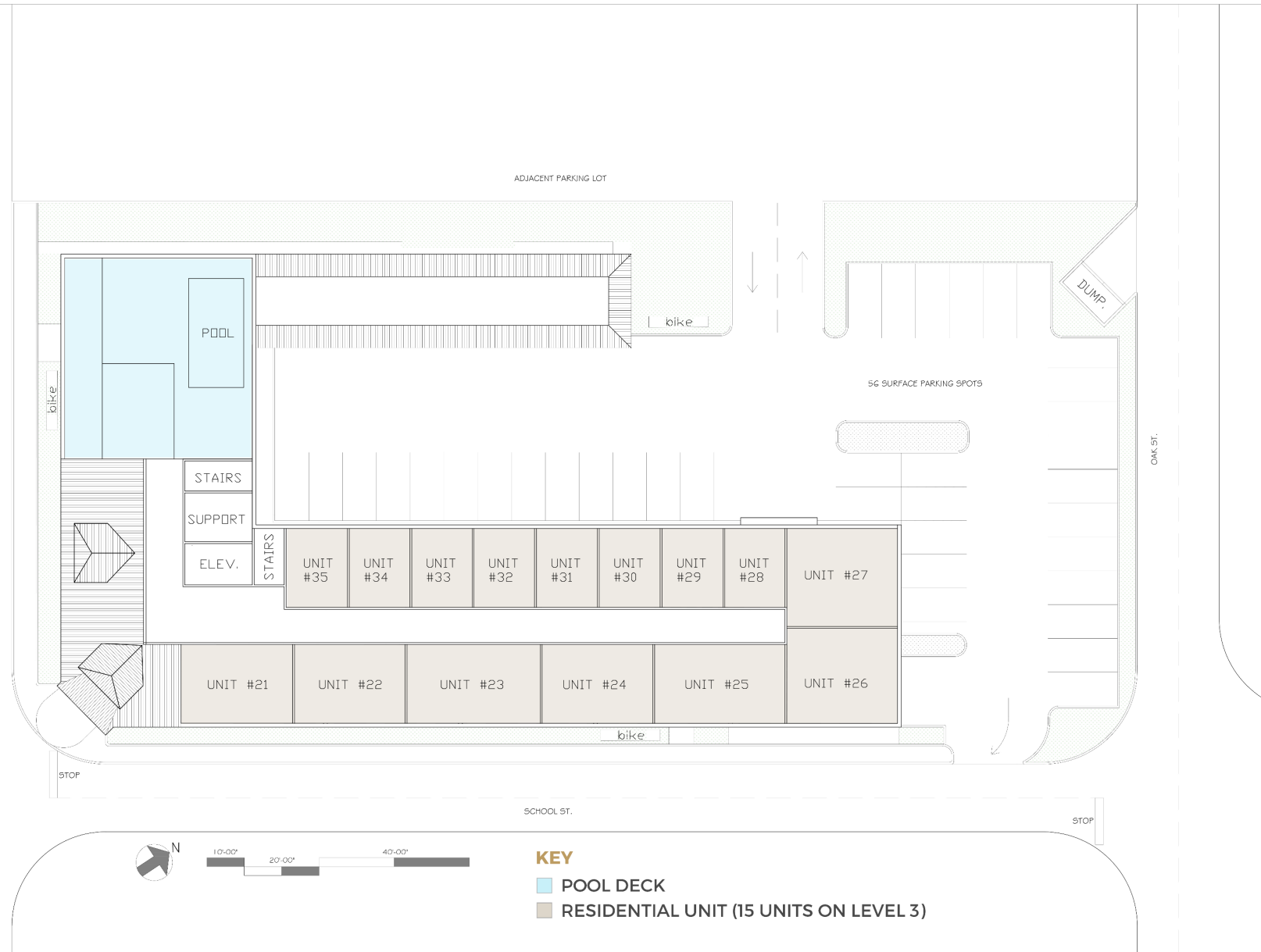
THE MYERSIDE - REDEVELOPMENT

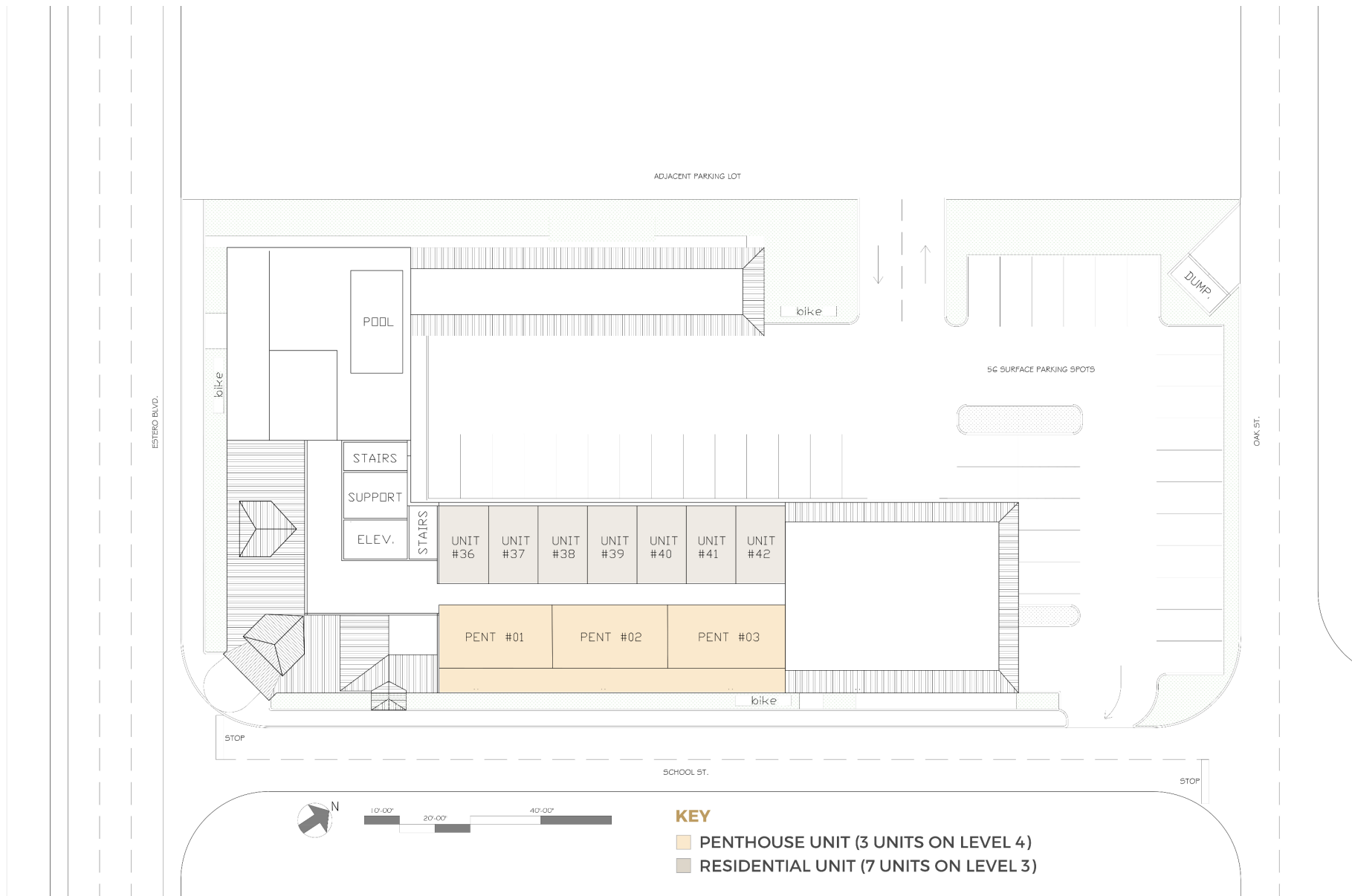
- Challenges & Opportunities:
 - Ownership, Respect Community Input, Insurance, Market/Financial Feasibility, FEMA Compliance, and Town Post-disaster Requirements
- By-right to develop 30 lodging units
- Rezoning - Request an additional 12 lodging units, 4 live/work units and commercial uses
- Mixed Use: Limited Commercial and 42 Unit Boutique Hotel
 - Health & Wellness - Complement the surrounding civic and community uses
- Consistency with Comp Plan & Land Development Code:
 - Allows Request to Rezone to Commercial Planned Development
 - “Heart of the Island” Vision: Infill, mix of uses in area with small scale retail













- **OVERALL HEIGHT 45' (GROUND TO ROOF TOP)**
 - 1-3 STORIES OVER COMMERCIAL
 - ONSITE VEHICLE PARKING – 56 SPACES
 - BICYCLE / GOLF CART / VALET & SHARED PARKING OPTIONS
- 42 LODGING UNITS – 4 LIVE/WORK UNITS
- 8,500 +/- SF OF COMMERCIAL SPACE













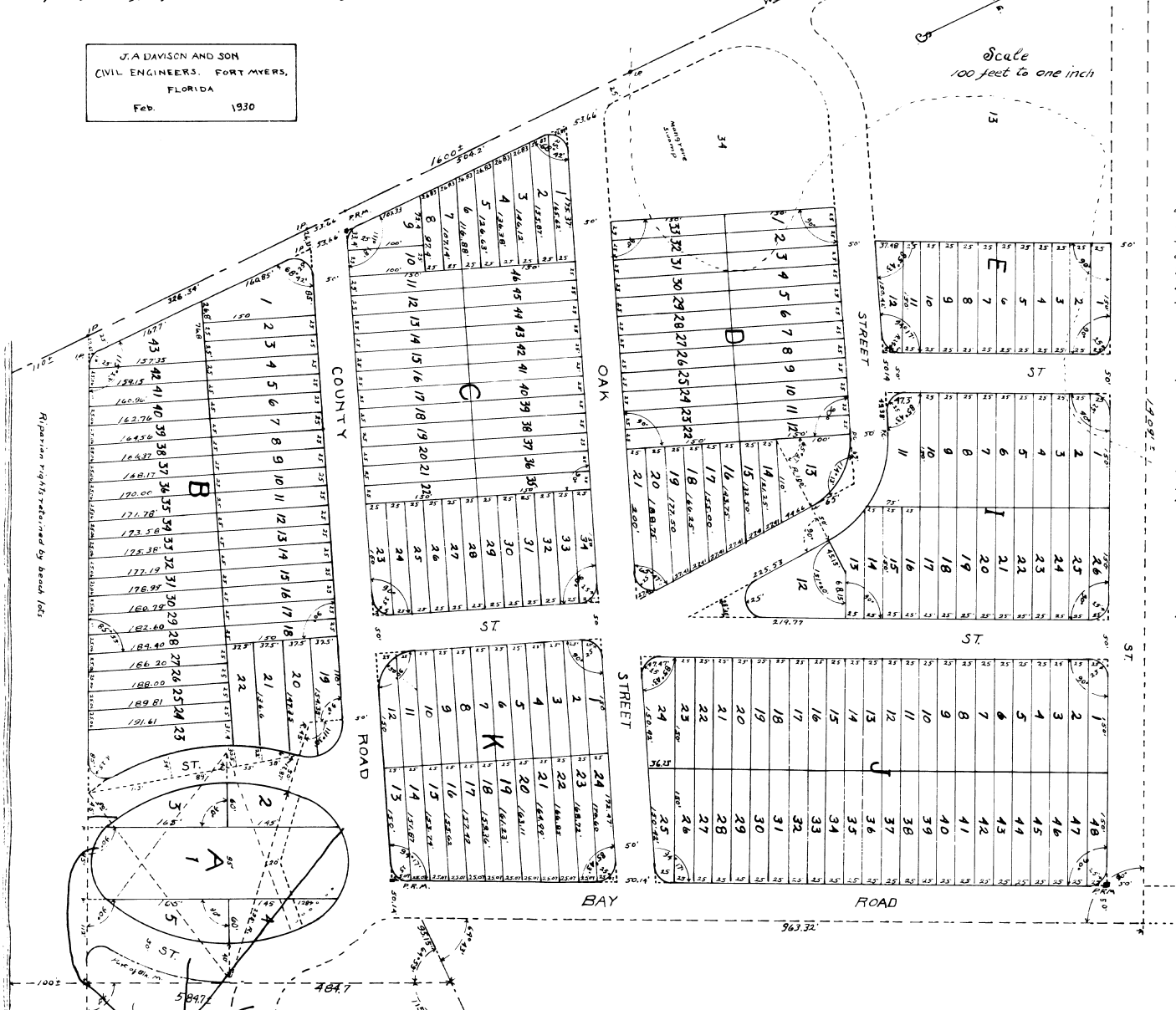


PLAT OF

WINKLER SUBDIVISION.

A Subdivision beginning at the north-east corner of section 30 T₄S. R. 24E, thence west on the line between sections 19 and 30: 339.7 feet, thence south 25° 05' west 584.7 feet to the Gulf of Mexico, the point of beginning of land herein described, thence north 25° 05' east 584.7 feet to the north line of said section 30, thence west on said section line 95.15 feet, thence north 25° 17' east 963.32 feet, thence north 64° 43' west 1409 feet mor. to the west line of lot 1 section 19 T₄S. R. 24E, thence south along the west line of said lot 1 1600 feet mor. to the Gulf of Mexico, thence south-easterly with the meanders of the Gulf of Mexico to the point of beginning, together with riparian rights.

J.A. DAVISON AND SON
CIVIL ENGINEERS. FORT MYERS,
FLORIDA
Feb. 1930



CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land herein described and have caused said land to be subdivided into Lots, Blocks and Streets as shown, and said streets are hereby dedicated to the public forever.

Signed, sealed and delivered in the presence of us.

Notary Public Seal

STATE OF FLORIDA } S.S.
COUNTY OF LEE }

I DO HEREBY CERTIFY that on this 12th day of February A.D. 1930 personally appeared before me, an officer duly authorized to administer and take acknowledgements, W.B. Winkler and Lillian L. Winkler his wife, both well known to me, as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said Lillian L. Winkler the wife of said W.B. Winkler upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing dedication freely, voluntarily and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and official Seal the date last aforesaid.

Notary Public Seal

My commission expires 12th Jan 1931

CERTIFICATE OF SURVEY

We the undersigned certify that the plat as shown is a correct representation of the land platted, and that permanent reference monuments have been placed as shown.

J.A. DAVISON AND SON
BY Harry M. Davison

This plat accepted this 15th day of March 1930 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved { Chairman
Clerk

#69226



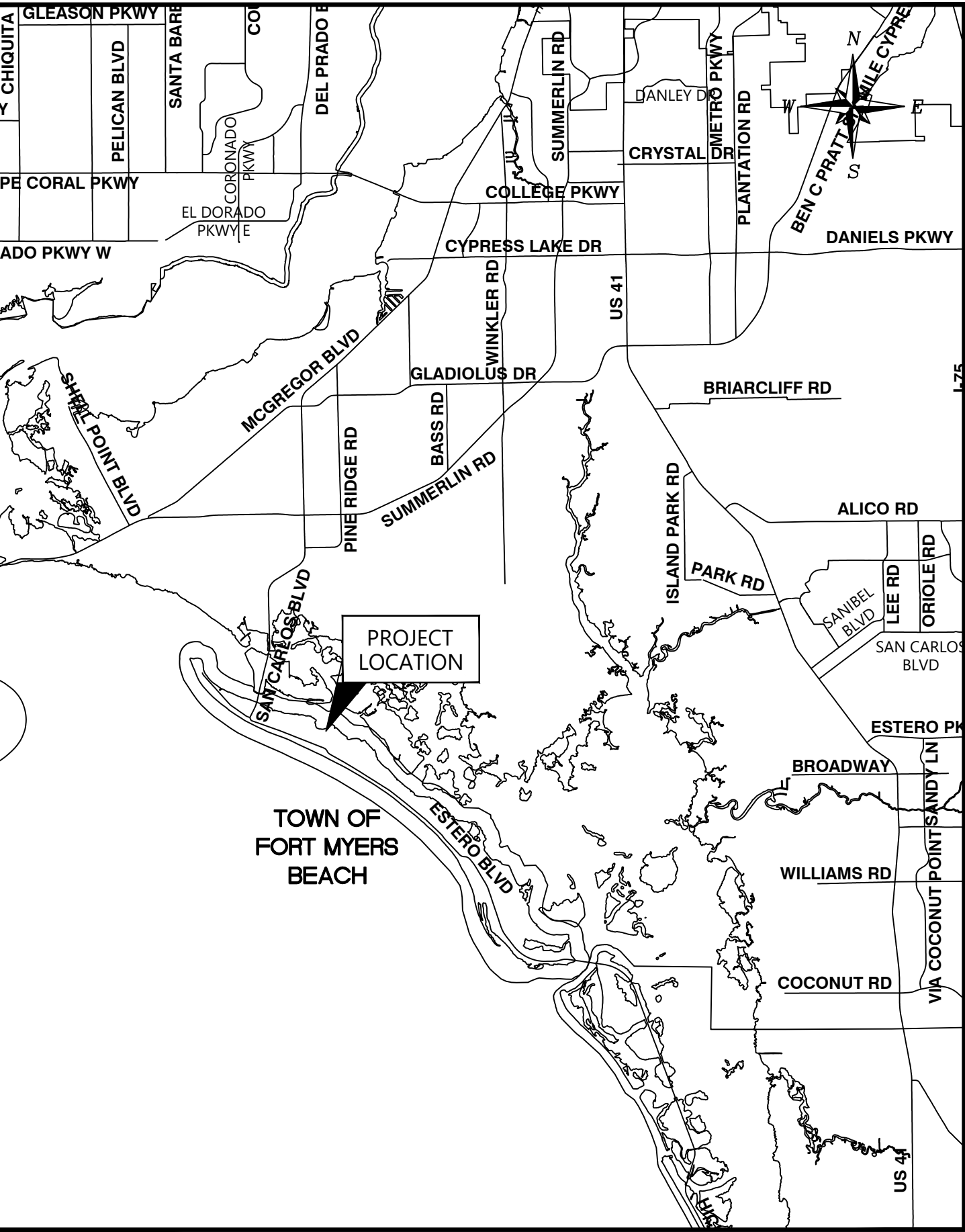
THE MYERSIDE
COMMERCIAL PLANNED DEVELOPMENT (CPD) REZONING
LANDSCAPE BETTERMENT PLAN

TO BE PROVIDED UNDER SEPARATE COVER

MASTER CONCEPT PLAN FOR

MYERSIDE RESORT AND COTTAGE COMMERCIAL PLANNED DEVELOPMENT

TOWN OF FORT MYERS BEACH, SECTION 19, TOWNSHIP 46S, RANGE 24E,
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

RWA

ENGINEERING

6610 Willow Park Drive
Suite 200
Naples, FL 34109

4983 Royal Gulf Circle
Fort Myers, FL 33966

19503 S West Villages Pkwy
Unit A5
Venice, FL 34293

Office: (239) 597-0575
Fax: (239) 597-0578
www.consult-rwa.com

Florida Certificates of Authorization
EB 7663 LB 6952

PREPARED FOR/OWNED BY:
MYERSIDE, LLC.
145 SCHOOL ST.
FORT MYERS BEACH, FL 33931

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN-EXISTING CONDITIONS	
3	MASTER CONCEPT PLAN - PHASE 1	
4	MASTER CONCEPT PLAN - PHASE 2	
DATE:	JUNE 12, 2020	PROJECT No.: 200022.00.00
		SHEET No.: 1 OF 4

SCHEDULE OF USES

RESIDENTIAL:
DWELLING UNITS, SINGLE OR 2-UNIT OR MULTI-FAMILY

RESIDENTIAL ACCESSORY USES:
ACCESSORY APARTMENT, RESIDENTIAL ACCESSORY USE

LODGING:
BED AND BREAKFAST, HOTEL/MOTEL, GUEST UNITS,
RENTAL OF ANY PERMITTED UNIT PER PERIODS OF ONE
DAY OR LONGER,
RESORT

LODGING ACCESSORY UNITS:
ON-PREMISES CONSUMPTION OF ALCOHOLIC
BEVERAGES, RESORT ACCESSORY USE, PERSONAL
SERVICES, RECREATIONAL FACILITIES, CARETAKER UNIT

RETAIL:
SUBORDINATE COMMERCIAL USES, RETAIL STORE,
SMALL RESTAURANT

SITE DEVELOPMENT REGULATIONS

PRINCIPAL STRUCTURES
MINIMUM STREET SETBACK: 2.6 FEET FOR EXISTING BUILDING #3; 10 FEET FOR ALL OTHER EXISTING STRUCTURES AND
NEW OR RELOCATED STRUCTURES
MINIMUM SIDE SETBACK: 4.3 FEET FOR EXISTING STRUCTURES; 7 FEET FOR NEW OR RELOCATED STRUCTURES
MAXIMUM HEIGHT: 30 FEET PER LDC SECTION 34-631, MAXIMUM 3 STORIES
MINIMUM LOT SIZE: 20,000 SQUARE FEET
MINIMUM LOT WIDTH: 100 FEET
MINIMUM LOT DEPTH: 100 FEET
MINIMUM BUILDING SEPARATION: 15 FEET
MAXIMUM FLOOR AREA RATIO: 1.2

ACCESSORY STRUCTURES
MINIMUM SIDE SETBACK: SAME AS PRINCIPAL STRUCTURES, EXCEPT FOR THE ACCESSORY STRUCTURE TO BUILDING 7, WHICH
WILL HAVE A MINIMUM SETBACK OF 3 FEET; AND THE ACCESSORY GARAGE FOR BUILDING 4, WHICH
WILL HAVE A ± 5.9' MINIMUM SETBACK.

ALL OTHER DEVELOPMENT STANDARDS SHALL BE AS SET FORTH IN LDC CHAPTER 34 OR OTHER APPLICABLE PROVISIONS IN THE LDC.

GENERAL NOTES

- 1) THIS PROJECT WILL BE DEVELOPED IN 2 PHASES.
- 2) THIS MASTER CONCEPT PLAN IS FOR PLANNING PURPOSES ONLY. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE
STRUCTURES AND OTHER IMPROVEMENTS MAY VARY SLIGHTLY. FINAL DESIGN AND IMPROVEMENT DETAILS SHALL BE PROVIDED AS
PART OF THE DEVELOPMENT ORDER (DO) PROCESS.
- 3) THIS PLANNED DEVELOPMENT IS A REDEVELOPMENT PROJECT, WHICH INCLUDES EXISTING SITE IMPROVEMENTS AND STRUCTURES AS
WELL AS PLANNED IMPROVEMENTS. THE INTENT OF THIS MCP IS TO REALISTICALLY DEPICT THOSE CONDITIONS AND REGULATE
ALLOWED USES; HOWEVER, IT SHOULD NOT RESTRICT THE ABILITY TO MAKE OTHER SITE IMPROVEMENTS IF THOSE ARE CONSISTENT
WITH THE GENERAL CONCEPT DEPICTED ON THE MCP AND IN COMPLIANCE WITH APPLICABLE LDC PROVISIONS.
- 4)PER LDC SECTION 34-2015(4) STACKING OF PARKING SPACES IS ALLOWED WHEN ASSOCIATED WITH A DRIVEWAY, CARPORT OR
UNDER-BUILDING PARKING.
- 5)PER LDC SECTION 34-2017, THE PARKING ASSOCIATED WITH THIS PROJECT IS CONSIDERED “LOW TURNOVER” AND THEREFORE
ALLOWS ALTERNATIVE UNPAVED SURFACES AS OUTLINED IN THE LDC.
- 6)PER LDC SECTION 34-1987(A), NO OFF-STREET LOADING AREA IS REQUIRED FOR THIS PROJECT.

BUILDING DETAILS

- ① ONE STORY, ONE UNIT, +/-700 SF
② TWO STORIES, TWO UNITS, +/- 950 SF
③ ONE STORY, ONE UNIT, +/- 700 SF
④ PARTIAL TWO STORY, ONE UNIT, +/- 900 SF
⑤ TWO STORIES , TWO UNITS, +/- 1,393 SF
AND RESORT OFFICE, 269 SF
⑥ TWO STORIES, FOUR UNITS, +/- 3,122 SF
⑦ ONE STORY, ONE UNIT, +/- 504 SF

PARKING

REQUIRED SPACES: 32
PROVIDED SPACES: 34 (PHASE 1)
36 (PHASE 2)

X - EXISTING PARKING SPACES



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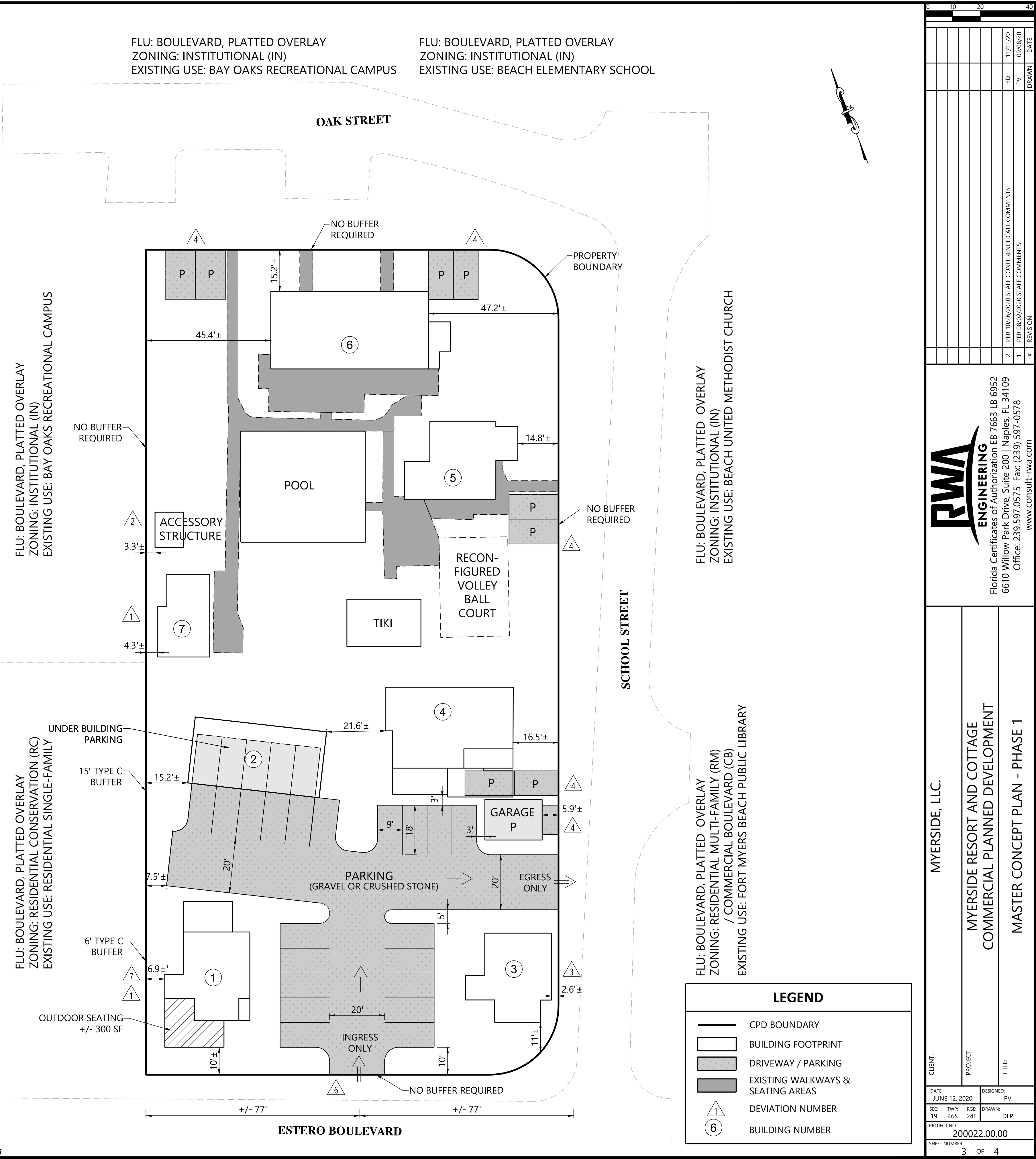
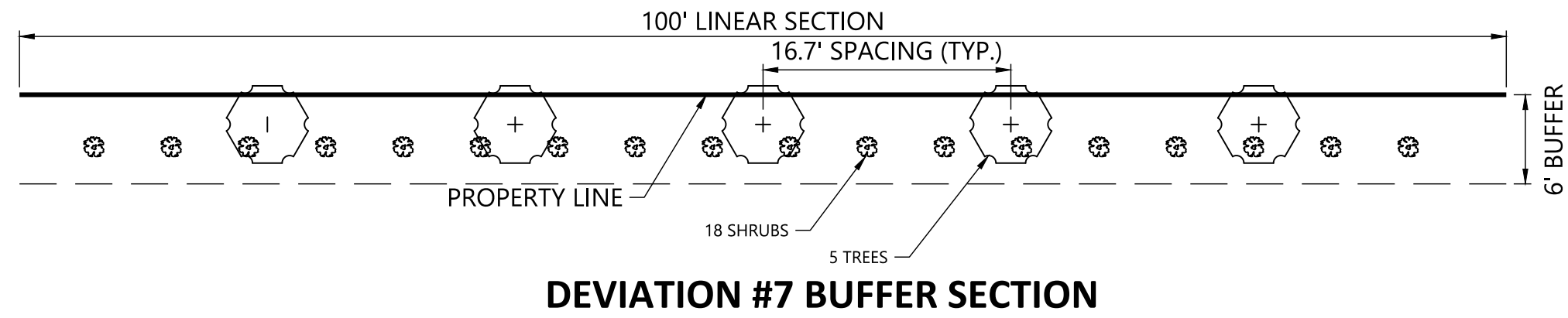
- PHASE 1
- SUBPHASE A: MOVE BUILDING 2
 - SUBPHASE B: BUILD CENTRALIZED PARKING AREA (GRAVEL + WHEEL STOPS WITH CONTROLLED POINTS OF INGRESS/EGRESS
 - SUBPHASE C: CONVERT BUILDING 3 TO RETAIL USE
 - SUBPHASE D: CONVERT BUILDING 1 TO A RESTAURANT AND ADD OUTDOOR SEATING

NOTES

- ALL STRUCTURES IDENTIFIED ON THIS SHEET (PHASE 1) ARE EXISTING STRUCTURES. ALL STRUCTURES TO REMAIN IN EXISTING LOCATIONS EXCEPT BUILDING 2, WHICH WILL BE RELOCATED FROM ITS CURRENT LOCATION (SEE SHEET 1) TO THE LOCATION IDENTIFIED ON THIS SHEET.
- INDIVIDUAL PARKING SPACES AND PARKING AREAS WILL MEET LDC DIVISION 26 REQUIREMENTS EXCEPT FOR SPACES SUBJECT TO DEVIATION 4 AS IDENTIFIED ON THE MCP.
- ALL PRINCIPAL STRUCTURES MEET OR EXCEED THE 15' MINIMUM SEPARATION REQUIREMENT.
- WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT TIME OF D.O.
- THIS CPD WILL PROVIDE OPEN SPACE IN ACCORDANCE WITH LDC SECTION 10-415 AND AS MODIFIED BY DIVISION #7.
- EXISTING STRUCTURES ARE DEEMED NON-CONFORMING BUILDINGS IN ACCORDANCE WITH LDC -SECTION 34-3202, POTENTIAL FUTURE IMPROVEMENTS TO THOSE BUILDINGS WILL COMPLY WITH DIVISION 2 OF THE LDC.

SCHEDULE OF DEVIATIONS

- DEVIATION #1:** A DEVIATION FROM LDC TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICT THAT REQUIRES 15' SIDE SETBACKS FOR THE CR ZONING DISTRICT (PER LDC SEC 34-953 BUILDING PLACEMENT, SIZE, DESIGN, AND ALL OTHER PROPERTY DEVELOPMENT REGULATIONS IN A CPD ZONING DISTRICT SHALL BE THE SAME AS FOR THE CR ZONING DISTRICT FOR CPDS THAT ARE PRIMARILY LODGING...) TO ALLOW A ±6.9' FOR BUILDING 1, ±4.3' FOR BUILDING 7 AND ±7' FOR BUILDING 8.
- DEVIATION #2:** A DEVIATION FROM LDC SECTION 34-1174(2)(A) THAT REQUIRES ACCESSORY STRUCTURE SETBACKS TO BE THE SAME AS PRINCIPAL STRUCTURES OR 15' TO ALLOW A 3' SIDE SETBACK FOR THE ACCESSORY STRUCTURE ASSOCIATED WITH BUILDING 7, AND +/- 5.9' FOR THE ACCESSORY GARAGE ASSOCIATED WITH BUILDING 4.
- DEVIATION #3:** A DEVIATION FROM LDC TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICT THAT REQUIRES 10' STREET SETBACKS FOR THE CR ZONING DISTRICT (PER LDC SEC 34-953 BUILDING PLACEMENT, SIZE, DESIGN, AND ALL OTHER PROPERTY DEVELOPMENT REGULATIONS IN A CPD ZONING DISTRICT SHALL BE THE SAME AS FOR THE CR ZONING DISTRICT FOR CPDS THAT ARE PRIMARILY LODGING...) TO ALLOW A ±2.6' SETBACK FOR BUILDING 3.
- DEVIATION #4:** A DEVIATION FROM LDC SECTION 34-2015 (5), WHICH REQUIRES THAT “ALL PARKING LOTS MUST BE PROVIDED WITH SUFFICIENT MANEUVERING ROOM SO AS TO ALLOW AN EXITING VEHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION...”, TO ALLOW EXITING VEHICLES TO LEAVE PARKING SPACES BY BACKING ONTO SCHOOL OR OAK STREETS.
- DEVIATION #5:** A DEVIATION FROM THE DRIVEWAY SEPARATION REQUIREMENTS OF LDC SECTION 10-296 ALONG ESTERO BOULEVARD TO ALLOW A DRIVEWAY ACCESS TO THE SUBJECT PROPERTY THAT IS ±77' FROM THE CLOSES ACCESS POINT TO THE NORTH AND ±77 TO SCHOOL STREET.
- DEVIATION #6:** A DEVIATION FROM LDC SECTION 10-416(D) TABLE 10-18 WHICH REQUIRES A 15' TYPE C BUFFER WHEN A COMMERCIAL USE ABUTS A RESIDENTIAL USE, TO ALLOW A 6' TYPE C BUFFER AS INDICATED ON THE MASTER CONCEPT PLAN.
- DEVIATION #7:** A DEVIATION FROM LDC SECTION 34-202(b)(5), WHICH REQUIRED ARCHITECTURAL ELEVATIONS OR A THREE-DIMENSIONAL RENDERING, TO INSTEAD ALLOW PICTURES OF THE EXISTING STRUCTURES.



DENSITY

14 GUEST UNITS / 7.3 EQUIVALENCY UNITS

BUILDING DETAILS

- 1 ONE STORY, RESTAURANT, +/-700 SF
- 2 TWO STORIES, TWO UNITS, +/- 950 SF
- 3 ONE STORY, RETAIL, +/- 700 SF
- 4 PARTIAL TWO STORY, ONE UNIT, +/- 900 SF
- 5 TWO STORIES , TWO UNITS, +/- 1,393 SF AND RESORT OFFICE, 269 SF
- 6 TWO STORIES, FOUR UNITS, +/- 3,122 SF
- 7 ONE STORY, ONE UNIT, +/- 504 SF
- 8 TWO STORIES, FOUR UNITS,+/- 1,600 SF

PHASING

PHASE 2

- ADD BUILDING 8. MAY BE NEW CONSTRUCTION OR EXISTING ISLAND COTTAGE MOVED TO THE SITE.

NOTES

- ALL STRUCTURES EXCEPT BUILDING 8 ARE EXISTING BUILDINGS.
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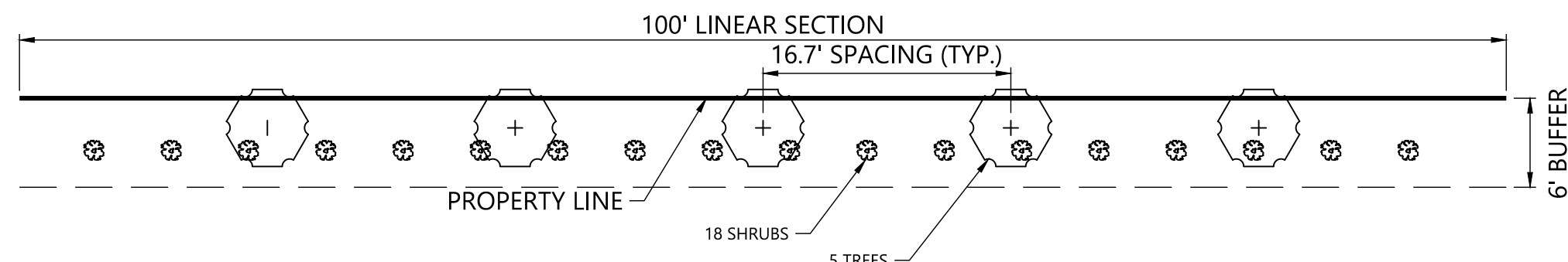
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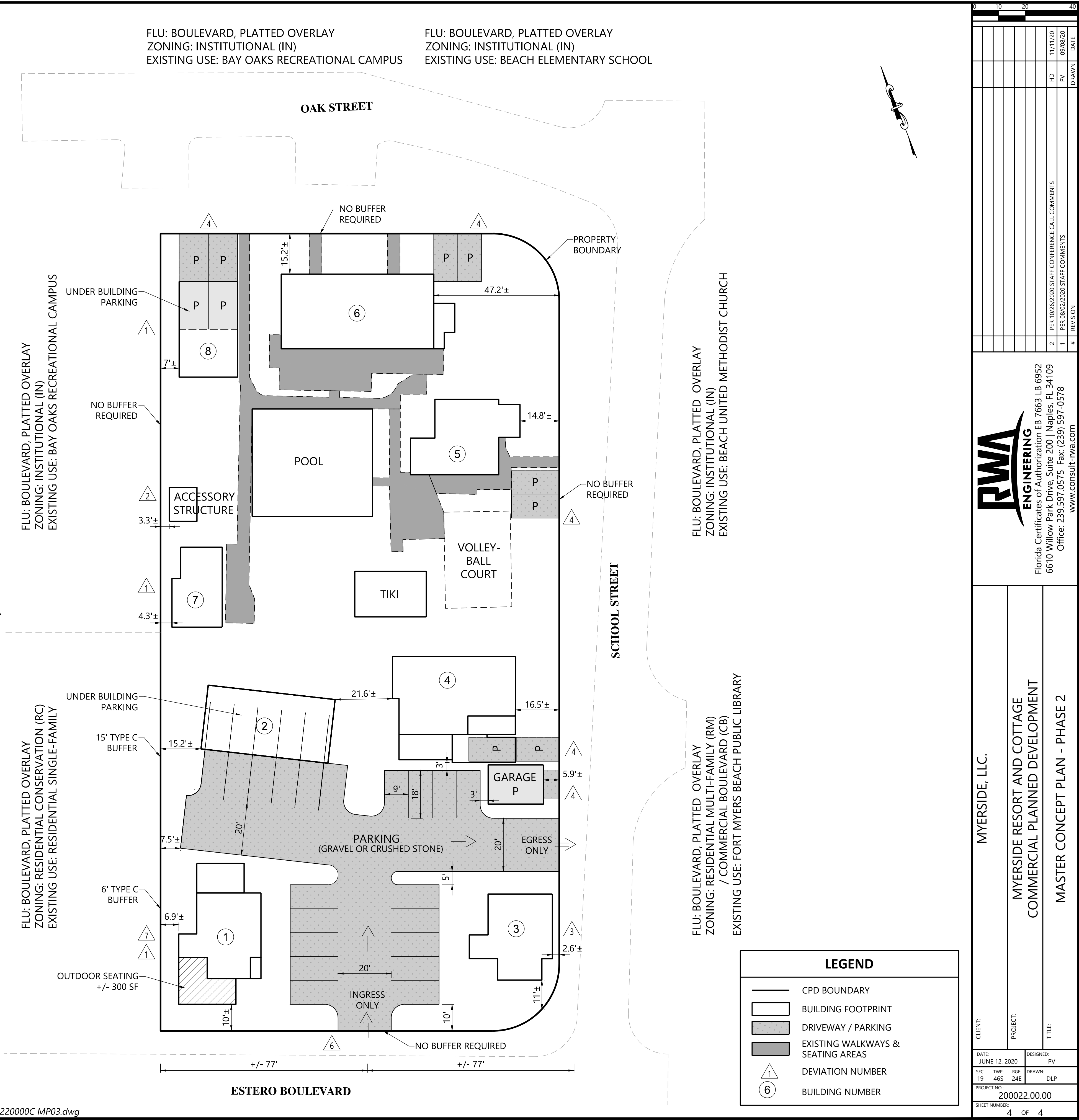
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DEVIATION #7 BUFFER SECTION





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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

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

TIME: 9 AM

DATE: LPA May 14, 2024, 1st Town Council June 3, 2024 and 2nd Town Council June 17, 2024

CASE: DCI20230246

ADDRESS: 2661-2681 Estero Blvd, and 125, 131-151 School St "Cottages at Myerside"

APPLICANT: Kenrick Gallander AICP

REQUEST: Applicant is requesting a Commercial Planned Development rezoning to allow mixed-use project including retail, restaurant, professional services, office, and transient lodging.

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

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

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



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Fort Myers Beach, FL 33931

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

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

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

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

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

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



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Ordinance 24-15 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.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

¹ See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance is to allow a commercial planned development proposed by the owner of the property.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with the ordinance.

The ordinance does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

One property owner will be impacted by this proposed ordinance.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

1. **Request:**

Meeting Date: June 17, 2024

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.

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

4. **Submitter of Information:**

Jason Smalley, Senior Planner

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. 24-131, VAR20240071 1250 Estero Blvd Cottage-Shuckers
2. TC Staff Report
3. Site Plan and Elevations
4. Narrative
5. Applications

Financial Impact:

unknown

6. **Alternative Action**

Approve with conditions or deny

7. **Management Recommendations:**

Recommend approval with conditions

8. Recommended Approval:

Jason Smalley, Senior Planner
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Approved - 6/13/2024
Final Approval - 6/13/2024

RESOLUTION 24-131

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 BUILT-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

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

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

WHEREAS, applicant Right Choice Investments, LLC is requesting 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 and;

WHEREAS, a variance from LDC 34-675(b)(3) limiting 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 no taller than three stories, allowing for an additional 2-feet 3-inches of building height and;

WHEREAS, 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, the applicant has request additional parking count reductions of 18-percent, for a total parking reduction of 85-percent, or 97-spaces and;

WHEREAS, 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 and;

WHEREAS, a variance from LDC 34-676(d) which requires all lots fronting along Estero Blvd to be relocated secondary streets, and all driveways connected to secondary streets, to allow

for the continued use of the existing parking and driveway areas which take access directly from Estero Blvd.

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0070F.0010 and is known 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; and

WHEREAS, the Property is located in the “Pedestrian Commercial + Recreation” categories of the Future Land Use Map of the Comprehensive Plan and the “Downtown + Environmentally Critical” (EC) 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 34-87 of the LDC. The LPA voted 7-0 to recommend **APPROVAL WITH CONDITIONS** of the variances; and

WHEREAS, on July 17, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town by a X-X vote to **approve/ approve with conditions/ deny** the request.

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

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

Section 2. The Town Council determines the Applicant **did/ did not** meet its burden of proof that the requested Variance does meet the requirements of the Town Comprehensive Plan and LDC and approving with conditions the variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES/ APPROVES WITH CONDITIONS/ DENIES** the variances from sec. 34-674(a)(1)(b), 34-675(b)(3), 34-676(a)(4), 34-676(b) and 34-676(d)

Section 3. In approving with conditions the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

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

B. The conditions justifying approval of the variance are the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is 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 not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

1. The applicant shall provide an alternative parking plan to provide the minimum, code-required number of spaces should variance #3, 85% reduction of required parking, not be approved.
2. The applicant shall provide enclosures on the 3rd floor to mitigate sound from the restaurant/ bar, using some sort of physical barrier.
3. The development shall be substantially in compliance with the site plan attached to the ordinance.
4. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ 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 17th day of June 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 June 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.

**TOWN COUNCIL
HEARING DATE:** June 17th, 2024, at 9 AM

**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 form 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 applicant shall provide enclosures on the 3rd floor to mitigate sound from the restaurant/ bar, using some sort of physical barrier.
3. The development shall be substantially in compliance with the site plan attached to the ordinance.
4. 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 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. LPA OUTCOME

During the June 11th LPA meeting the variances were given a recommendation of approval by a 7-0 vote

VI. 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

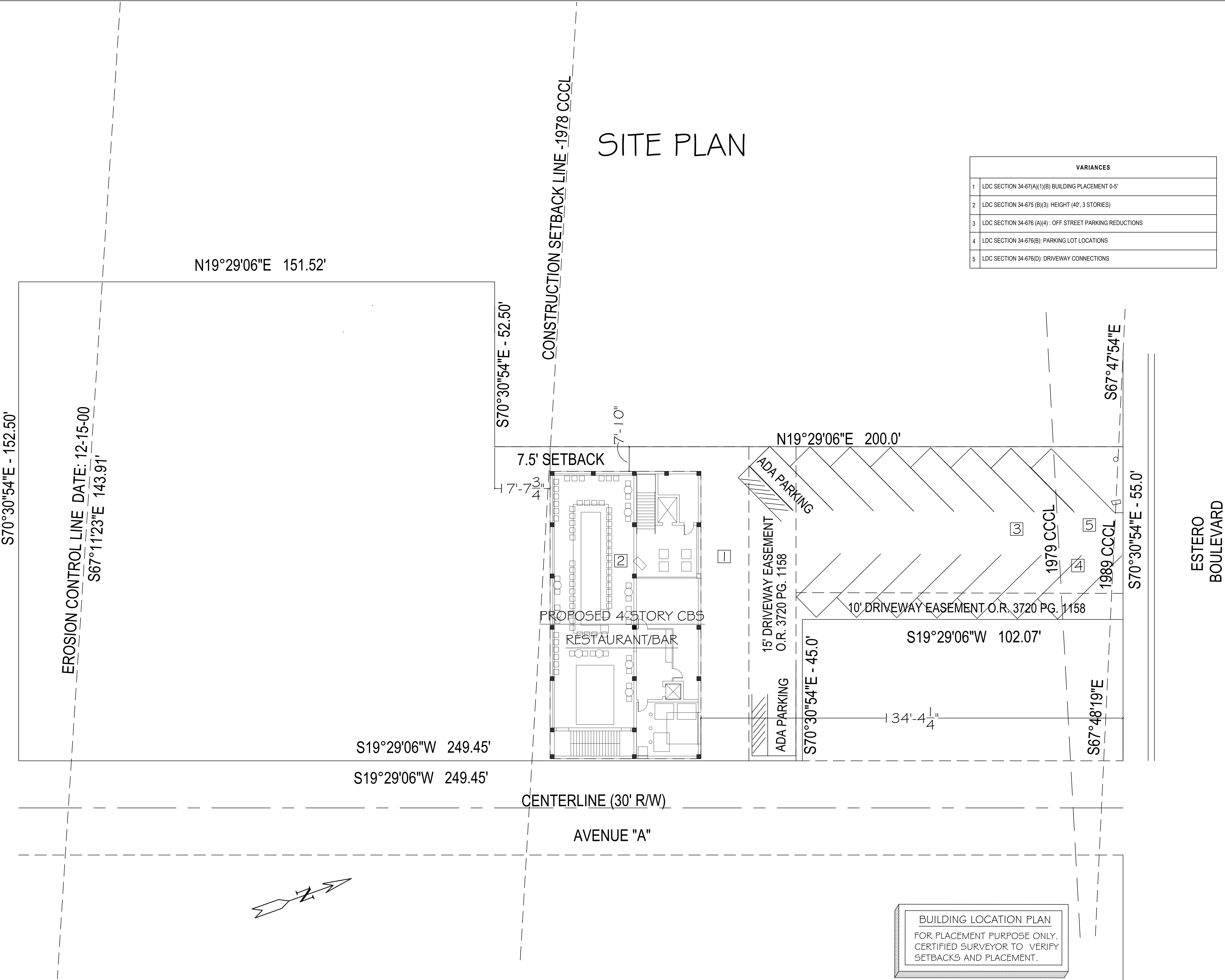
LOCATION PLAN

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'



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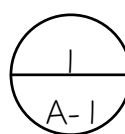
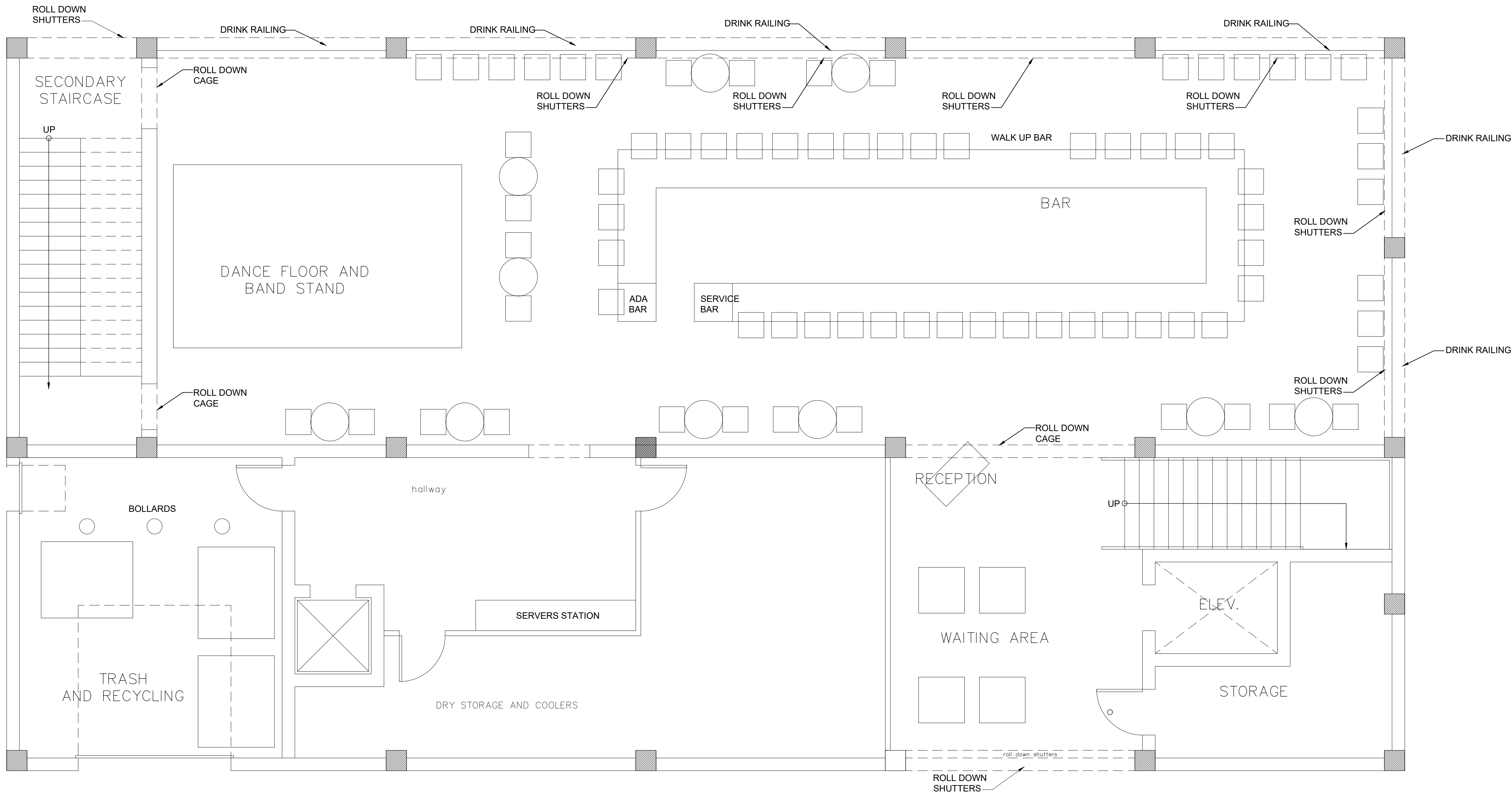
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contact@AshmoreLLC.com

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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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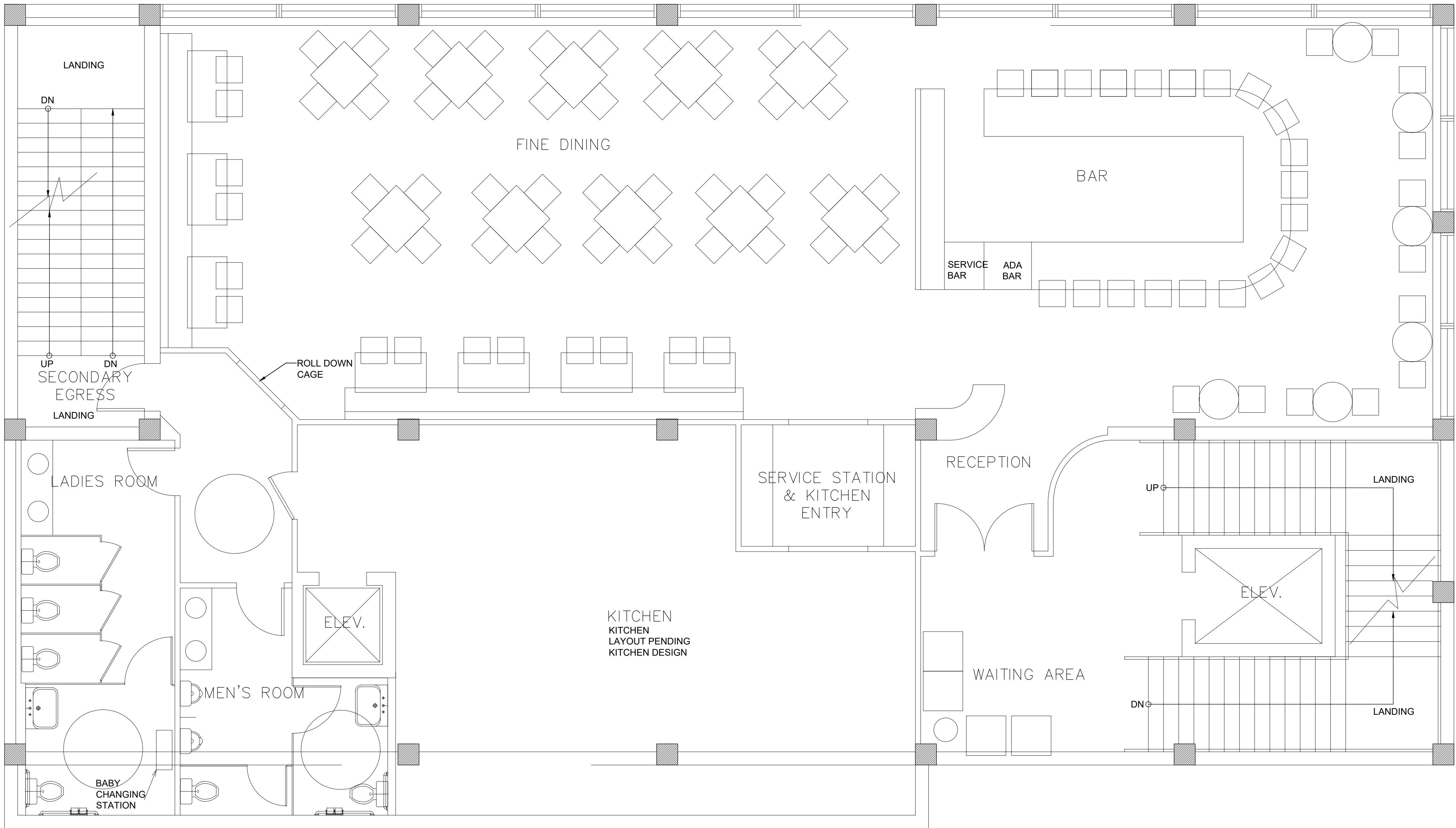
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THE COTTAGE
1250 ESTERO BLVD
FORT MYERS BEACH, FL 33931



2ND FLOOR – MAIN DINING LEVEL

2nd FLOOR MAIN DINING LEVEL
Scale: 1/4" = 1'-0"

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JOB NO: A23-5501
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2ND FLOOR
SLAB PLAN

SHEET NUMBER

A-2



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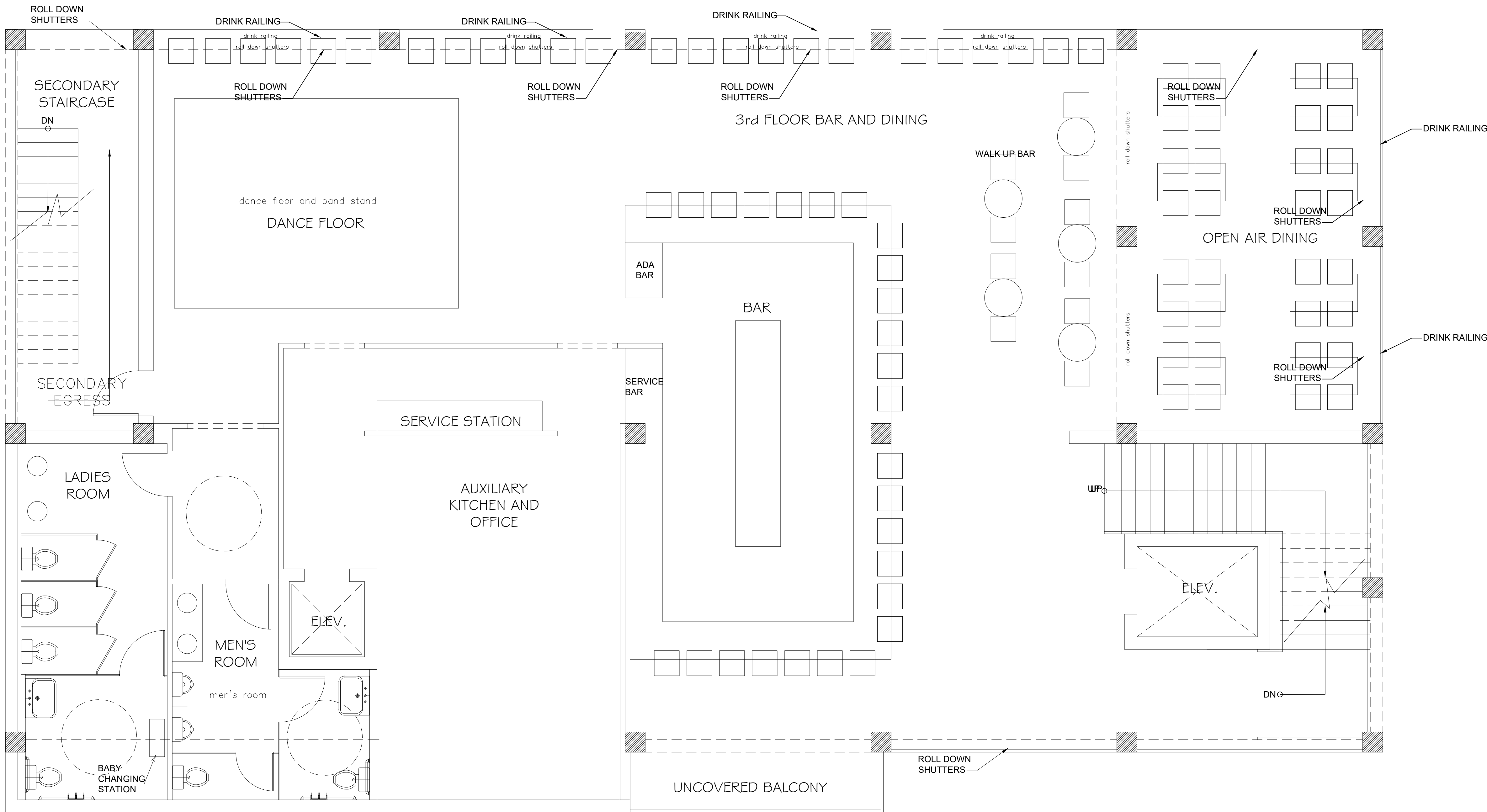
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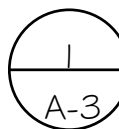
3RD FLOOR-COTTAGE
BAR

SHEET NUMBER

A-3



2ND FLOOR – MAIN DINING LEVEL



3RD FLOOR-COTTAGE BAR

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



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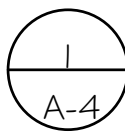
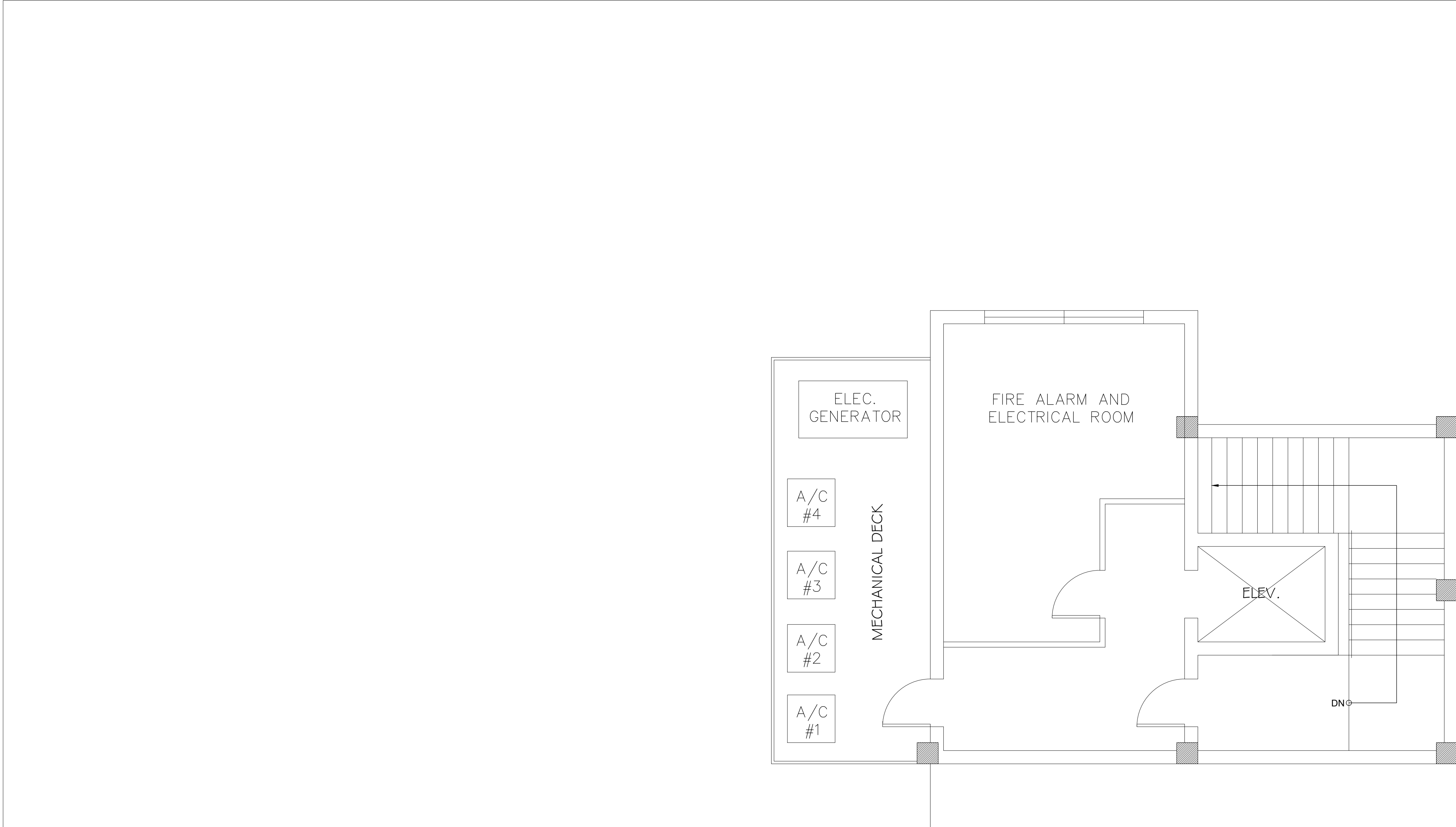
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4TH FLOOR-OFFICE
AND EQUIPMENT
ROOM

SHEET NUMBER

A-4



4TH FLOOR-FIRE EQUIPMENT ROOM

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



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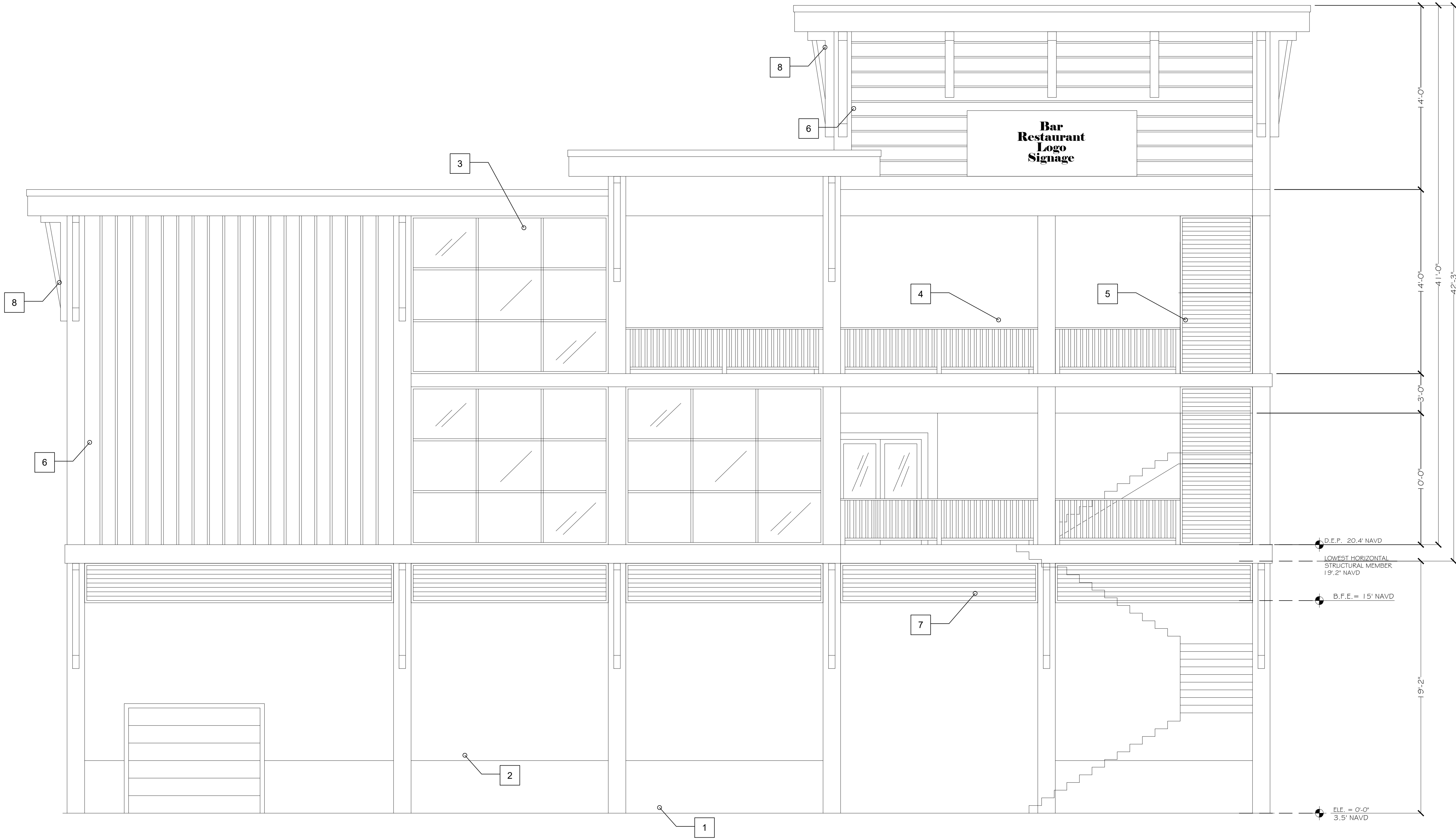
JOB NO: A23-5501
DATE: 04/05/2024
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FRONT ELEVATION

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



1
A-5
FRONT ELEVATION
Scale: 1/4" = 1'-0"

PROGRESS
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FORT MYERS BEACH, FL 33931

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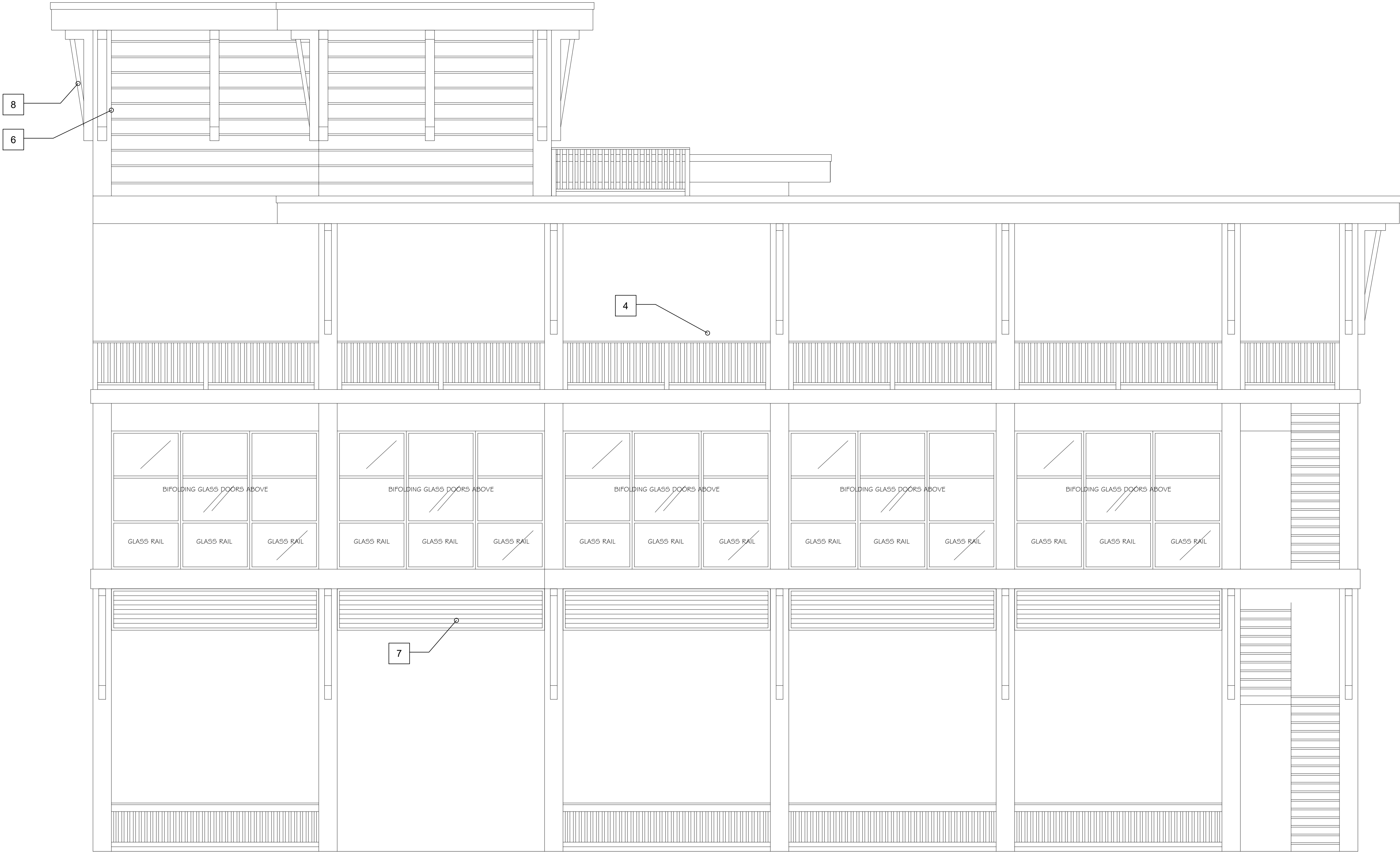
CHKD BY:

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."



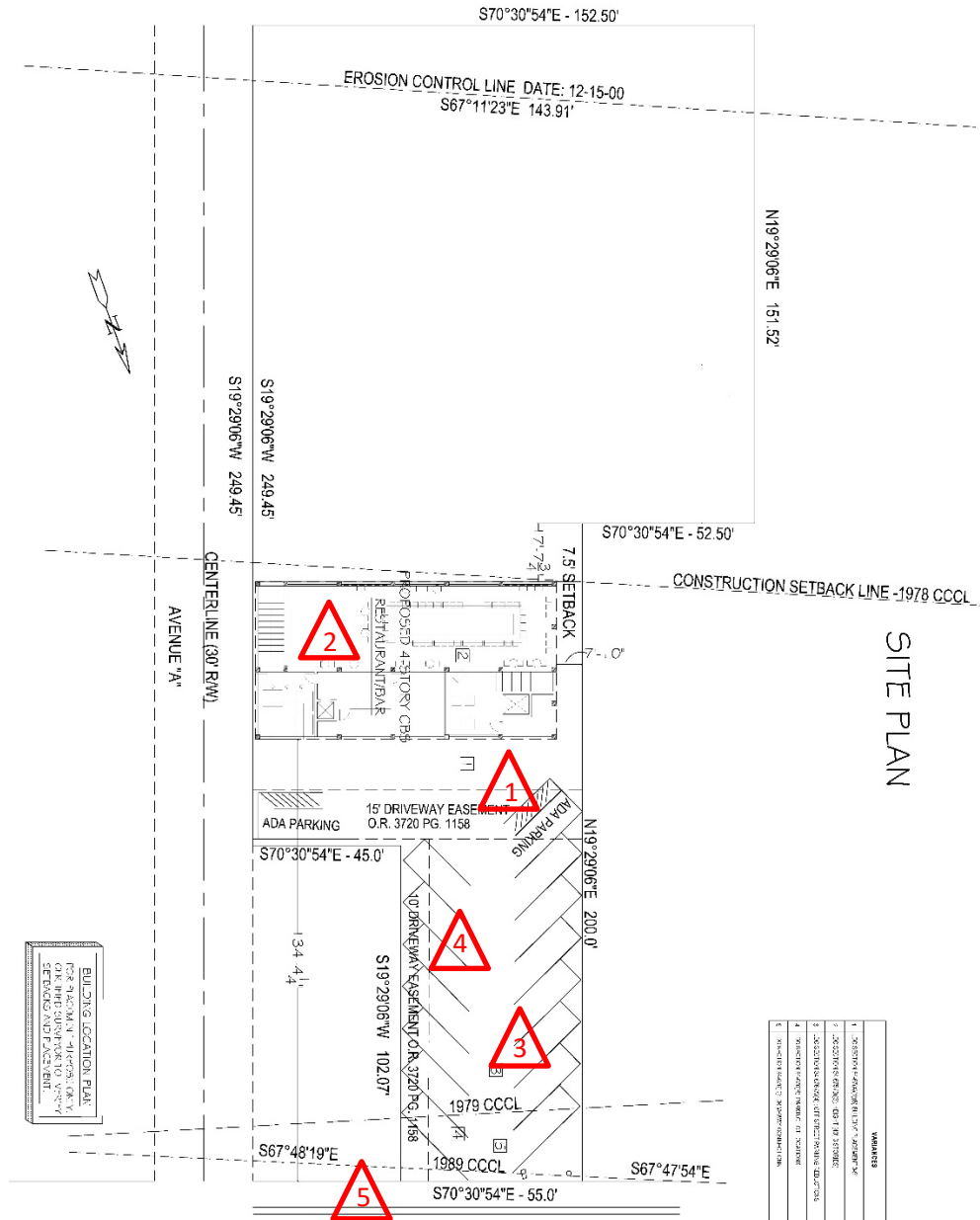
Source: esteroislandhistoricalsociety.org

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

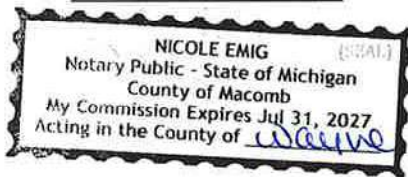
Printed Name

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

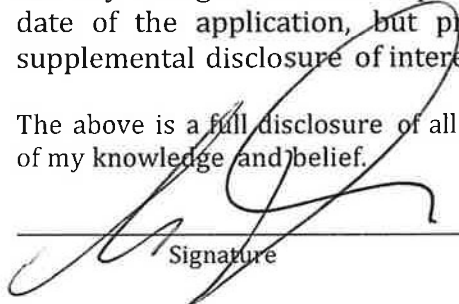
Date of Contract: _____

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

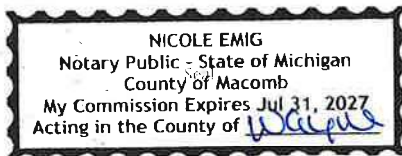
2/29/2024

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.



[Signature]
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.

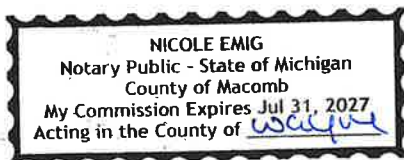
Right Choice Investments LLC

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:

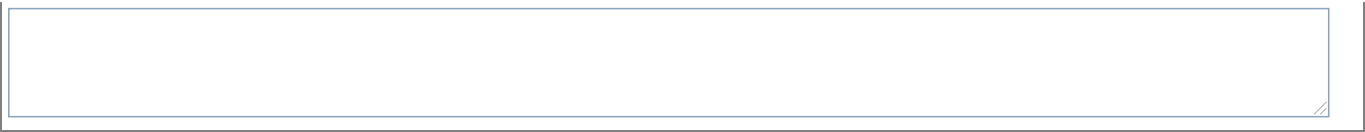
Members

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)

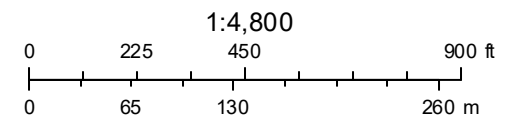
 Hospital Locations

 Library Locations

School Locations

 School Locations

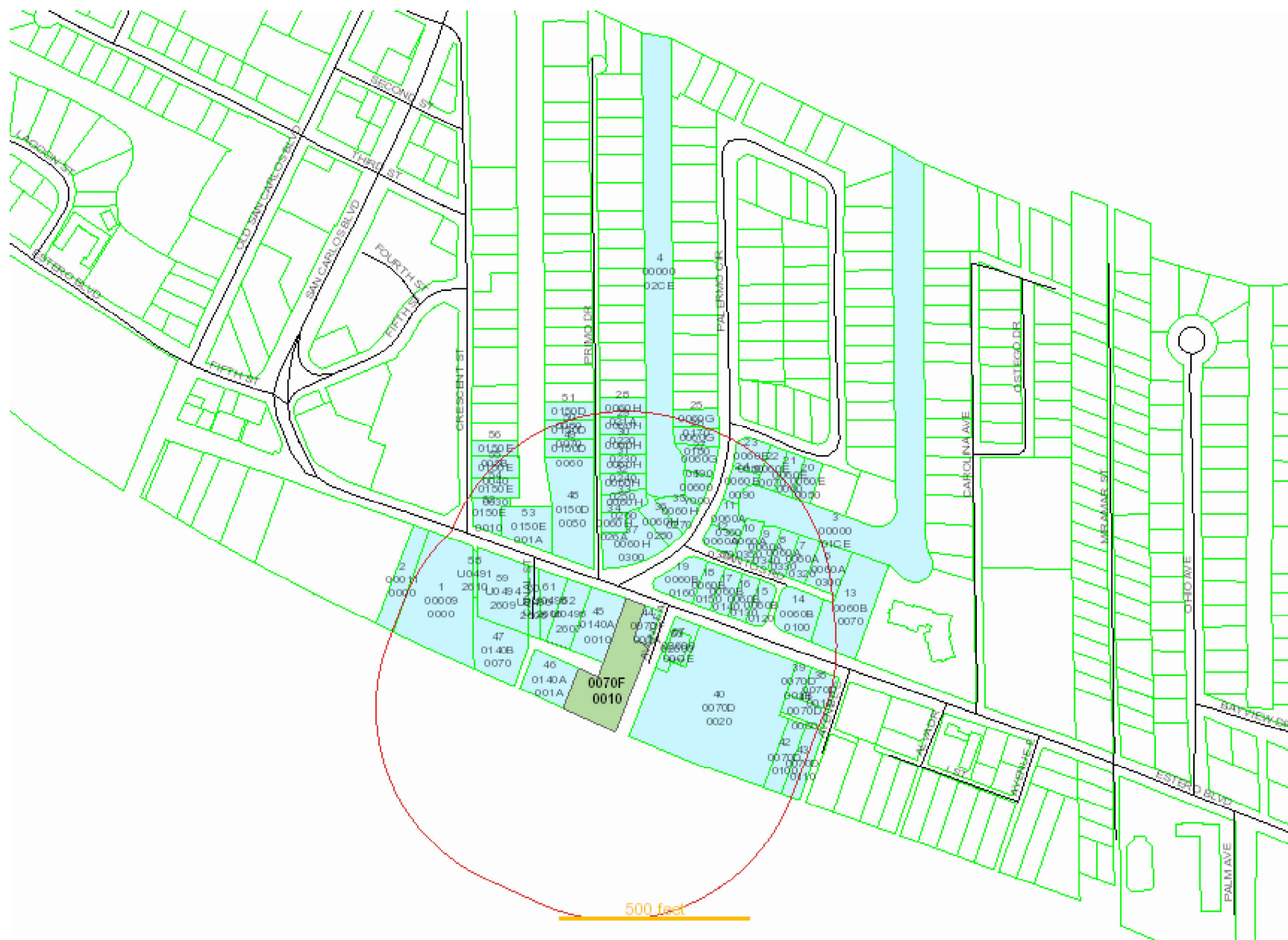
 Public



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 POMPAO 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 # _____

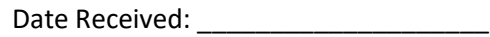
Date Received: _____

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



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.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION VACATING BEACH ACCESS POINT #42 LOCATED OVER REAL PROPERTY OWNED BY CAPTIVA VILLAS DEVELOPMENT LLC, GENERALLY LOCATED AT 200 ESTERO BOULEVARD, FORT MYERS BEACH; ACCEPTING AND APPROVING A COMPARABLE REPLACEMENT EASEMENT TO BE LOCATED ON REAL PROPERTY OWNED BY JABO, LLC, SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN A SECOND AMENDED AND RESTATED PEDESTRIAN RELOCATION AND VIEW EASEMENT AGREEMENT; DIRECTING THE TOWN CLERK TO RECORD THIS RESOLUTION; AUTHORIZING THE MAYOR TO SIGN ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

The Town Council approves 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

4. **Submitter of Information:**

Sarah Propst, Community
Development, Planning
Manager

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. 24-133, Vacation of Beach Access 42
2. Exhibit A - Relocation diagram
3. Exhibit B - BV Rev Second Amended and Restated Easement Relocation View Corridor Agreement (2024)(20350456_5) (002)
4. TC Memo
5. Public Hearing Application
6. Presentation to LPA 6.11.2024
7. Affidavit of Mailing(21642332_1)
8. 1538213 Title Certification
9. Lee-County-Real-Estate-24-46-23-W1-00700.037A-2023-Annual-bill (1)

Financial Impact:

Unknown

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Sarah Propst, Community Development, Planning Manager
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Approved - 6/13/2024
Final Approval - 6/13/2024

RESOLUTION 24-133

A RESOLUTION VACATING BEACH ACCESS POINT #42 LOCATED OVER REAL PROPERTY OWNED BY CAPTIVA VILLAS DEVELOPMENT LLC, GENERALLY LOCATED AT 200 ESTERO BOULEVARD, FORT MYERS BEACH; ACCEPTING AND APPROVING A COMPARABLE REPLACEMENT EASEMENT TO BE LOCATED ON REAL PROPERTY OWNED BY JABO, LLC, SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN A SECOND AMENDED AND RESTATED PEDESTRIAN RELOCATION AND VIEW EASEMENT AGREEMENT; DIRECTING THE TOWN CLERK TO RECORD THIS RESOLUTION; AUTHORIZING THE MAYOR TO SIGN ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner, Captiva Villas Development LLC, (“Captiva”) has requested vacation of a pedestrian easement commonly referred to as Beach Access No. 42 located on its property at 200 Estero Boulevard, Fort Myers Beach; and

WHEREAS, Jabo, LLC owns property directly to the south of Beach Access No. 42 on Captiva’s property, and has offered to voluntarily have the vacated easement relocated to its property to ensure continued public access to the beach and as a condition of approval of its special exception application; and

WHEREAS, if the easement is relocated to Jabo, LLC’s property, the new beach access easement would extend from the trolley stop on Estero Boulevard in front of Jabo, LLC’s property, through its pool deck area, to the beach, providing a legal right of access to the beach by the public as is currently provided by Beach Access No. 42. Exhibit A shows the approximate location of Beach Access No. 42 and the proposed new beach access easement; and

WHEREAS, relocation of Beach Access No. 42 to Jabo LLC’s property would also provide the public 1) with a right to use Jabo LLC’s private restrooms, which are currently not available or accessible from Beach Access No. 42; and 2) eliminate the need to walk from the existing trolley stop to Beach Access No. 42; and

WHEREAS, the new beach access easement would be open from 8:00 AM to 11:00 PM to ensure the safety of the public; and

WHEREAS, Beach Access No 42 was granted to Lee County in 1985 by the then property owner and subsequently also granted to the Town of Fort Myers Beach; and

WHEREAS, Section 2-539 of the Fort Myers Beach Code of Ordinances provides guidelines for the vacation of streets, alleys, easements, or subdivision plats located in the Town; and

WHEREAS, in support of its application, Captiva has provided a copy of a title report/attorney opinion letter and documentation from the Tax Collector’s database to establish it is the owner of the property where Beach Access No. 42 is currently located; and

WHEREAS, the Town has no utilities under Beach Access No. 42; and letters of no objection have been obtained from private utility companies; and s to vacate the utility and drainage easements; and

WHEREAS, a public hearing was held before the Local Planning Agency (“LPA”) and after providing the applicant, staff, and the public an opportunity to present testimony and evidence, the LPA voted 4-3 finding the request to be consistent with the Town of Fort Myers Beach Comprehensive Plan and recommending approval of the vacation request, subject to final review of the proposed replacement access easement by the Town Attorney and additional signage directing the public to the location of the new access easement; and

WHEREAS, notice to the current property owners within 500 feet was provided more than 15 days prior to the hearing before the Town Council on June 17, 2024 and the Town Clerk has received an Affidavit of Mailing as required by Section 2-538(b); and

WHEREAS, adoption of this Resolution is in the best interest of the Town.

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 hereby approves the vacation of an easement referred to as Beach Access No. 42, as more particularly described in Exhibit A, finding that the criteria in Section 2-539 of the Fort Myers Beach Code of Ordinances is satisfied. More specifically, that:

1. There is no future likelihood that the easement will be needed by the Town or otherwise conflict with the Town’s future road or infrastructure management; and
2. the convenient access of property owners on adjoining street rights-of-way or other lands will not be adversely affected; and
3. the applicant has provided comparable public access at no cost to the Town for the public to access the beach;

Section 3. The Town Council hereby accepts and approves an easement comparable to Beach Access No. 42, in the location shown in Exhibit A, subject to the terms and conditions contained in that certain Second Amended and Restated Pedestrian Relocation and View Easement Agreement attached as Exhibit B.

Section 4. The Town Clerk is directed to record this Resolution and its exhibits in the official public records of Lee County, Florida upon adoption and subsequent to recording of a subordination(s) approved by the Town Attorney of any mortgages on the property where the replacement easement is located.

Section 5. The Mayor is authorized to sign any and all documents needed to implement this Resolution.

Section 6. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to 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 June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

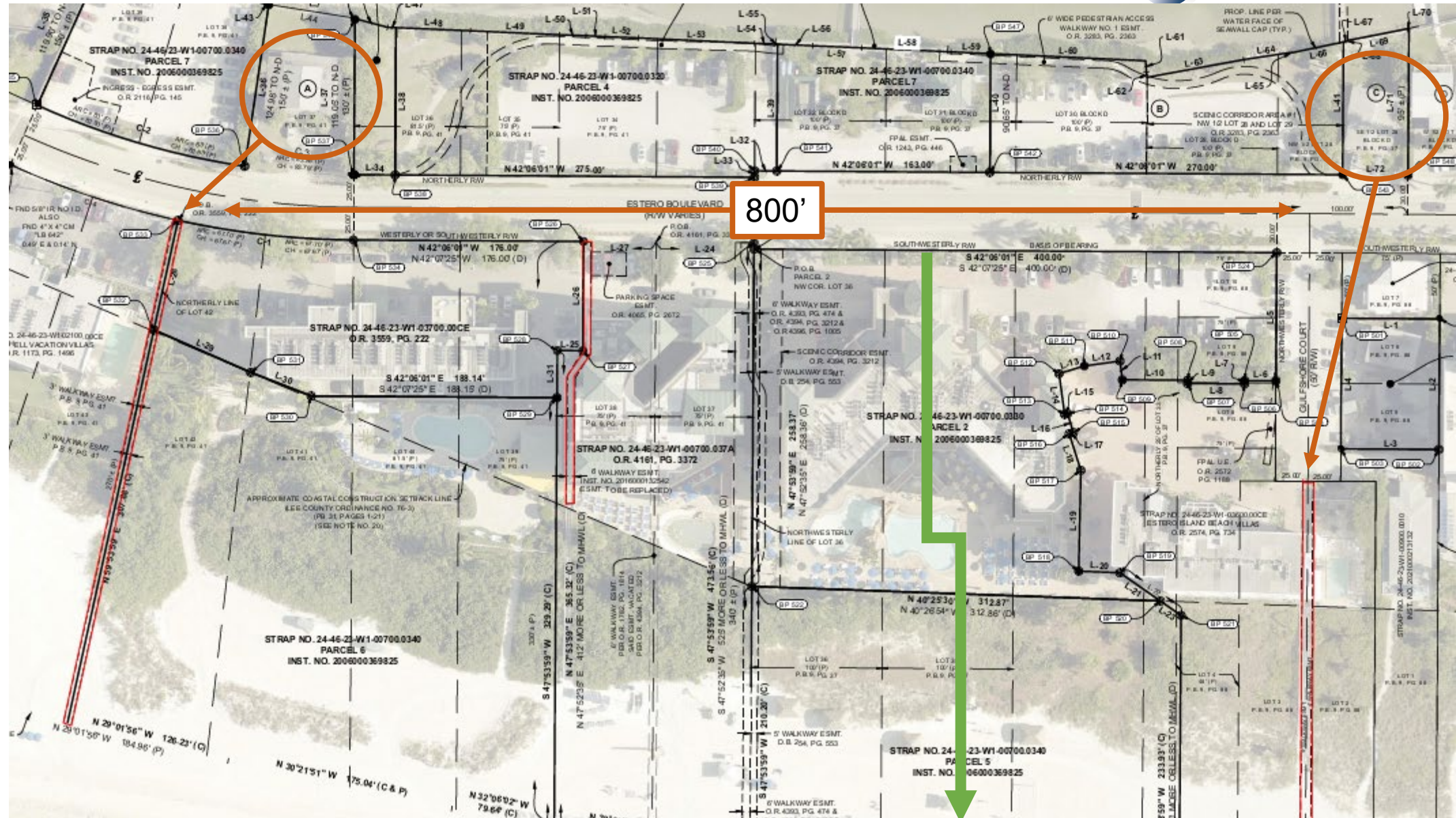
ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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



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 (the “Agreement”) is made by and between Captiva Villas Development, LLC, a Delaware limited liability company (“CVD”), whose address is 19354 Watermark Drive Suite 201, Cornelius, NC 28031, JABO, LLC, a Delaware limited liability company (“JABO”), whose address is 19354 Watermark Drive Suite 201, Cornelius, NC 28031, and the Town of Fort Myers Beach, a Florida municipality (the “Town”), whose address is 2731 Oak Street, Fort Myers Beach, FL 33931.

WITNESSETH:

WHEREAS, CVD, JABO, and the Town (collectively referred to hereinafter as the “Parties”) 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 Agreement 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 Town agree to terminate and relocate the Existing Walkway Easement to the easement area described in Exhibit A attached hereto (“2024 New Easement Area”), and Town 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 Town 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 and restate the Existing View Corridor, originally established 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 easements and agreements to the current intent and desires of the Parties; and

WHEREAS, the Parties acknowledge that this Agreement is being voluntarily entered into and its approval shall be evidence of satisfaction of a condition of approval of a special exception approved by the Fort Myers Beach Town Council in Resolution 2024-____.

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 Town agree as follows:

1. Incorporation by Reference. The foregoing WHEREAS provisions are incorporated by reference as if stated herein in their entirety as evidence of the intent of the Parties.

2. Grant of Pedestrian Easement. JABO hereby grants and conveys to Town 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 pedestrian (only) ingress and egress to and from Estero Boulevard and the Gulf of Mexico between the hours of 8:00 AM and 11:00 PM. 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. The 2024 New Easement only allows use by pedestrians of the 2024 New Easement Area consistent with rights of the public to use public areas; however, 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. JABO agrees to not impose any additional restrictions upon the use of the 2024 New Easement Area without the express approval of the Town, which shall not be unreasonably withheld. As a benefit to the public, JABO agrees to allow reasonable use of its adjacent restroom facilities during the time the public has access to the 2024 New Easement Area. Furthermore, as an additional public benefit, JABO agrees to use its best efforts to work with the entity responsible for providing Town beach access signage to request that such entity erect signage identifying the 2024 New Easement Area. The obligations under this Section apply only to JABO, as it is the sole owner of the 2024 New Easement Area, together with JABO’s successors and assigns.

3. Maintenance of Pedestrian Easement. JABO will, in perpetuity, maintain the walkway in good order and repair, at JABO’s sole cost and expense. If JABO does not repair, replace, or restore such property within thirty (30) days following written notice by the Town that such repair, replacement, or restoration is required, then the Town may proceed to make such repair, replacement, or restoration on JABO’s behalf; provided, however, that, except in the event of emergency, if the repair, replacement or restoration is of a nature that cannot be reasonably obtained within such 30-day period, JABO shall have such additional period of time to cure such default as is reasonably required so long as JABO commences its cure within such 30-day period and diligently pursues the same to completion, and JABO shall reimburse the Town of all costs incurred by the Town within thirty (30) business days of demand from the Town.

4. Grant of View Easement. To the extent applicable based on ownership, CVD and JABO (hereinafter collectively referred to in this paragraph as the “Owner”) hereby grant and convey a non-exclusive, perpetual view corridor easement (“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”), copies of which are attached hereto as Exhibit C and Exhibit D respectively. 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 Town 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.

5. Termination of the 2014 Easement. This Agreement amends and restates in its entirety the Existing Agreement. Notwithstanding, and without limitation, the Existing Walkway Easement as defined in the Existing Agreement, is hereby terminated subject to compliance with the vacation procedure in the Town of Fort Myers Beach Code of Ordinances and any applicable Florida law, and CVD shall own the 2014 New Easement Area free and clear of any walkway easement rights in favor of the Town.

6. Covenant Running with the Land. The restrictions and easements provided for herein shall run with the land in perpetuity.

7. Effect on Mortgages and Deeds of Trust. All mortgages, deeds of trust and other monetary liens upon all or any part of the 2024 New Easement Area that either come into existence or are recorded in the place for the recording of such liens after the date of this Agreement will be subject to and subordinate to this Agreement.

8. Managerial Control Retained by JABO. Nothing in this Agreement shall be construed as giving rise to any right or ability of the Town to exercise physical or managerial control over day-to-day operations in the 2024 New Easement Area, or any of JABO’s activities on its property adjacent to the 2024 New Easement Area, or otherwise to become an operator with respect to the 2024 New Easement Area.

9. Compliance with Law. Notwithstanding provisions hereof to the contrary, if any, JABO shall be solely responsible for complying with all federal, state and local laws and regulations in connection with the conduct of any use of the 2024 New Easement Area, and JABO shall be solely responsible for obtaining any required permits and approvals needed for construction and operation of the 2024 New Easement Area from the relevant governmental authorities in connection therewith.

10. Notices. All notices to Town required of CVD and JABO under the terms of this Agreement, and all requests for the approval by Town, shall be in writing and shall be deemed to have been given when either served personally or when sent by certified mail, with return receipt requested and postage prepaid, addressed to Town at the address stated on the first page of this

Agreement or such other address provided by notice from Town, CVD or JABO to the other for this purpose.

11. Governing Law. This Agreement shall be governed by and construed under the law of the State of Florida. The jurisdiction and venue of any and all claims, controversies or disputes arising out of or relating to this Agreement shall be in the State of Florida Twentieth Judicial District, in Lee County, Florida or in Federal District Court, Middle District of Florida, Fort Myers Division. If litigation ensues regarding this Agreement, each party hereto shall bear its own attorneys' fees and costs.

12. Compliance/Consistency with Section 768.28, Fla. Stat. Any term or condition contained herein by the Town shall not be construed as a waiver of the Town's sovereign immunity and shall be limited to liability limits consistent with the requirements of Section 768.28, Fla. Stat. and subject to the procedural requirements set forth therein. Any purported indemnification by Town in the Agreement in derogation hereof shall be void and of no force or effect.

13. Indemnification. JABO shall defend, indemnify, and hold the Town harmless from all claims, losses, liabilities, actions, liens, proceedings and costs, and any accident, injury, loss or damage whatsoever occurring to any person or to the property of any person arising out of or resulting from the public's use of the 2024 New Easement Area, excluding only the sole negligence of the Town. This provision shall also pertain to any claims brought against the Town by any of JABO's guests or anyone directly or indirectly employed by JABO. JABO's obligations under this paragraph shall not be limited by a lack of sufficient insurance protection.

14. Insurance. JABO shall have in effect liability insurance. Insurance certificates shall be in a form, and underwritten by an insurance company(s), licensed in the State of Florida. Each Certificate of Insurance shall specifically include all of the following: 1) The name and type of policy and coverages provided; 2) the amount or limit applicable to each coverage provided and the deductible amount, if any, applicable to each type of insurance coverage being provided; 3) the date of expiration of coverage; 4) the designation of the Town as an additional insured; and 5) a cancellation notice to read as follows:

Cancellation - Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the Certificate Holder named.

JABO shall obtain and maintain commercial general liability coverage on a form no more restrictive than the last edition of the Commercial General Liability Policy filed by the Insurance Services Office and must include the following: 1) Minimum limits of \$3,000,000 per occurrence; 2) \$3,000,000 aggregate for Bodily Injury Liability; and 3) a minimum limit of \$3,000,000 for Property Damage Liability or a minimum combined single limit of \$3,000,000.

[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.

“Town”

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

STATE OF _____)
) §:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2024, by Dan Allers, as Mayor of the Town of Fort Myers Beach, on behalf of the Town, 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 Captiva Villas):

Print Name: _____

Address: _____

Print Name: _____

Address: _____

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)

“CVD”

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

Notary Public – State of _____

Print Name: _____

Serial No: _____

My Commission Expires: _____

Witnesses (as to JABO, LLC):

“JABO”

JABO, LLC, a Delaware limited liability
Company

Print Name: _____
Address: _____

By: _____
Robert W. Boykin, Managing Member

Print Name: _____
Address: _____

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: _____

20350456 _5

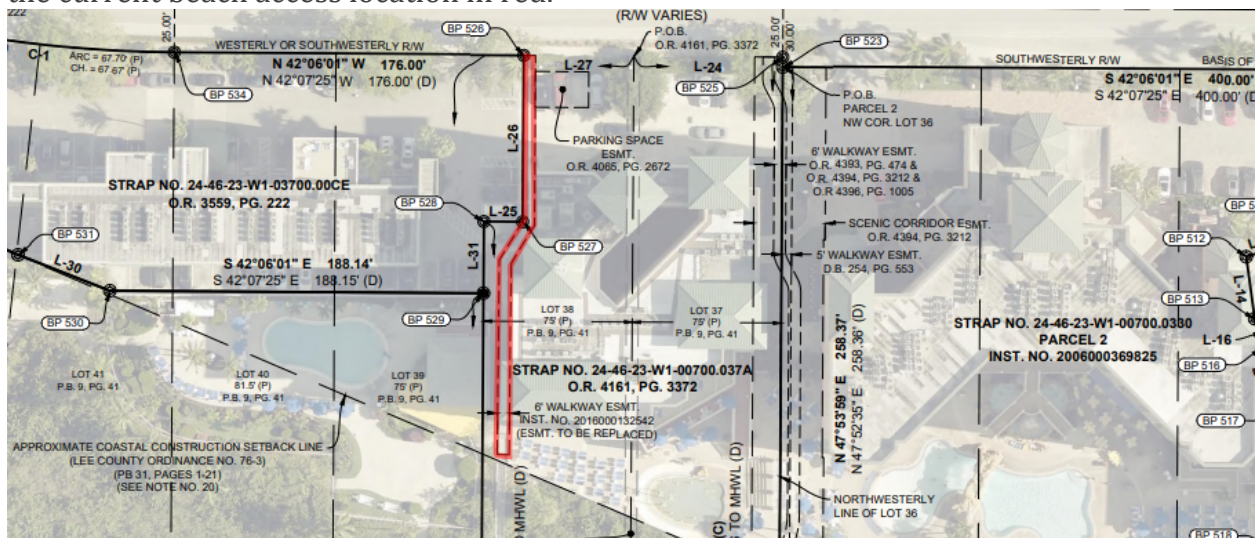


**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, AICP, PMP
Date: June 17, 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.

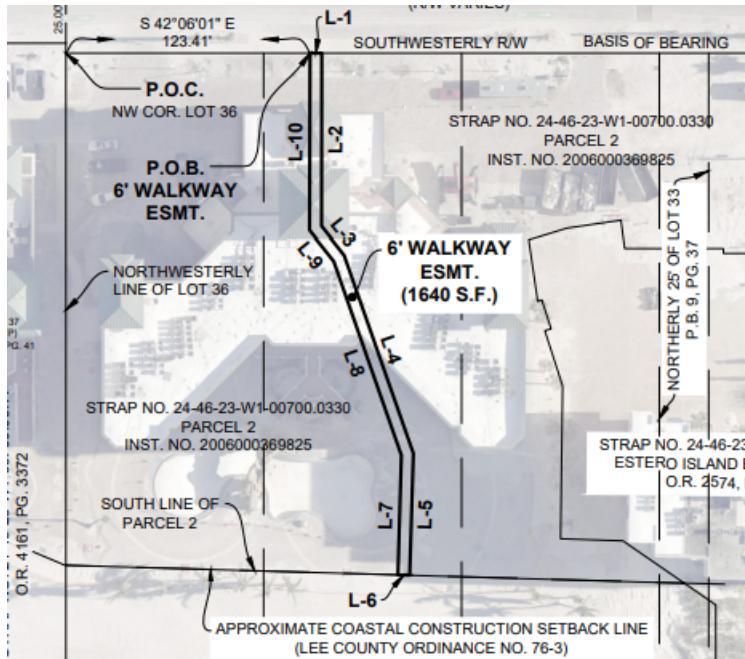


PROPOSED SOLUTION

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.

Review Criteria

The applicant has shown that this vacation does not adversely impact future infrastructure. Additionally, the applicant has provided comparable public access at no cost to the Town.

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



FMBgov.com

FORT MYERS BEACH ESTERO ISLAND

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



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 08/08/2004 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]

Attest: W. J. - [Signature]
By: [Signature]
Town Clerk

“Owner”

Boykin Hotel Properties, L.P., an Ohio limited partnership

By: Boykin Lodging Company, an
Ohio corporation

By: Richard C. Conti
Print Name: Richard C. Conti
Title: PRESIDENT

Address: Guildhall Building
45 West Prospect Avenue
Suite 1500
Cleveland, OH 44115

Witnesses (as to Boykin Hotel):

Mindy M.S. TOTH
Print Name: MINDY TOTH

Michelle M Davis
Print Name: MICHELLE M DAVIS

“Easement Holder”

Town of Fort Myers Beach

By: Daniel Hughes
Mayor

“Owner”

Captiva Villas Development, LLC, a
Delaware limited liability company

By: Bellboy, Inc., its Managing
Member

By: [Signature]
Print Name: Ronald C. Conti
Title: Vice President

Address: Guildhall Building
45 Prospect Avenue
Suite 1500
Cleveland, OH 44115

Witnesses (as to Captiva Villas):

Print Name: MINDY TOTH

Michelle M. Davis
Print Name: MICHELLE M. DAVIS

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

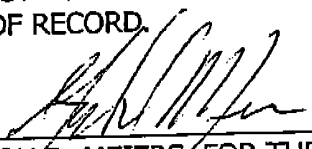
APRIL 29, 2003
JOB # 03-7021A
FILE # 03-7021AVAC2LGL

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' 25" 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	

Ink Engineering
 CONSULTING CIVIL ENGINEERS,
 SURVEYORS & MAPPERS
 "Partners for Results,
 A Division of LBFL Inc. Value By Design"
 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907
 (941) 931-0455 Fax: (941) 931-0458
 DPT & FBPE License No: 939 www.lbfl.com

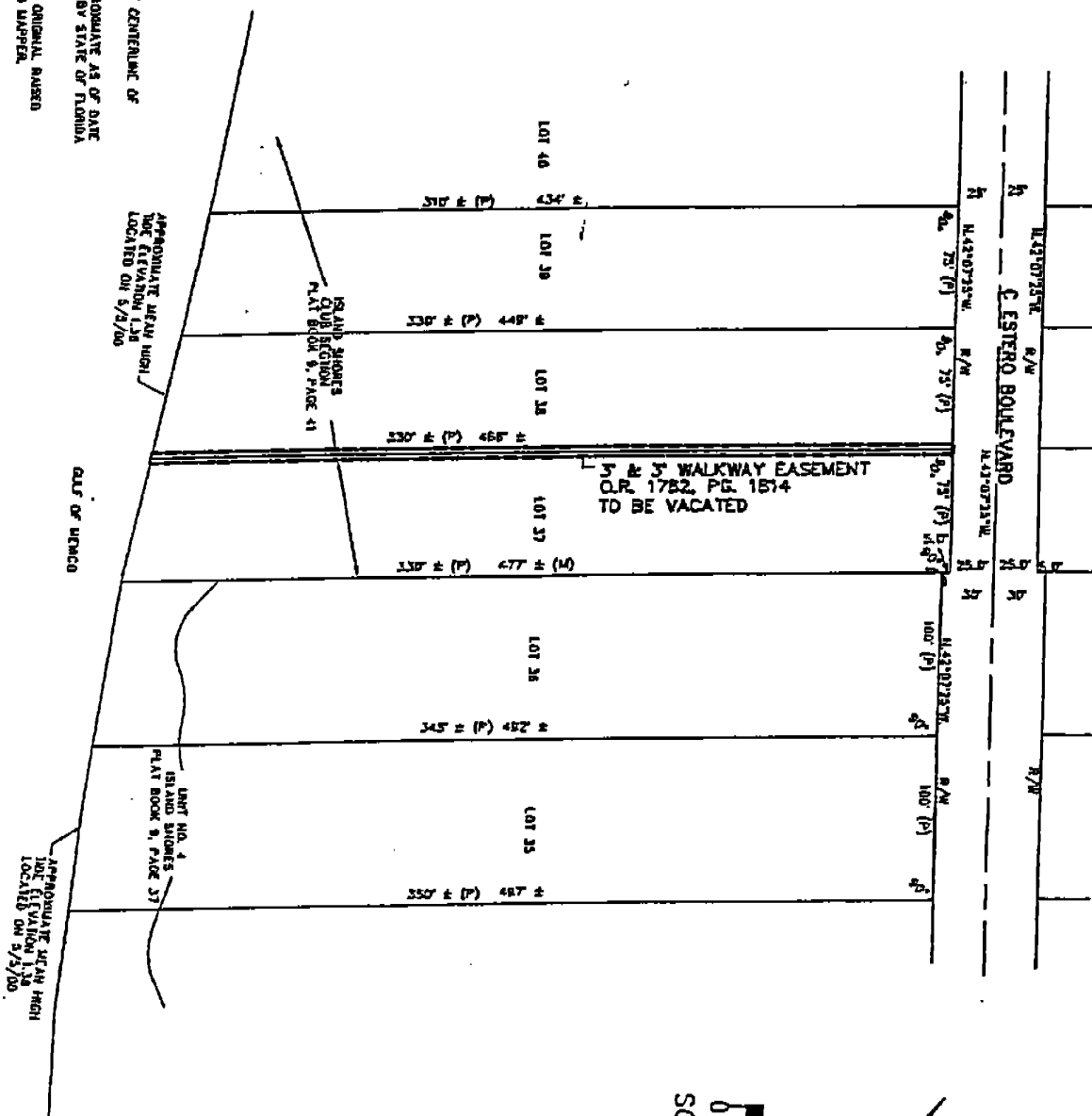
03-7021AVAC2

JOB NO.:

03-7021A

SHEET 2 OF 2

GORDON D. WILKINS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 F.L.A. CERTIFICATE NO. 2656



SCALE IN FEET
 0 50 100

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

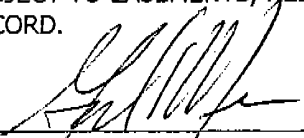
SHEET 1 OF 2

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.
PAGE
R/W
DEED BOOK
MEASURED
OFFICIAL RECORD
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.	DELTA	ARC	CHORD	CHORD BEARING
1	27°42'24"	3.38'	3.35'	S 34°01'23"W
2	27°42'24"	6.29'	6.23'	S 34°01'23"W
3	27°42'24"	5.19', 1.10'	6.23'	S 34°01'23"W
4	27°42'24"	6.29'	6.23'	S 34°01'23"W
5	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	

SHEET 2 OF 2

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

Ink Engineering
CONSULTING CIVIL ENGINEERS,
SURVEYORS & MAPPERS
"Partners For Results,
Value By Design."

A Division of LBPH, Inc.

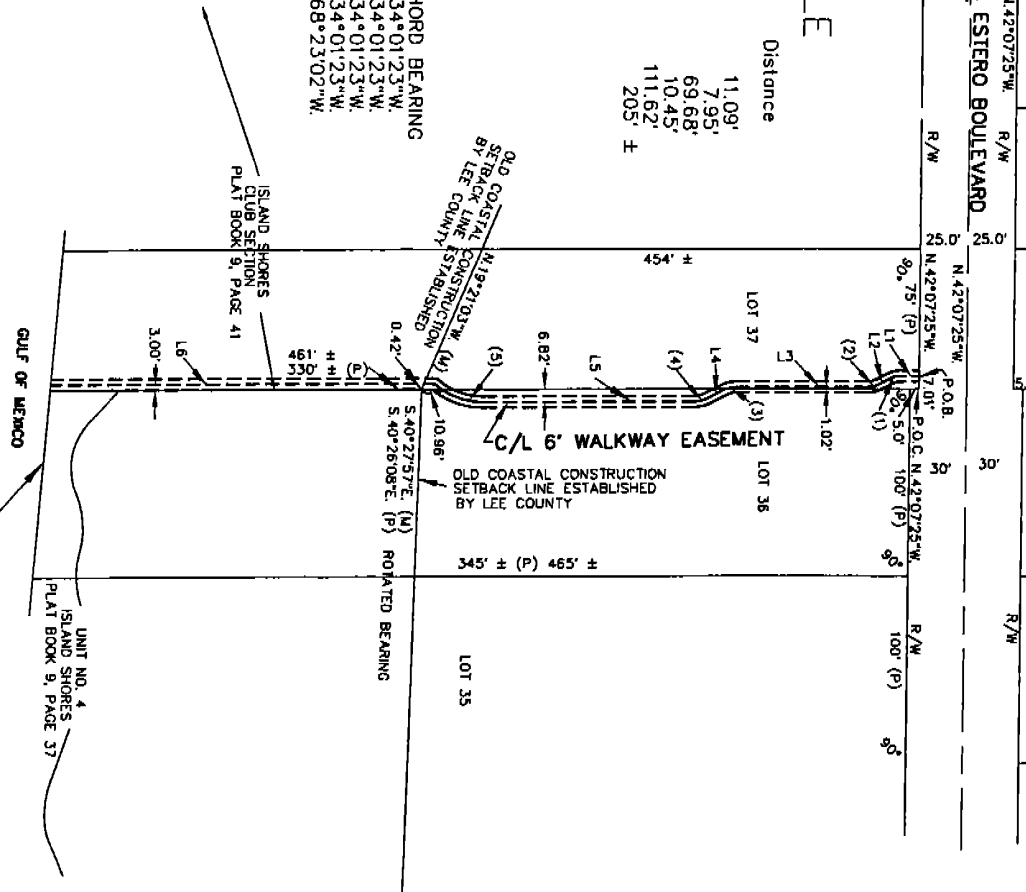
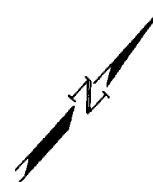
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SCALE IN FEET



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EXHIBIT "C"
PAGE 1 of 2

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

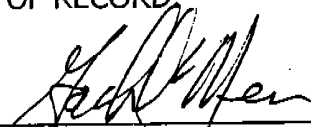
SHEET 1 OF 2

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

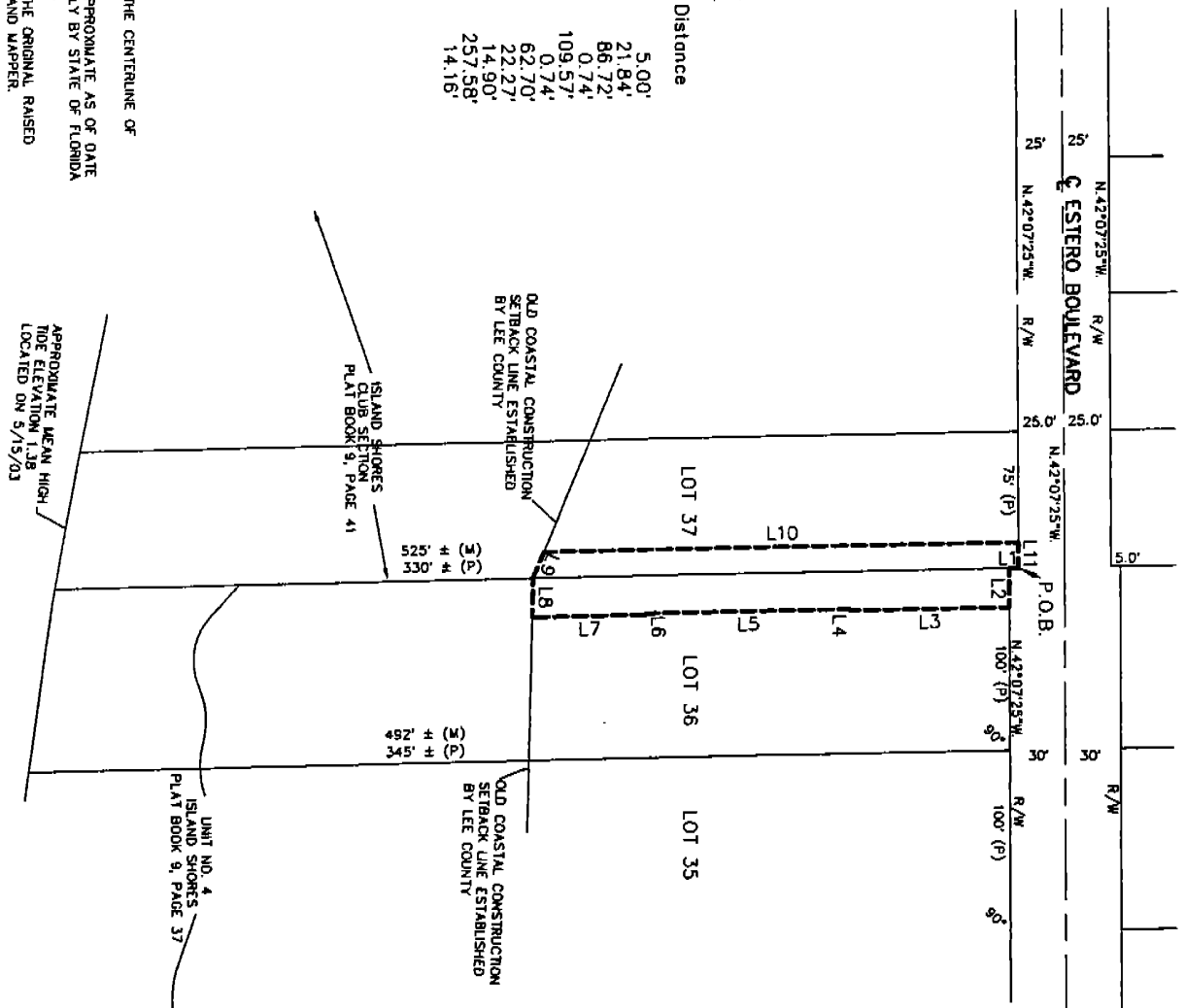
1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907

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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 16th 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

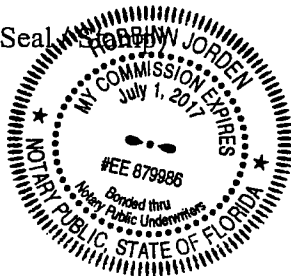
Address: 8015 W Kenton, Suite 220
Huntersville, NC 28078

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





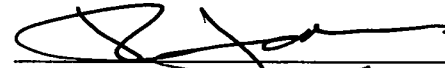
Notary Public – State of Florida
 Print Name: Robbinn Jorden
 Serial No: EE 879986
 My Commission Expires: July 1, 2017

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.

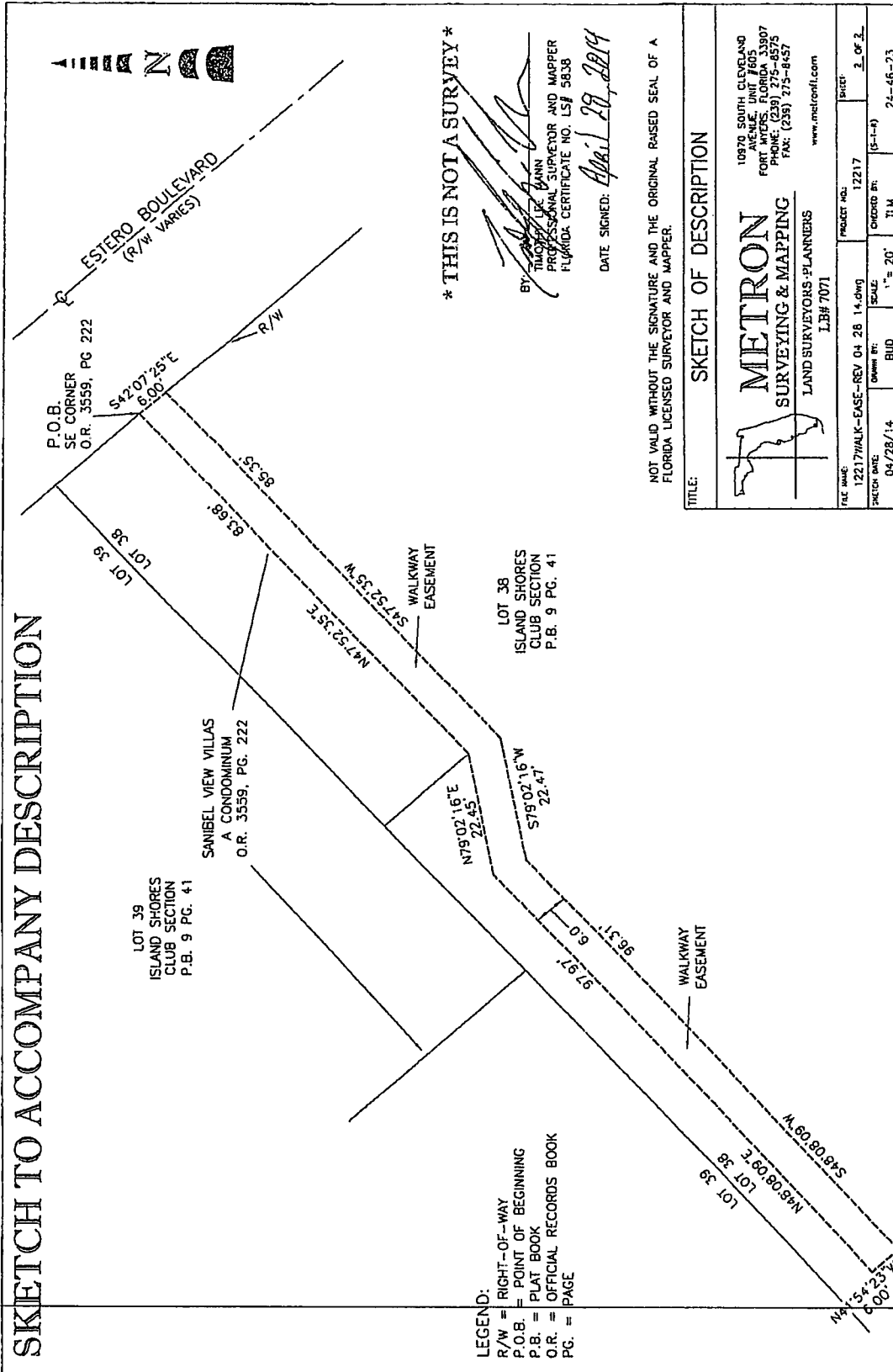
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

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

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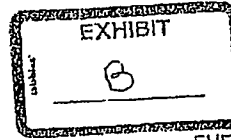
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SHEET 1 OF 2

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 BEGINNING

LINE TABLE

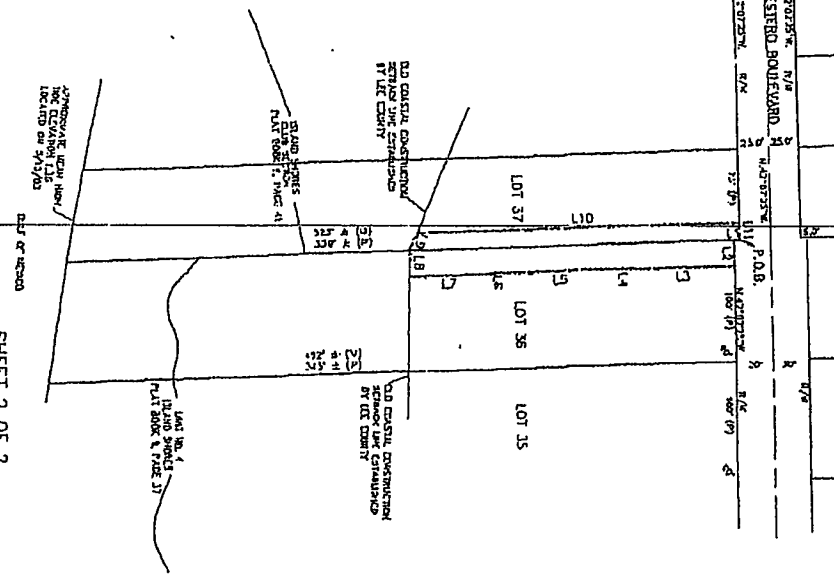
Line	Bearing	Distance
L1	S 47° 32' 35" W	2.00'
L2	S 47° 07' 25" E	11.84'
L3	N 47° 07' 25" W	86.72'
L4	N 47° 07' 25" W	0.77'
L5	S 47° 32' 35" W	108.57'
L6	S 47° 07' 25" E	0.77'
L7	S 47° 32' 35" W	62.75'
L8	N 47° 07' 25" W	22.27'
L9	N 47° 31' 01" W	14.83'
L10	N 47° 32' 35" E	25.58'
L11	S 47° 07' 25" E	14.15'

REFER TO ATTACHED DESCRIPTION

1. PLANNING AND DESIGN ARE BASED ON THE CONTINUING OF EXISTING CONDITIONS AND NOT ON A FUTURE DATE.
2. THE LINE SHOWN HEREIN IS APPROXIMATE AS OF DATE OF SURVEY AND HAS NOT BEEN VERIFIED BY TITLE OR FURTHER RESEARCH OR SURVEYING AND ADJUSTED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE OFFICIAL SEAL OF A LICENSED SURVEYOR AND NOTARY.
4. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OR 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



SCALE IN FEET
0 50 100

EXHIBIT
B

DATE 10/1/03
SCALE 1"=100'
DRAWN BY
CHECKED BY
APPROVED BY

INK
Engineering
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

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SURVEYORS & MAPERS
Partners For Results,
Victory By Design

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):

“JABO”

JABO, LLC, a Delaware limited liability
Company

Print Name: _____

By: _____
Robert W. Boykin, Managing Member

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.

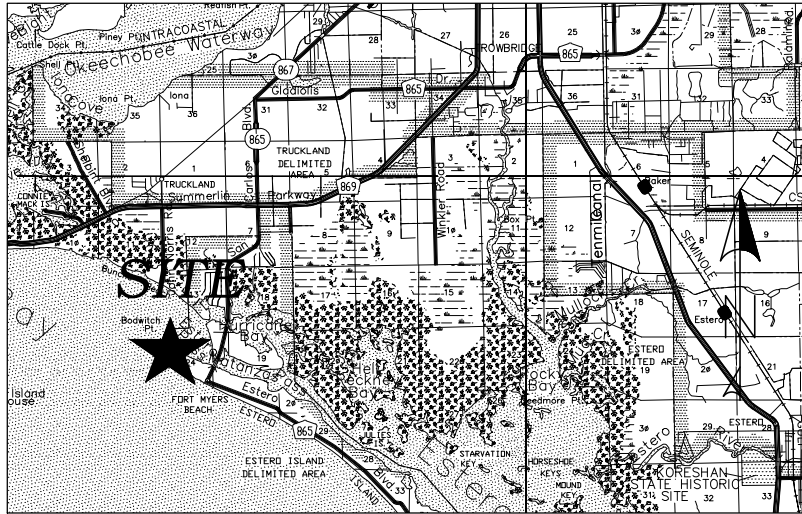
(Notary Seal / Stamp)

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



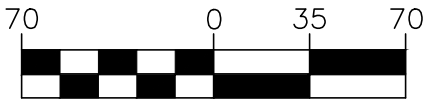
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

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

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

1 OF 2

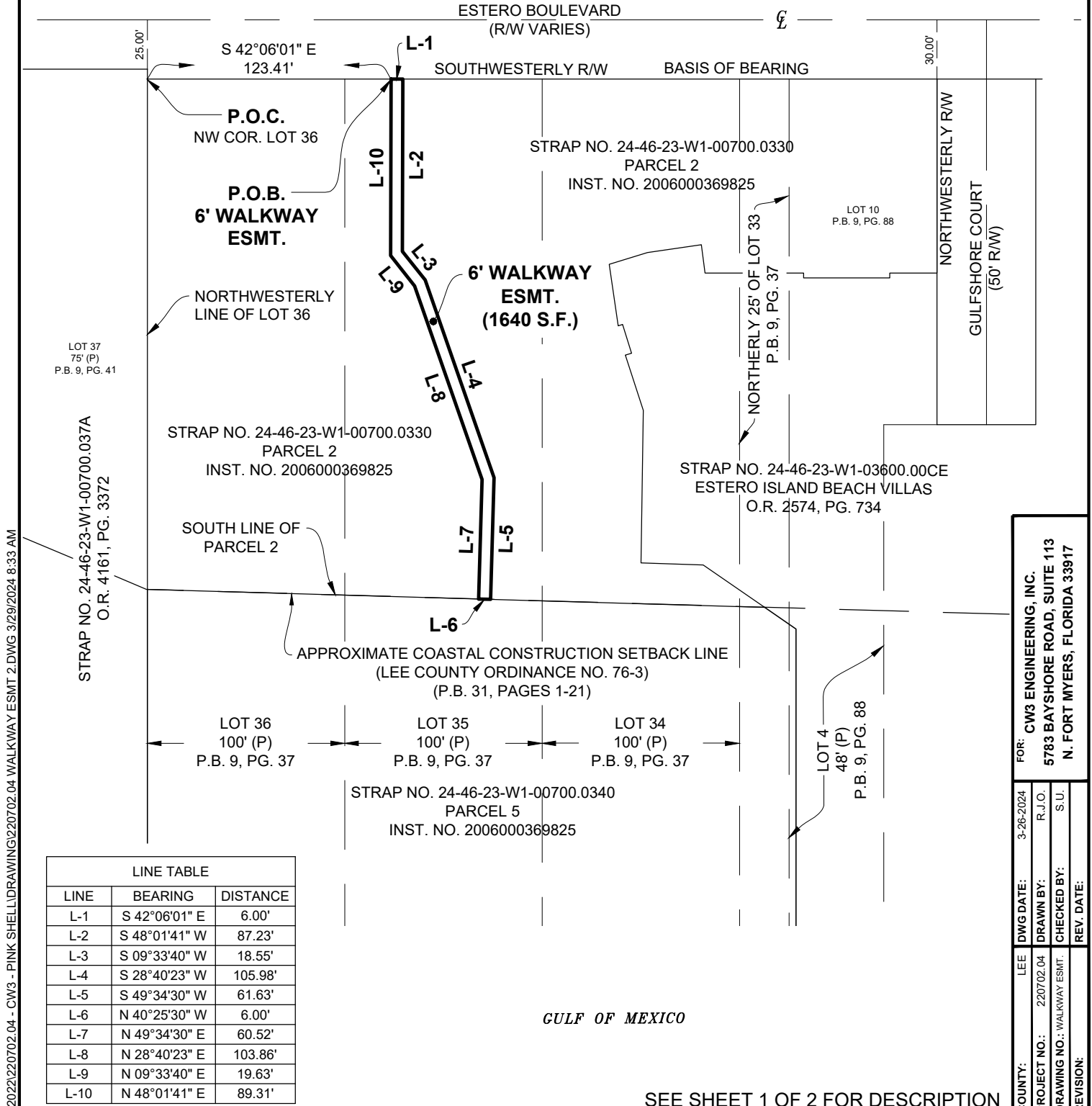
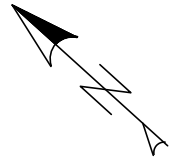
Exhibit "C"



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

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 246 of 894
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
Value by Design"

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: 10/1/03
 BY: [Signature]
 TITLE: [Signature]
 FIRM: [Signature]
 PROJECT: [Signature]

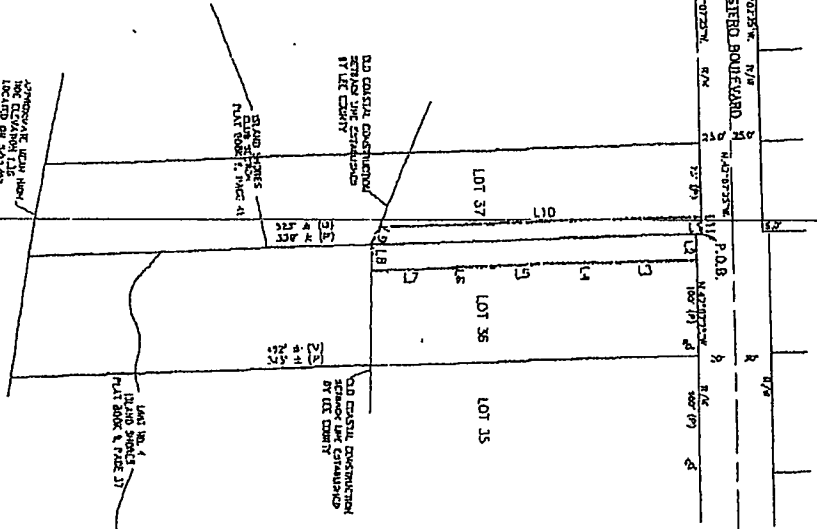
LINE TABLE

Line	Bearing	Distance
L1	S 47° 32' 35" W	2.00'
L2	S 47° 07' 25" E	11.84'
L3	N 47° 32' 35" W	86.72'
L4	N 47° 32' 35" 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° 32' 35" W	22.72'
L9	N 47° 32' 35" W	14.57'
L10	N 47° 32' 35" E	25.57'
L11	S 47° 07' 25" E	14.15'

- REFER TO ATTACHED DESCRIPTION
- NOTES:
1. PLANNING AND DESIGN ARE BASED ON THE CONTINGENT OF THE PLANNING AND DESIGN.
 2. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03.
 3. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03.
 4. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03. THE PLANNING AND DESIGN IS APPROVED AS OF DATE 10/1/03.

SKETCH (NOT A SURVEY)

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

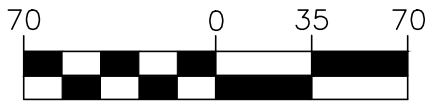


SCALE IN FEET
 0 50 100

SHEET 2 OF 2

DATE: 10/1/03
 SCALE: 1"=100'
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

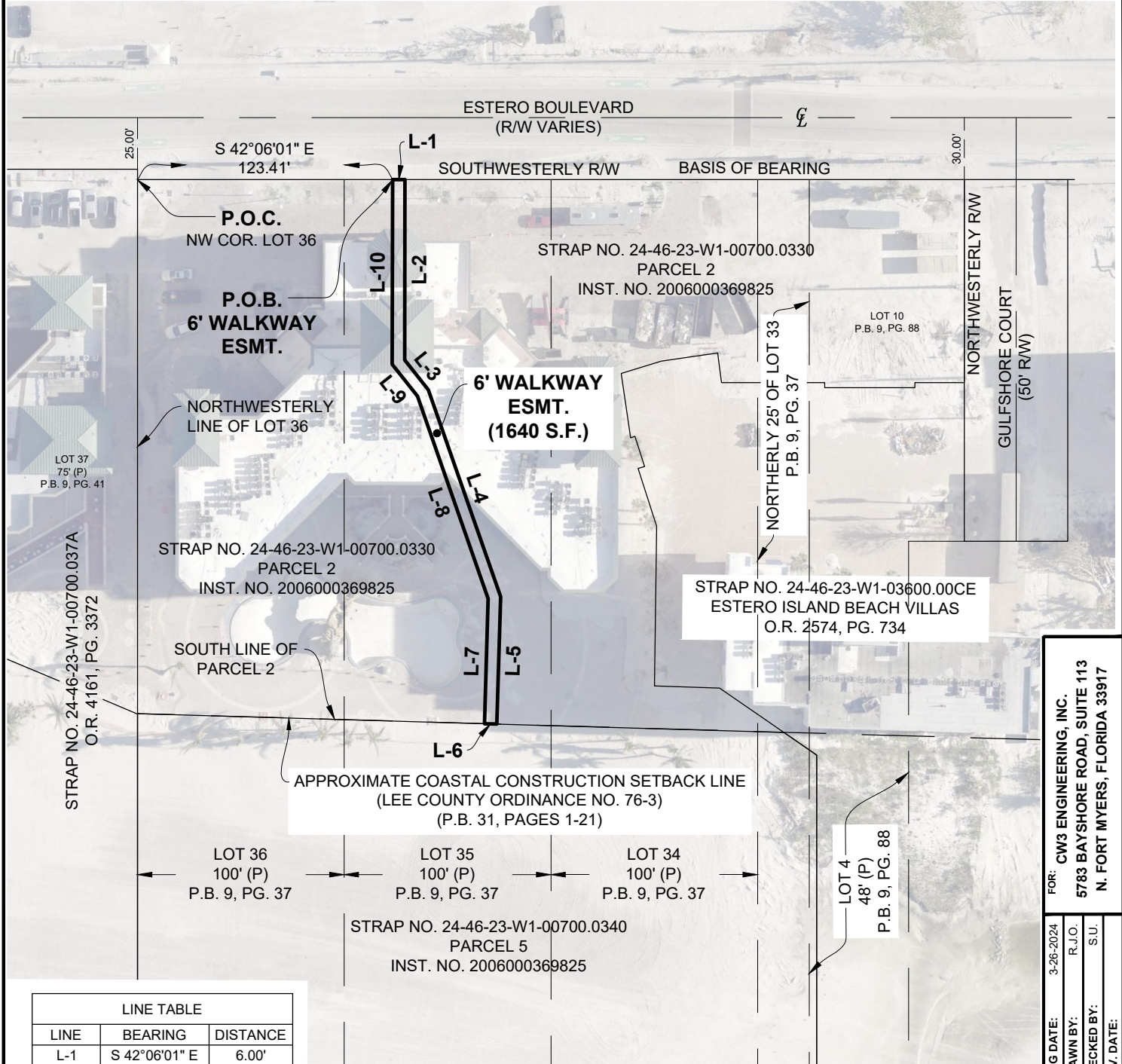
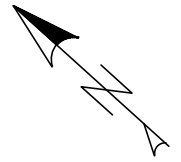
03-7021ASK7CDR
 JOB NO.: 03-7021A



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'

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:	

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

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

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](mailto: servicedesk@leegov.com) or 533-HELP.

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](mailto: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*

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: 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



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

*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, 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



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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.

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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

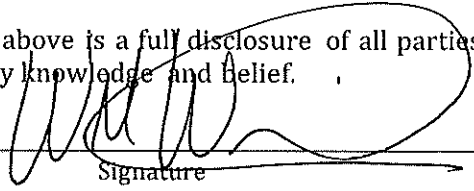
Date of Contract: _____

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

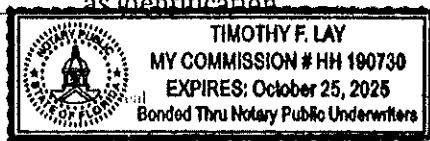
1/26/24

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, GULF SHORE 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, GULF SHORE, 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 NORTHWESTERLY 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.

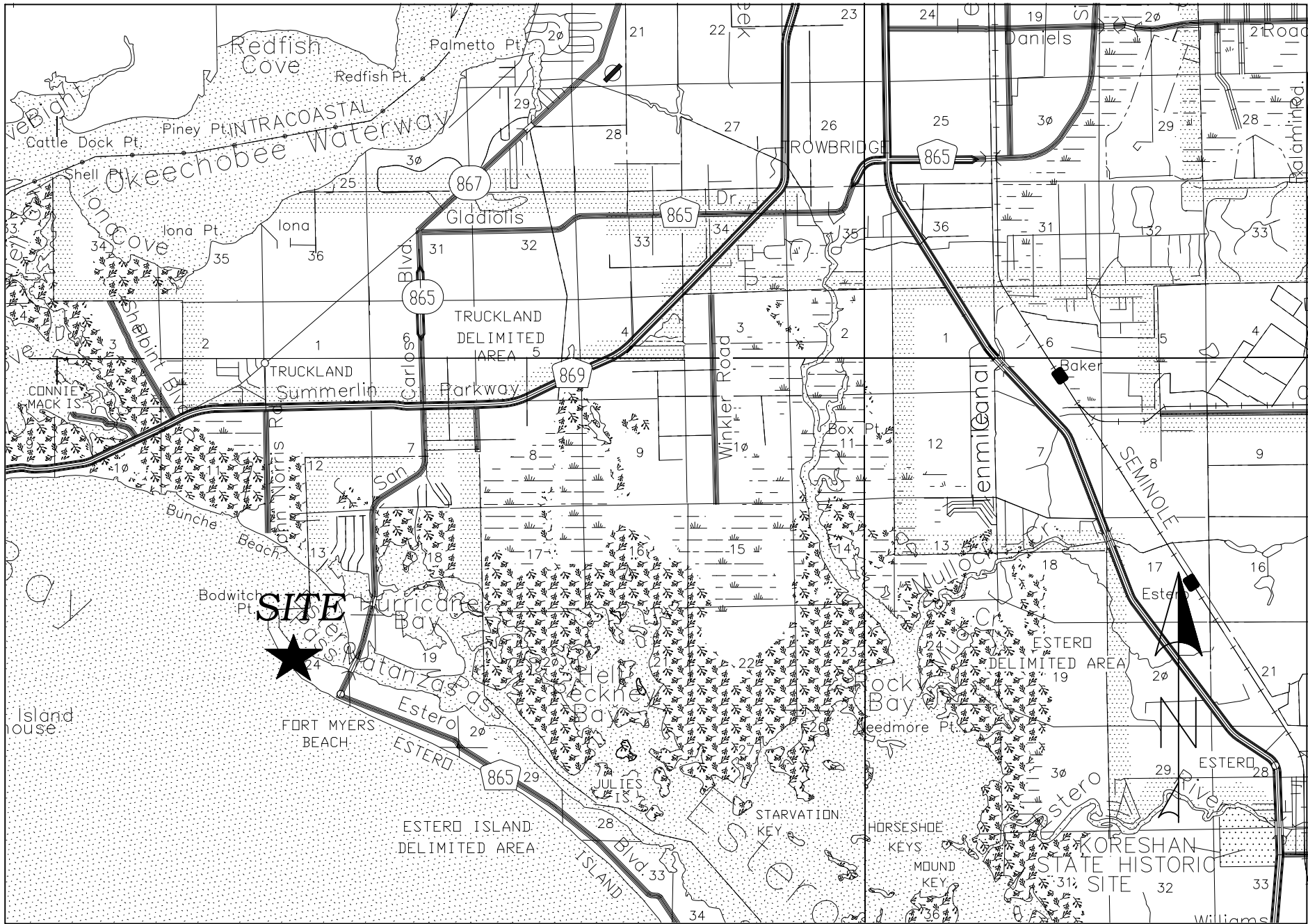
LEGAL DESCRIPTION: (PER O.R. 3559, PG. 222)

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:

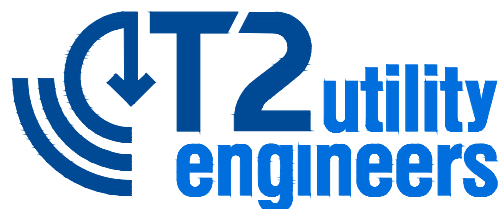
	BACKFLOW PREVENTER		FOUND CONCRETE MONUMENT
	BENCH MARK		FOUND DRILL HOLE
	BOLLARD		FOUND IRON PIPE
	CATCH BASIN		FOUND IRON ROD
	CENTERLINE		FOUND IRON ROD & CAP
	CONCRETE POWER POLE		NOT FND OR SET
	ELECTRICAL BOX		FOUND NAIL & DISK
	ELECTRIC METER		LIGHTER WOOD POST
	ELECTRIC TRANSFORMER W/ PAD		FOUND PARKER KALON NAIL
	EXISTING ELEVATION		FOUND PARKER KALON NAIL & DISK
	FIBER OPTIC BOX		SET CONCRETE MONUMENT
	FIRE HYDRANT		SET DRILL HOLE
	FIRE VALVE		SET 5/8" IRON ROD & CAP "T2 LB 8336" U.O.N.
	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:

AC. = 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

\\FTW0201\A\2022\20702.04 - CW3 - PINK SHELL BEACH RESORT AND MARINA\20702.04 - BNMT DWG 01102023 754.AIM

LINE TABLE		
LINE	BEARING	DISTANCE
L-1 (C)	S 42°06'01" E	75.00'
L-1 (P)	N/A	75.00'
L-2 (C)	S 47°53'59" W	100.00'
L-2 (P)	N/A	100.00'
L-3	N 42°06'01" W	75.00'
L-3 (P)	N/A	75.00'
L-4	N 47°53'59" E	100.00'
L-4 (P)	N/A	100.00'
L-5	S 47°53'59" W	98.24'
L-5 (D)	S 47°52'35" W	98.24'
L-6	N 42°06'01" W	24.00'
L-6 (D)	N 42°07'25" W	24'
L-7	S 47°53'59" W	2.50'
L-7 (D)	S 47°52'35" W	2.50'
L-8	N 42°06'01" W	43.54'
L-8 (D)	N 42°07'25" W	43.54'
L-9	N 47°53'59" E	2.50'
L-9 (D)	N 47°52'35" E	2.50'
L-10	N 42°06'01" W	50.00'
L-10 (D)	N 42°07'25" W	50.00'
L-11	N 40°32'52" E	14.49'
L-11 (D)	N 40°31'29" E	14.49'
L-12	N 50°18'01" W	27.57'
L-12 (D)	N 50°19'25" W	27.57'
L-13	N 59°20'37" W	20.23'
L-13 (D)	N 59°22'01" W	20.23'
L-14	S 39°41'59" W	31.50'
L-14 (D)	S 39°40'35" W	31.50'
L-15	S 59°16'04" E	2.30'
L-15 (D)	S 59°17'28" E	2.30'
L-16	S 30°22'57" W	15.24'
L-16 (D)	S 30°21'33" W	15.24'
L-17	N 58°41'13" W	3.31'
L-17 (D)	N 58°42'37" W	3.31'
L-18	S 29°59'37" W	29.45'
L-18 (D)	S 29°58'13" W	29.45'
L-19 (C)	S 48°43'57" W	77.19'
L-19 (D)	S 48°42'33" W	77.19'
L-20 (C)	S 40°07'46" E	31.53'
L-20 (D)	S 40°09'10" E	31.53'
L-21	S 07°34'57" E	37.85'
L-21 (D)	S 07°36'21" E	37.85'
L-22	S 07°34'57" E	57.08'
L-22 (D)	S 07°36'21" E	57.08'
L-23	S 07°34'57" E	19.23'
L-24 (C)	S 42°06'01" E	75.00'
L-24 (D)	S 42°07'25" E	75.00'
L-25	S 42°06'01" E	19.50'
L-25 (D)	S 42°07'25" E	19.50'
L-26	N 47°53'59" E	83.68'
L-26 (D)	N 47°52'35" E	83.68'
L-27 (C)	S 42°06'01" E	55.50'
L-27 (D)	S 42°07'25" E	55.50'
L-28	S 59°53'59" W	85.88'
L-28 (D)	S 59°52'36" W	85.88'
L-29	S 18°43'35" E	80.90'
L-29 (D)	S 18°44'59" E	80.90'
L-30	S 21°09'54" E	49.64'
L-30 (D)	S 21°11'18" E	49.64'
L-31	N 47°53'59" E	36.03'
L-31 (D)	N 47°52'35" E	36.03'
L-32	N 42°06'01" W	17.00'
L-33	S 47°53'59" W	5.00'
L-33 (P)	N/A	5.00'
L-34	N 42°06'01" W	31.50'
L-35 (C)	N 71°53'59" E	120.40'
L-36 (C)	S 55°57'18" W	125.31'
L-37 (C)	N 47°53'59" E	119.62'
L-38 (C)	N 47°53'59" E	112.84'
L-39 (C)	N 47°53'59" E	97.11'
L-40 (C)	N 47°53'59" E	90.93'
L-41 (C)	N 47°53'59" E	101.69'
L-42 (C)	S 28°03'40" E	128.32'
L-43 (C)	S 33°27'35" E	3.16'
L-44 (C)	S 33°27'35" E	63.93'
L-45 (C)	S 27°24'31" E	2.91'
L-46 (C)	S 27°24'31" E	25.81'
L-47 (C)	S 40°05'39" E	6.54'
L-48 (C)	S 40°05'39" E	56.87'
L-49 (C)	S 39°51'05" E	68.23'
L-50 (C)	S 40°37'13" E	20.29'
L-51 (C)	S 39°30'18" E	14.62'
L-52 (C)	S 40°13'20" E	25.59'

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

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

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

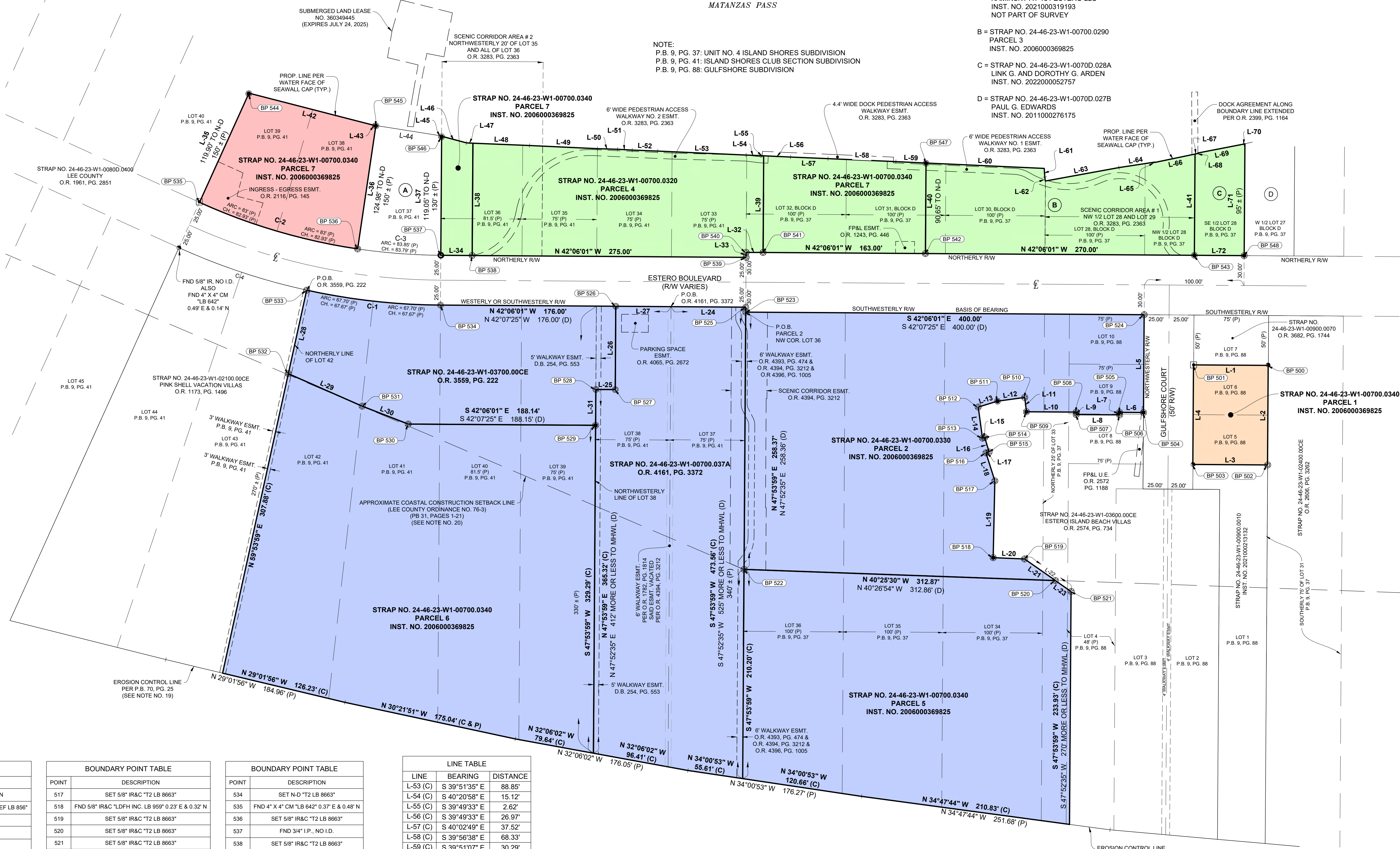
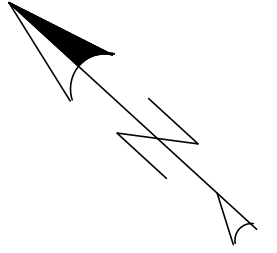
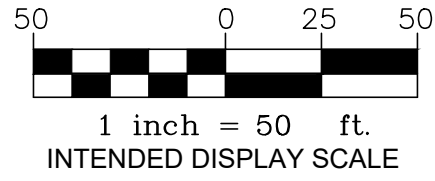
LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39°51'35" E	88.85'
L-54 (C)	S 40°20'58" E	15.12'
L-55 (C)	S 39°49'33" E	2.62'
L-56 (C)	S 39°49'33" E	26.97'
L-57 (C)	S 40°02'49" E	37.52'
L-58 (C)	S 39°56'38" E	68.33'
L-59 (C)	S 39°51'07" E	30.29'
L-60 (C)	S 39°51'07" E	118.82'
L-61 (C)	S 43°49'43" W	8.68'
L-62 (C)	S 40°17'54" W	4.03'
L-63 (C)	S 52°50'26" E	75.16'
L-64 (C)	S 51°09'45" E	36.30'
L-65 (C)	S 38°50'15" W	0.33'
L-66 (C)	S 54°12'31" E	41.31'
L-67 (C)	S 54°12'31" E	3.08'
L-68 (C)	N 37°22'35" E	0.42'
L-69 (C)	S 53°33'35" E	46.76'
L-70 (C)	S 55°27'10" E	1.27'
L-71 (C)	N 47°53'59" E	112.33'
L-72	N 42°06'01" W	50.00'

GULF OF MEXICO

AREA TABLE	
	= 6.40 ACRES ±
	= 0.17 ACREA ±
	= 1.80 ACRES ±
	= 0.43 ACRES ±
TOTAL 10.80 ACRES ±	

BOUNDARY AND TOPOGRAPHIC SURVEY

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



A = STRAP NO. 24-46-23-W1-00700.0370
KAMINSKY AT 131 ESTERO LLC
INST. NO. 2021000319193
NOT PART OF SURVEY

B = STRAP NO. 24-46-23-W1-00700.0290
PARCEL 3
INST. NO. 2006000369825

C = STRAP NO. 24-46-23-W1-00700.028A
LINK G. AND DOROTHY G. ARDEN
INST. NO. 2022000052757

D = STRAP NO. 24-46-23-W1-00700.027B
PAUL G. EDWARDS
INST. NO. 2011000276175

NOTE:
P.B. 9, PG. 37: UNIT NO. 4 ISLAND SHORES SUBDIVISION
P.B. 9, PG. 41: ISLAND SHORES CLUB SECTION SUBDIVISION
P.B. 9, PG. 88: GULF SHORE SUBDIVISION

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

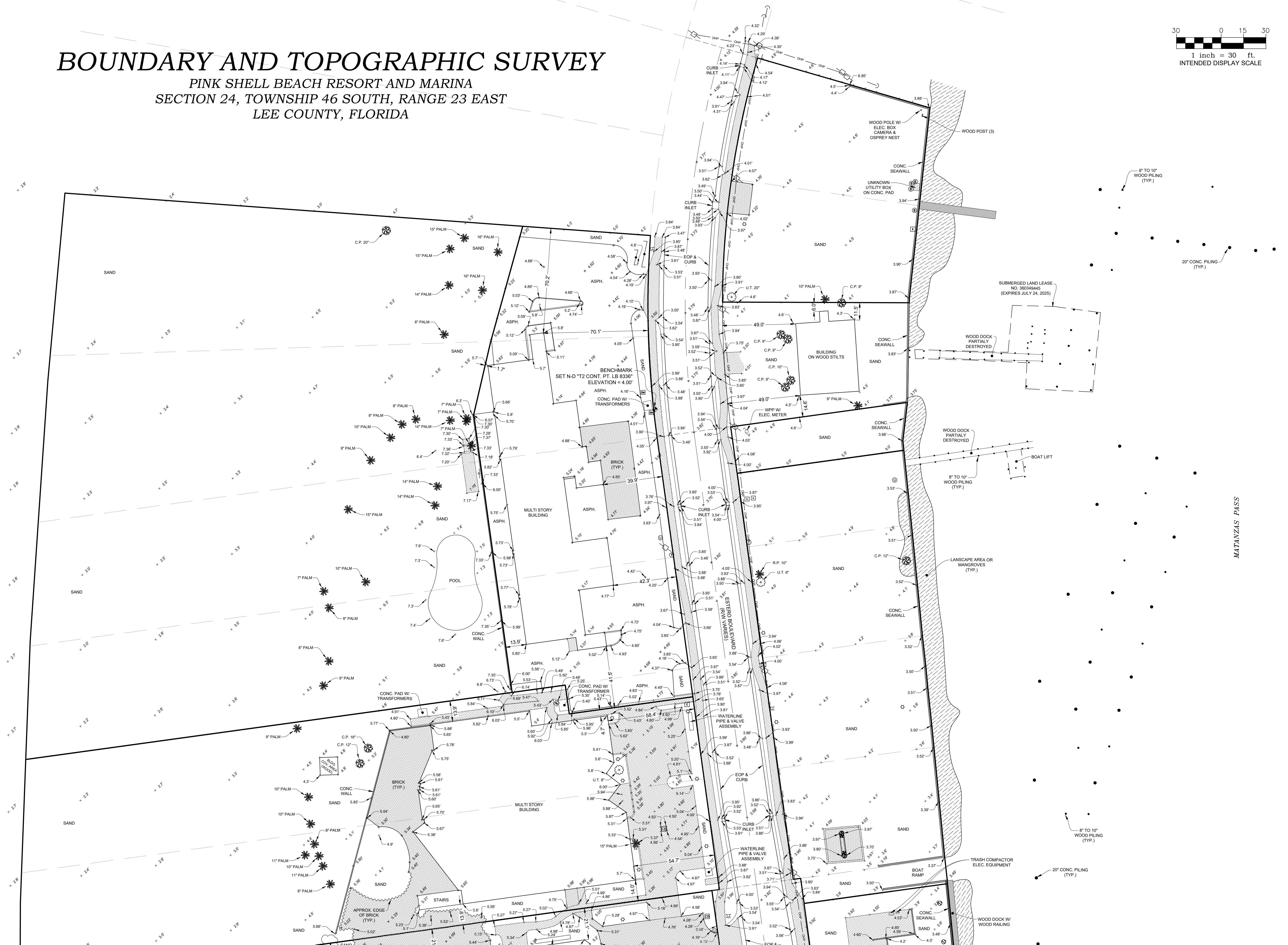
FOR:	DATE	REVISION	DWG. DATE:	SURVEY DATE:	DRAWN BY:	CHECKED BY:
	5-19-23					
			2-5-2023	3-13-2023	R.J.O.	S.U.
			24-46-23	220702.04	220702.04 - BNMT	

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

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

BOB.

DATE _____

REVISION

9.2023

DATE:

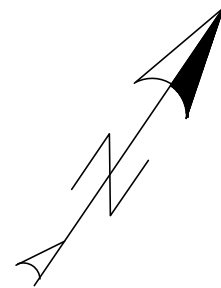
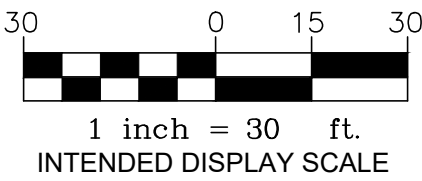
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COUNTY

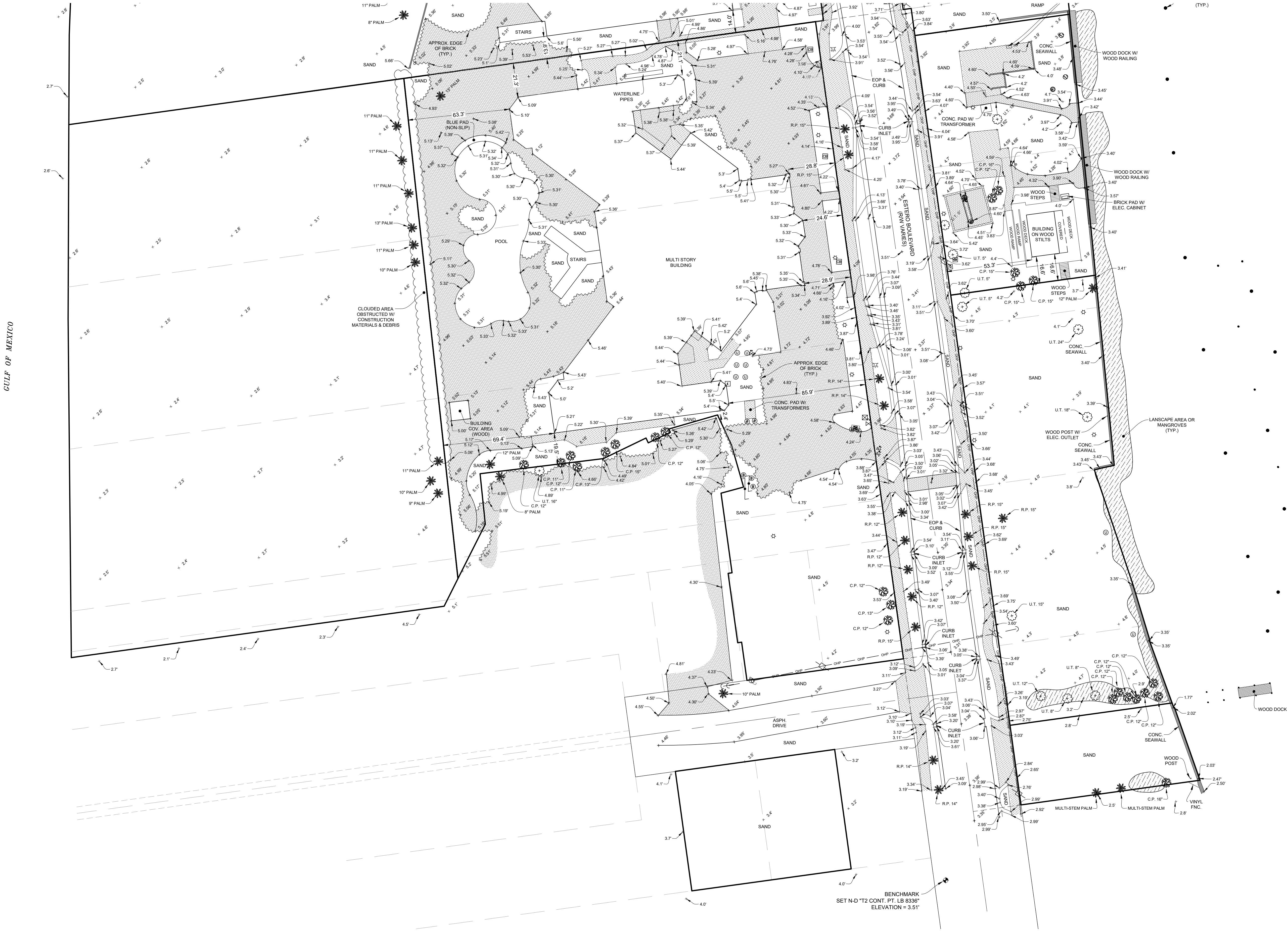
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BOUNDARY AND TOPOGRAPHIC SURVEY

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

DATE		REVISION	
5-19-23		1	
5-19-23		2	
5-19-23		3	
DATE		REVISION	
5-19-23		1	
5-19-23		2	
5-19-23		3	

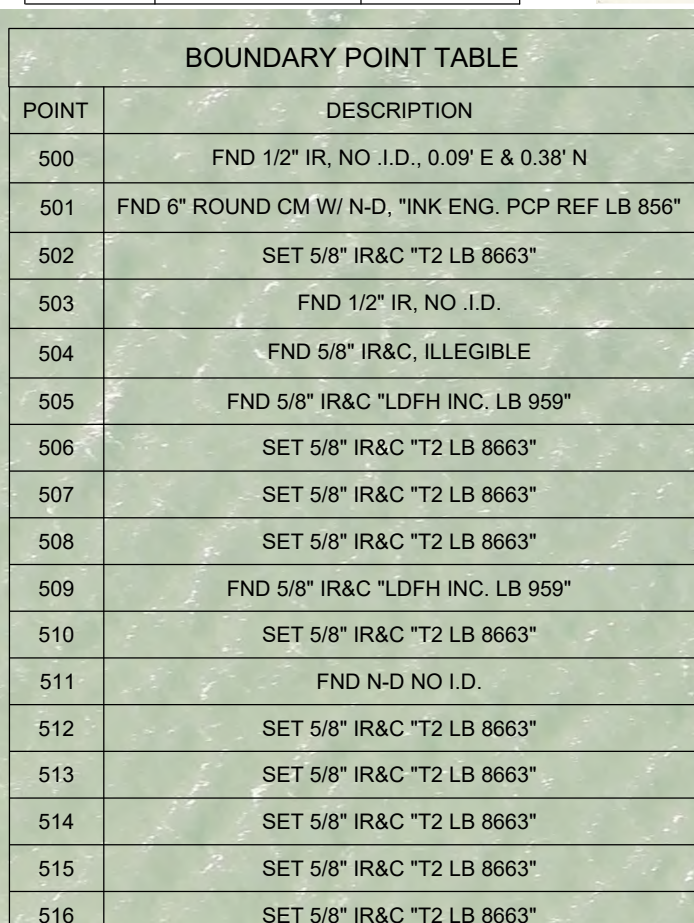
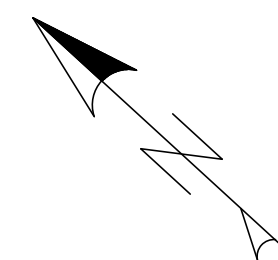
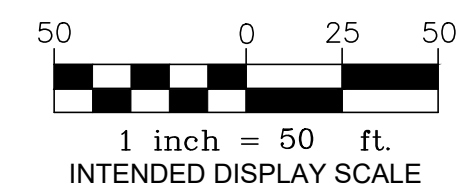
BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



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
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" "NK 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" IRAC "T2 LB 8663"
537	FND 3/4" I.P. NO. ID.
538	SET 5/8" IRAC "T2 LB 8663"
539	SET 5/8" IRAC "T2 LB 8663"
540	SET 5/8" IRAC "T2 LB 8663"
541	SET 5/8" IRAC "T2 LB 8663"
542	SET 5/8" IRAC "T2 LB 8663"
543	FND N-D ILLEGIBLE
544	FND N-D, "INK ENG. PCP REF LB 856"
545	FND N-D, "INK ENG. PCP REF LB 856"
546	FND N-D, "INK ENG. PCP REF LB 856"
547	FND N-D "LDHFH 959"
548	FND 5/8" IRAC "RKB LB 6133"

LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39°51'35" E	88.85'
L-54 (C)	S 40°20'58" E	15.12'
L-55 (C)	S 39°49'33" E	2.62'
L-56 (C)	S 39°49'33" E	26.97'
L-57 (C)	S 40°02'49" E	37.52'
L-58 (C)	S 39°56'38" E	68.33'
L-59 (C)	S 39°51'10" E	30.29'
L-60 (C)	S 39°51'10" E	118.82'
L-61 (C)	S 43°49'43" W	8.68'
L-62 (C)	S 40°17'54" W	4.03'
L-63 (C)	S 52°50'26" E	75.16'
L-64 (C)	S 51°09'45" E	36.30'
L-65 (C)	S 38°50'15" W	0.33'
L-66 (C)	S 54°12'31" E	41.31'
L-67 (C)	S 54°12'31" E	3.08'
L-68 (C)	N 37°22'35" E	0.42'
L-69 (C)	S 53°33'35" E	46.76'
L-70 (C)	S 55°27'10" E	1.27'
L-71 (C)	N 47°53'59" E	112.33'
L-72	N 42°06'01" W	50.00'

AREA TABLE

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

	COUNTRY:	LEE	DWG. DATE:	REVISION	DATE
	SEC.	24-46-23	SURVEY DATE:	SHEET 2 ACRES TABLE	△ 5-19-23
		PROJECT NUMBER:	R.J.O.	REVISED ESMT TB REPLACED	△ 10-12-23
		DWGN BY:	S.U.		△
		DWG. NUMBER:	220702.04 - BNDT CHECKED BY:		

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 |

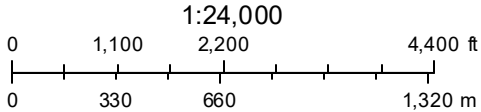


EXHIBIT 6-6

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 PTNRSHP 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 PTNRSHP 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 PTNRSH P 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 PTNRSH 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 PTNRSH 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 PTNRSH 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

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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
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

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

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

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

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

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

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

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

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

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

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

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

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

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

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

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

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

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

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

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

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

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

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

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD 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
CORNELIUS NC 28031

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

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

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

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

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

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

**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



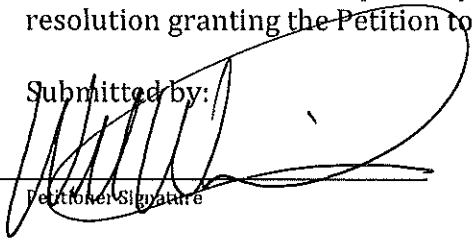
PETITION TO VACATE (Form B_ F.S. Ch.177)

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

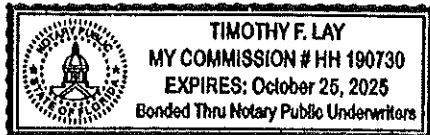
1/26/24

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 script is cursive and fluid.

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.

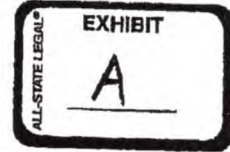
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

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.

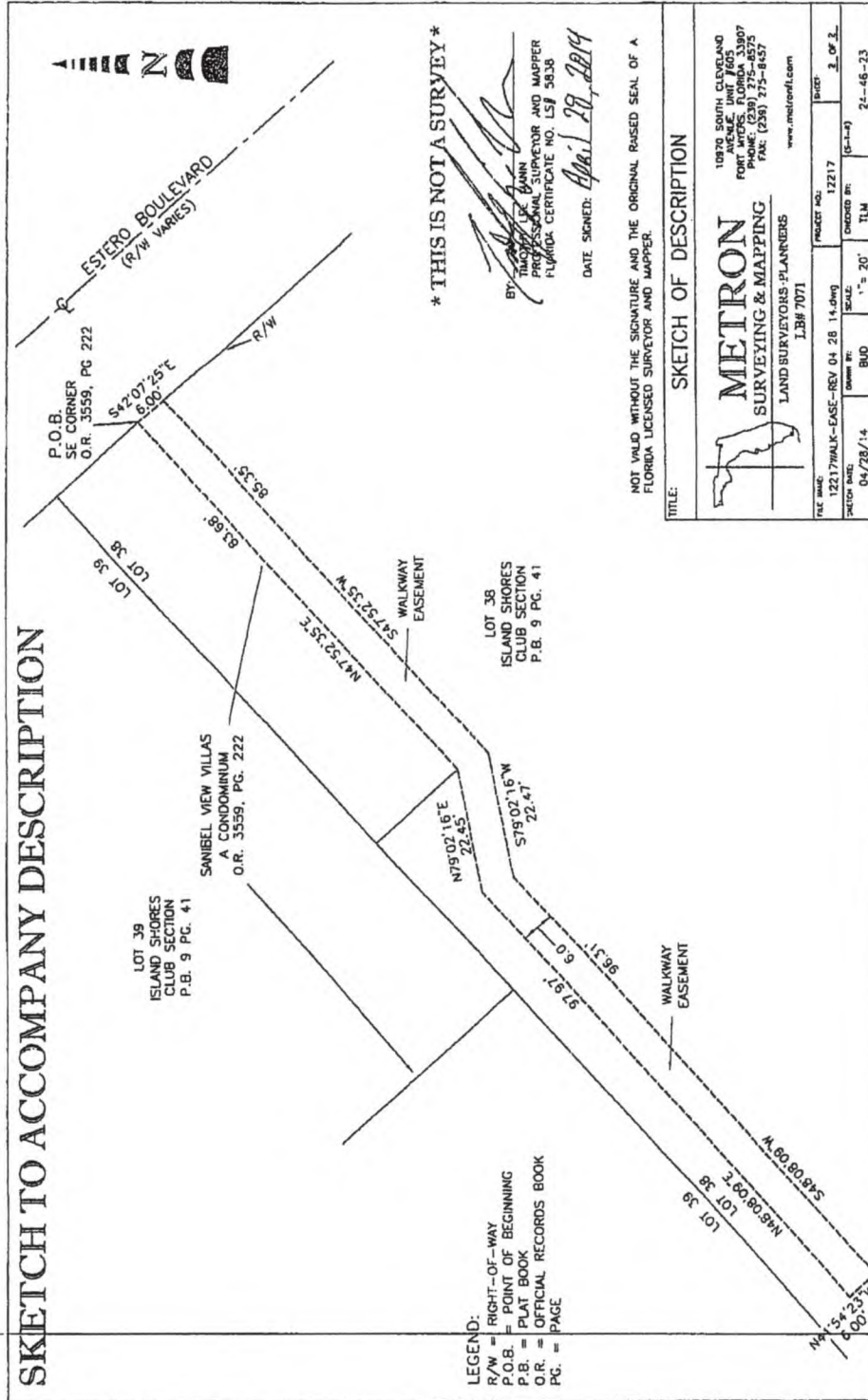
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

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

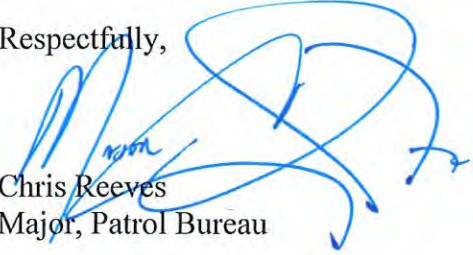
Sarah Spector
Roetzel & Andress, LPA
2320 First St., Suite 100
Fort Myers, FL 33901

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



Pink Shell Resort Beach Walkway Vacation and Relocation

Case Number VAC20240030



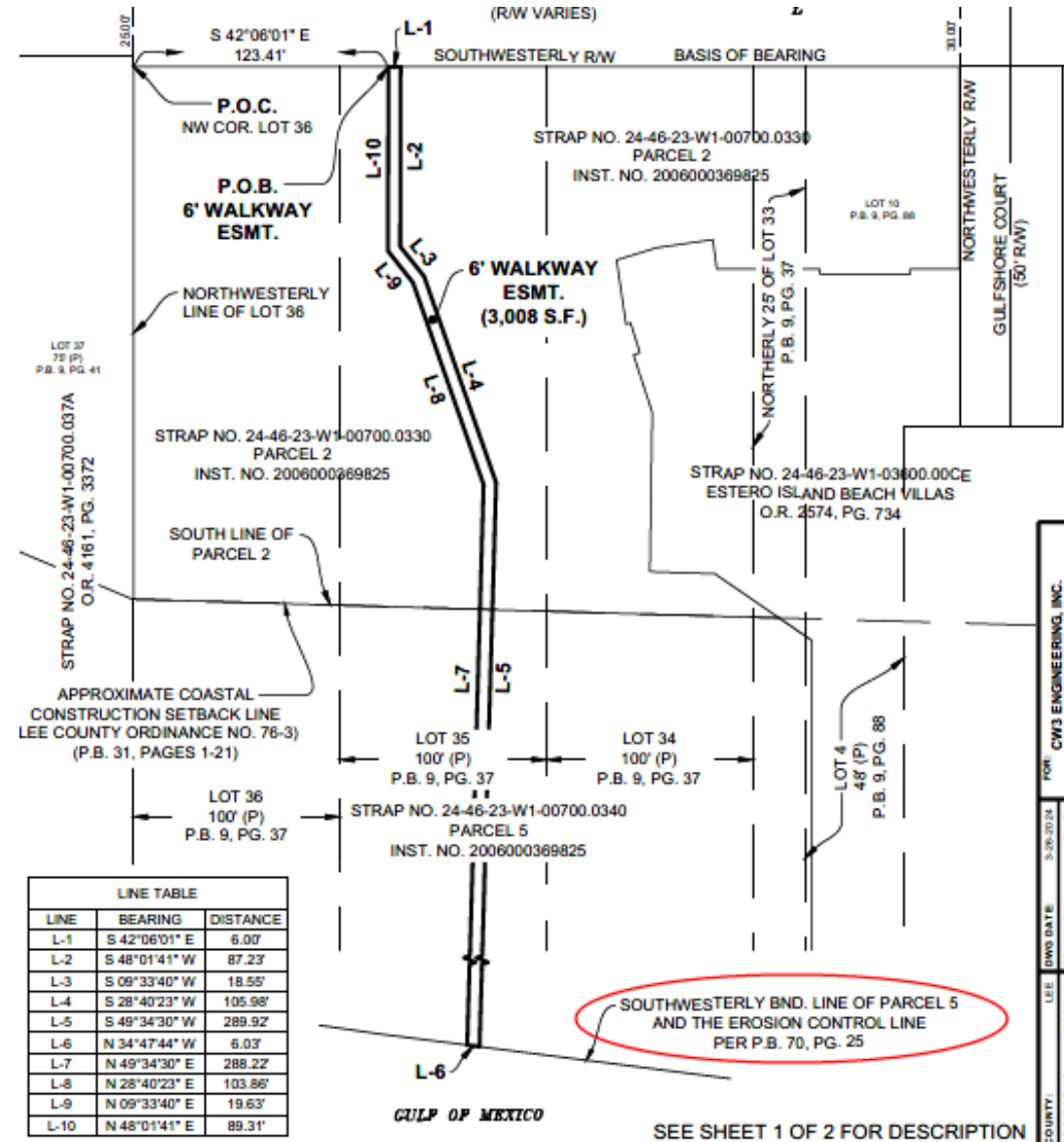


Beach
Access 43

CURRENT
Beach
Access 42

PROPOSED
Beach
Access 42

Beach
Access 41



Sec. 2-539. - Review of application.

- (a) Applications for vacation of municipal easements or road rights-of-way shall be reviewed to determine whether there is any future likelihood that the easement or right-of-way may be needed by the town, county or the state.
- (b) Such application shall be analyzed to ensure that the convenient access of property owners on adjoining street rights-of-way will not be adversely affected.
- (c) No unplatted right-of-way, easement, utility easement, plat, a portion of a plat or public right-of-way dedicated in a plat giving public access to any waters in the town shall be vacated unless:
 - 1. The town council determines that the applicant meets all of the review criteria of this article; and
 - 2. The applicant provides comparable public access at no cost to the town, or gives the town comparable easement, property or right-of-way to access the same body of water. The reasonableness of the alternate access shall be at the sole discretion of the town council.
- (d) The staff report to the town LPA and town council shall include an evaluation of the proposed vacation and any alternate easement, property or right-of-way in return for the requested vacation.

Questions?

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned officer authorized to administer oaths, on this day personally appeared Sarah E. Spector, as attorney for Captiva Villas Development, LLC, a Delaware limited liability company, who, upon being duly sworn, deposes and says:

1. The undersigned is over the age of 18 years, understands the obligations of an oath, and has personal knowledge of the facts stated herein.

2. Captiva Villas Development (“CVD”) filed an application to vacate an unplatted easement using the procedure set forth in Section 2-356 *et seq.* of the Town of Fort Myers Beach Code of Ordinances (the “Code”), which application has been assigned Case Number VAC20240030 (the “Vacation Request”).

3. The Vacation Request is scheduled to be heard by the Town of Fort Myers Beach Town Council on Monday, June 17, 2024.

4. Pursuant to the Section 2-540(b) of the Code, the applicant shall provide mailed notice of the public hearing to all current property owners within a 500-foot radius of the property to be vacated at least 15 days prior to the public hearing before the Town Council.

5. The Town sent notice of the Town Council hearing to all current property owners within a 500-foot radius of the property to be vacated on May 31, 2024, as shown on Exhibit “A” attached hereto and incorporated herein by reference, and CVD reimbursed the Town for the cost of mailing.

FURTHER AFFIANT SAYETH NAUGHT.

DATED as of the ____ day of _____, 2024.

Sarah E. Spector
Attorney for Captiva Villas Development, LLC

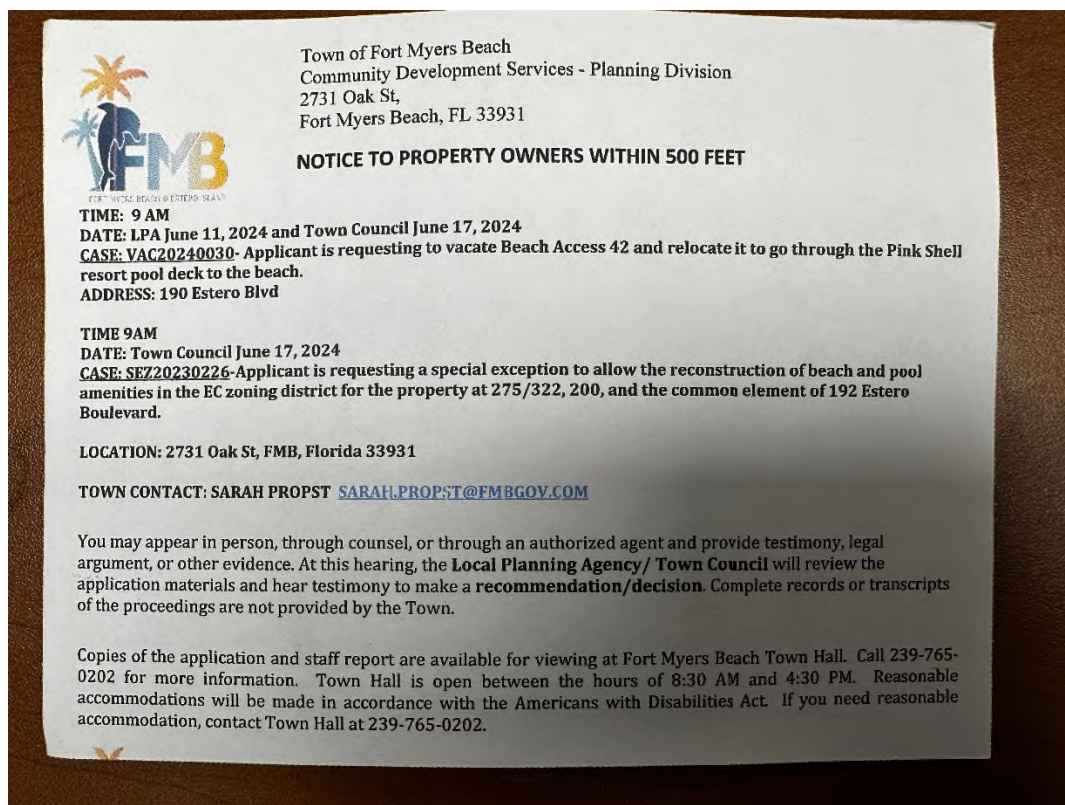
STATE OF FLORIDA)
) SS
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2024 by Sarah E. Spector, as attorney for Captiva Villas Development, LLC, a Delaware limited liability company, on behalf of the limited liability company. She is personally known to me or has produced _____ as identification.

Notary Public
Print Name: _____

My commission expires: _____

EXHIBIT "A"



TITLE CERTIFICATION/PROPERTY INFORMATION REPORT

Showing Information Required by Code of Ordinances Section 2-538(1).

Issuer: Attorneys' Title Fund Services, LLC
Recipient: Roetzel & Andress, L.P.A.

Fund File Number: 1538213

Provided For: Roetzel & Andress, L.P.A.

Agent's File Reference: 010545.0031

Effective Date of Search: May 29, 2024 at 11:00 PM

Description of Real Property Situated in Lee County, Florida:

See Exhibit A

Record Title Vested in:

Captiva Villas Development, LLC, a Delaware Limited Liability Company

By: Special Warranty Deed recorded in O.R. Book [4161, Page 3372](#), as corrected in Instrument Number [2007-70700](#), Public Records of Lee County, Florida.

Prepared Date: June 13, 2024

Attorneys' Title Fund Services, LLC

Prepared by: Cheryl Logan, Senior Examiner



Phone Number: (800) 526-3855 x6716
Email Address: clogan@thefund.com

By: _____
Cyndi Bolyard, Branch Manager

TITLE CERTIFICATION/PLAT PROPERTY INFORMATION REPORT

Fund File Number: 1538213

The following mortgages are all the mortgages of record that have not been satisfied or released of record nor otherwise terminated by law:

1. Nothing Found

Other encumbrances affecting the title:

1. Subject to all assessments levied by the Condominium/Homeowner Association.
2. General or special taxes and assessments for the year 2023 are paid.
3. All matters contained on the plat of Island Shores Club Section recorded in Plat Book [9, Page 41](#), Public Records of Lee County, Florida.
4. Resolution recorded in O.R. Book [1380, Page 719](#), Public Records of Lee County, Florida.
5. Resolution recorded in O.R. Book [1988, Page 1298](#), Public Records of Lee County, Florida.
6. Cable Easement recorded in O.R. Book [2045, Page 436](#), Public Records of Lee County, Florida.
7. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book [2189, Page 3281](#) and amended by Ordinance No. 86-38 in O.R. Book [2189, Page 3334](#), Public Records of Lee County, Florida.
8. Notice of Development Order Approval recorded in O.R. Book [2734, Page 365](#), Public Records of Lee County, Florida.
9. Covenant of Unified Control recorded in O.R. Book [3283, Page 2363](#), Public Records of Lee County, Florida.
10. Resolution recorded in O.R. Book [3556, Page 2917](#), Public Records of Lee County, Florida.
11. Declaration of Use Rights and Easement recorded in O.R. Book [3559, Page 196](#), amended in Instrument Number [2018-27102](#), and as assigned in Instrument Number [2006-369826](#), Public Records of Lee County, Florida.
12. Reciprocal Easement Agreement recorded in O.R. Book [4065, Page 2672](#), Public Records of Lee County, Florida.
13. Easement Relocation View Corridor Agreement recorded in O.R. Book [4394, Page 3212](#), as amended in Instrument Number [2016-132542](#), Public Records of Lee County, Florida.
14. Easement to Florida Power & Light Company recorded in Instrument Number [2006-473839](#), Public Records of Lee County, Florida.
15. Easements, assessments, and recreational facilities as described in Instrument Number [2006-478367](#), as amended in Instrument Number [2007-91821](#), Public Records of Lee County, Florida.
16. Easement recorded in Instrument Number [2007-3651](#), Public Records of Lee County, Florida.
17. Environmental Resource Permit Notice recorded in Instrument Number [2007-68205](#), Public Records of Lee County, Florida.
18. Notice of Development Order Approval recorded in Instrument Number [2007-189535](#), Public Records of Lee County, Florida.
19. Settlement Agreement recorded in Instrument Number [2013-67516](#), Public Records of Lee County, Florida.
20. Easement recorded in Instrument Number [2018-64021](#), Public Records of Lee County, Florida.
21. Resolution (Erosion Control Line) recorded in O.R. Book [3585, Page 346](#), Public Records of Lee County, Florida.

TITLE CERTIFICATION/PLAT PROPERTY INFORMATION REPORT

Fund File Number: 1538213

22. Coastal Construction Control Line recorded in Plat Book [31, Page 1](#), Plat Book [48, Page 15](#), O.R. Book [2224, Page 1010](#), Public Records of Lee County, Florida.
23. Mean High Water Line recorded in Plat Book [70, Page 25](#), Public Records of Lee County, Florida.
24. Rights of the lessees under unrecorded leases.
25. Riparian and littoral rights are not insured.
26. Rights of the United States of America and/or the State of Florida to any portion of said land which has been created by artificial means, and lands accreted thereto.
27. The right of the United States Government, in the interest of navigation and commerce, to regulate any portion of the Land that was formerly submerged by navigable waters.
28. Possible right of the public to use that part of the land between the water's edge and the apparent boundary of the upland parcel that is now, or was formerly, regularly used by the public for recreational purposes.
29. Any portion of the Land lying waterward of the mean high-water line of the Gulf of Mexico, and lands accreted thereto.

This search is provided pursuant to the requirements of Code of Ordinances Section 2-538(1) for the uses and purposes specifically stated therein, and is not to be used as the basis for issuance of an insurance commitment and/or policy. This certificate has been prepared expressly for the appropriate governing body as is defined by Code of Ordinances Section 2-538(1), and is not to be relied upon by any other group or person for any other purpose.

The information contained herein is furnished for information only.

This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

TITLE CERTIFICATION/PLAT PROPERTY INFORMATION REPORT

Exhibit A

Fund File Number: 1538213

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 5.42°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 NORTHWESTERLY 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.

LESS ANY PORTION THEREOF LYING BELOW THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO.

LESS AND EXCEPT ANY PORTION OF THE CONDOMINIUM OF CAPTIVA VILLAS CONDOMINIUM, AS DESCRIBED THE DECLARATION OF CONDOMINIUM RECORDED IN INSTRUMENT NUMBER [2006-478367](#), AS AMENDED, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
24-46-23-W1-00700.037A
Alternate Key:
2100454197
Millage Code:
032

Site Address / Legal Description:
CAPTIVA VILLAS C/E

PINK SHELL RESORT DESC IN OR 4161 PG
3372

Exemptions/Values:

Assessed Value 5,719,710

* See message below

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

Paid 11/30/2023 Y13-00-01847261 \$32,190.94

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	295.378	0	295.378	1,111.30
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	5,719,710	0	5,719,710	12,857.91
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	5,719,710	0	5,719,710	18,200.12
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	295.378	0	295.378	292.42
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	295.378	0	295.378	28.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	295.378	0	295.378	9.66
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	295.378	0	295.378	30.31
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.9851	295.378	0	295.378	881.73
FORT MYERS BEACH MOSQUITO	239-463-6350	0.1123	295.378	0	295.378	33.17
FORT MYERS BEACH LIBRARY	239-463-9691	0.2355	295.378	0	295.378	69.56
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	295.378	0	295.378	6.41
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	295.378	0	295.378	11.64

Non-Ad Valorem Assessments Levying Authority

Telephone Rate Amount

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$33,532.23

2023 Paid Real Estate

Tax Notice

Account: 24-46-23-W1-00700.037A
Site Address: CAPTIVA VILLAS C/E,
FORT MYERS BEACH

Alternate Key: 2100454197

* If the address below is not correct, visit LeePA.org to update your address.
CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS, NC 28031

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

PAY ONLY ONE AMOUNT

If Received By: Nov 30, 2023
Amount Due: \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Paid 11/30/2023 Y13-00-01847261 \$32,190.94

Return with payment



IMPORTANT INSTRUCTIONS AND INFORMATION - PLEASE READ

Ad Valorem Taxes cover the period January 1 through December 31 of the tax year indicated on the front of this notice. Tax notices are mailed on or about November 1 and become delinquent April 1. Failure to receive a tax notice does not extend discounts or excuse taxpayers' responsibilities to pay taxes and applicable penalties for late payments. Installment tax notices are mailed in June, September, December and March. Installment payment discounts are: June (6%), September (4.5%) and December (3%).

Governmental Office Responsibilities



Lee County Tax Collector

The Tax Collector prints, mails, and collects payments based on the tax rolls certified by the Property Appraiser and Levying Authorities.

Contact the Tax Collector to:

- Pay your current or delinquent property taxes
- Learn about Partial Payment, Installment Payment, and Homestead Tax Deferral plans
- Print your tax bills and receipts

Phone: 239-533-6000 • Website: LeeTC.com



Lee County Property Appraiser

The Property Appraiser values properties and prepares and certifies the tax roll which includes assessed values, exemptions, legal description, assessed owner(s) name and mailing address.

Contact the Property Appraiser to:

- Ask questions about the assessed value or exemption of your property
- Change your mailing address
- File or check on Homestead and other exemptions

Phone: 239-533-6100 • Website: LeePA.org



Lee County Levying Authorities

Lee County Levying Authorities establish millage rates and assessments based on revenue needed for operating expenses.

Call your Levying Authority with direct questions regarding services provided or rates charged.

A list of Levying Authorities and phone numbers may appear on the front of this notice or can be found on your property tax bill.

Visit LeeTC.com/property-taxes for instructions on viewing your bill.

Discounts

The amounts indicated on the front of this notice represent the total taxes and assessments due (if applicable) less discounts allowed for early payment. When the discount period ends on a weekend or holiday, the discount is extended to the next business day. Taxes are due by March 31 of each year.

4% if paid in **NOVEMBER**

3% if paid in **DECEMBER**

2% if paid in **JANUARY**

1% if paid in **FEBRUARY**

Delinquent Taxes

Payment of delinquent taxes must be made in certified U.S. funds drawn on a U.S. bank. The amount due is determined by the date payment is received. Failure to pay delinquent taxes could result in the loss of your property. On April 1 the following charges are imposed by Florida Law:

Real Estate: 3% minimum interest and advertising costs. A tax certificate sale is held on or before June 1 resulting in additional charges.

Tangible Personal Property: 18% interest annually, cost of advertising, and fees. Tax warrants will be issued on all unpaid personal property taxes on or about June 1.

Property Sold: forward this notice to the new owner(s).

Payment Options

 **PAY ONLINE**



Visit LeeTC.com

Other ways to pay:

 **Mail:** Check or money order.

 **Phone:** 239.533.6000.

 **In Person:** Cash, check, money order, debit card (PIN required), and all major credit cards.

Note: A convenience fee is charged when using a credit or debit card and is subject to service provider rates which may vary. No portion of this fee is retained by the Tax Collector's office.

Note: If using your bank's online bill pay, make sure you allow for processing time so payment arrives by the received date listed on the front of this notice.

Confirm Payment

Confirm receipt of your payment online at our official website LeeTC.com. Your taxes are not considered paid until your payment clears our bank and is applied to your tax account.

Have you met Edison?

Edison is our automated chatbot that can answer many of your questions relating to property taxes and much more. Available 24/7, you can find Edison at the bottom of our website, LeeTC.com.



NOTICE: Pursuant to Florida Statute 590.125(5), be advised that the Florida Forest Service may be performing prescribed burning and/or other treatments in a project area that includes your property in Lee County, Florida. These efforts are to reduce fuel loads and threat of wildfires. These projects are planned to occur from the date of this notice until the same date the following year. This service is provided at no cost to the affected landowner(s). Contact the Florida Forest Service if you have questions regarding this service at: 10941 Palm Beach Blvd., Fort Myers, FL 33905, or 239.690.8001.

Our Mission: Deliver 5-Star service quickly and efficiently through an organizational culture that values customers, team, and community.

1. **Request:**

Meeting Date: June 17, 2024

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

Why the action is necessary:

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

What the action accomplishes:

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

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Sarah Propst, Community
Development, Planning
Manager

5. **Background:**

The owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of 192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian.

Attachments:

1. Resolution 24-13 (SP Pink Shell) ns
2. Staff Report TC
3. Exhibit A Site Plan Showing Dune
4. Exhibit B Pamphlet showing tikis
5. Exhibit C Pink Shell Landscape
6. Exhibit D SEZ Application

Financial Impact:

Unknown

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Recommend approval

8. **Recommended Approval:**

Sarah Propst, Community Development, Planning Manager

Created/Initiated - 6/7/2024

Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 6/7/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-13

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

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

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

WHEREAS, Applicants Jabo LLC and Captiva Villas Development LLC are requesting a special exception for the reconstruction of major accessory structures that were destroyed during Hurricane Ian, including a pool deck, walkways, fence, six chickee huts with no utilities, two movable tiki huts with utilities, irrigation and plantings in the Environmentally Critical zoning district; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W1-00700.0340 (275/322 Estero Blvd), 24-46-23-W1-00700.037A (Captiva Villas C/E), 24-46-23-W1-00700.0330 (200 Estero Blvd);

WHEREAS, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan and the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 30, 2024, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted 6 to 0 with one member absent, to recommend approval of the special exception with conditions; and

WHEREAS, on June 17, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, the recommendations of Town staff and the LPA,

the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

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

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

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the reconstruction of the pool fence, pool, deck, cabanas (on pool deck), six chickee huts, and two tiki huts with utilities, and irrigation seaward of the EC zoning district.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.

- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. The terms and conditions of all previous resolutions and ordinances shall continue in full force.
- B. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.
- C. Additional repairs to major structures in the EC zoning district will require a new special exception.
- D. Approval of this special exception does not give the Applicants an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- E. The Applicants must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
- F. Construction may not occur during sea turtle nesting season.
- G. Approval of this Special Exception is contingent upon approval of the vacation and relocation of Beach Access Easement #42.
- H. A landscaping plan including native vegetation, buffering to the north, landscaping around the pool deck, and dune plantings on the secondary dune shall be required for the Town Council hearing
- I. An evacuation plan must be provided for the Town Council hearing.
- J. Any violation of the conditions of approval shall render the special exception null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

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

Scott Safford, Council Member ____

ADOPTED this ____day of June, 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 June, 2024.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ 20230226

CASE NAME: Special Exception for Pink Shell (275/322 Estero, 200 Estero, 192 Estero Common Element only) to reconstruct pool and beach amenities seaward of the 1978 Coastal Construction Control Line.

TOWN COUNCIL HEARING DATE: June 17, 2024 at 9 AM

LPA HEARING DATE: April 30, 2024 at 9 AM

STAFF RECOMMENDATION: Approve with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Sarah Spector/JABO LLC, Bill Waichulis

Request: The applicant is requesting a special exception to allow the reconstruction of the pool fence, pool, deck, cabanas (on pool deck), six chickee huts, and irrigation seaward of the 1978 Coastal Construction Control Line.

Subject property: Exhibit A – Adopted Master Concept Plan

Physical Address: 275/322 Estero Blvd, 200 Estero Blvd, 192 Estero Blvd Common Element only

STRAP #: 24-46-23-W1-00700.0340 (275/322 Estero blvd),
24-46-23-W1-00700.037A (Captiva Villas C/E),
24-46-23-W1-00700.0330 (200 Estero blvd)

FLU: Recreation

Zoning: Commercial Planned Development & Environmentally Critical

Adjacent zoning and land uses:

North:	COMMERCIAL PLANNED DEVELOPMENT, Mixed Residential
South:	ENVIRONMENTALLY CRITICAL (EC) Recreation
East:	RESIDENTIAL PLANNED DEVELOPMENT (RPD) & RESIDENTIAL MULTIFAMILY (RM) Mixed Residential
West:	RESIDENTIAL MULTIFAMILY (RM) Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:

JABO LLC, owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of 192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian.

The original Pink Shell rezoning was in 1982 (Z-82-170). Since that time, several modifications to the CPD have been adopted. The proposed layout appears to closely match the approved and previously existing development seaward of the 1978 CCCL.

Analysis:

The applicant proposes the replacement of pool deck, pool cabanas, a pool fence, irrigation and tiki huts. The site plan in your packet shows eight (8) tiki huts. During conversations with the applicant it was stated that the two (2) huts closest to the water are moveable and will be brought in daily during turtle season. It is important to note that the huts closest to the water do have utilities. The six (6) huts located further away from the water are permanent. The applicant has shown a line on the site plan indicating a "managed beach dune #3 low dune". This dune type is vegetated with panic grass, dune sunflowers, sea oats, and railroad vines. The dune will limit the risk of any sea turtles venturing into the area with permanent tiki huts and getting stuck.

The LDC was recently updated to allow major primary and accessory structures to be repaired in the EC zoning district with the approval of a special exception. Prior to the code change, only single-family residences could be repaired in the EC zoning district.

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

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

Neighborhood Compatibility:

The proposed replacement of existing structures will have no impact on the adjacent properties because the proposed structures existed prior to the storm and no additional structures are proposed.

Properties to the north and south of this location will likely require special exceptions in order to replace structures which existing and were damaged or destroyed by hurricane Ian.

Considerations, Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

- a. Any repairs must comply with all relevant local and state floodplain regulations.*

The development will be required to meet all local and state floodplain regulations.

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

The repairs are proposed landward of the dune and native vegetation will not be impacted.

- c. Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

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

- d. A new special exception must be applied for each time the structure is repaired.*

This will be a condition of the special exception approval.

Special Exception Findings

LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

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

The pool and all facilities in the EC were destroyed or severely damaged during Ian. Construction seaward of the EC is likely to be damaged by storm surge in the future.

- 2) Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be

allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment does not create any new development or change the location from what previously existed on the site. Therefore staff believes that this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

- 3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

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

The request will maintain what was previously constructed on this property. It will not have an additional negative impact. The proposed dune seaward of the development will limit any impacts on sea turtles.

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

There is no anticipated negative impact or injury to surrounding properties.

- 6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows replacement of major accessory structures also.

III. RECOMMENDATION

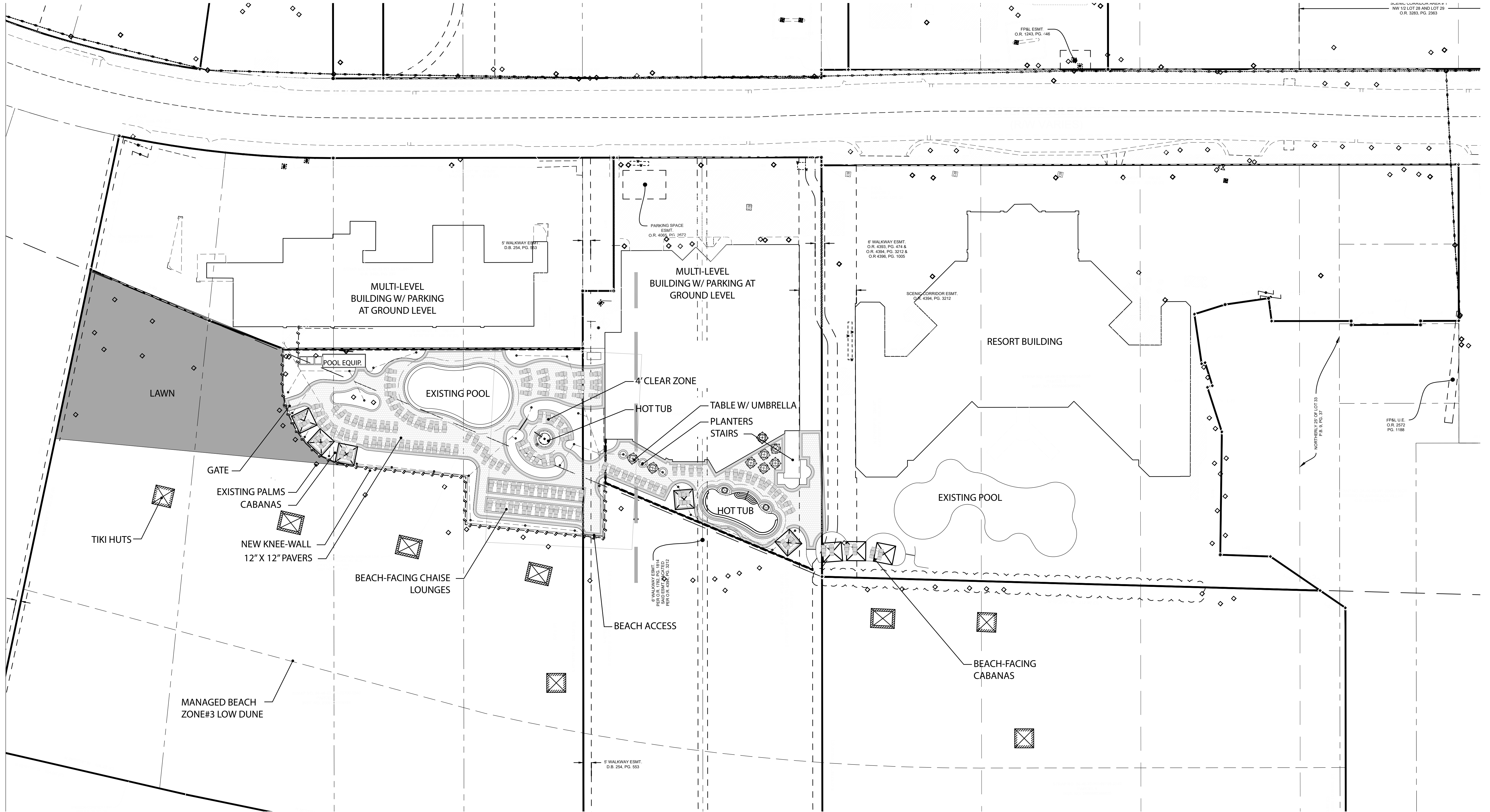
Staff finds that the Special Exception request meets the required findings and conclusions for approval found in Section 6-366(b)(3) and 34-88(b) of the land development code. Staff recommends approval of DCI20230226 to allow the replacement of pool and beach amenities at Pink Shell Resort, with the attached conditions.

IV. CONDITIONS OF APPROVAL

- A. The terms and conditions of all previous resolutions and ordinances shall continue in full force.
- B. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.
- C. Additional repairs to major structures in the EC zoning district will require a new special exception.
- D. Approval of this special exception does not give the Applicants an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- E. The Applicants must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
- F. Construction may not occur during sea turtle nesting season.
- G. Approval of this Special Exception is contingent upon approval of the vacation and relocation of Beach Access Easement #42.
- H. A landscaping plan including native vegetation, buffering to the north, landscaping around the pool deck, and dune plantings on the secondary dune shall be required for the Town Council hearing
- I. An evacuation plan must be provided for the Town Council hearing.
- J. Any violation of the conditions of approval shall render the special exception null and void.

V. Staff Report Exhibits:

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



Copyright RVI

PINK SHELL RESORT • POOL DECK CONCEPT

📍 Lee County, FL
📅 December 1, 2023
23004319

FORT MYERS BEACH, FL.

Pink Shell

Family Resort

ON ESTERO ISLAND

ON THE GULF OF MEXICO



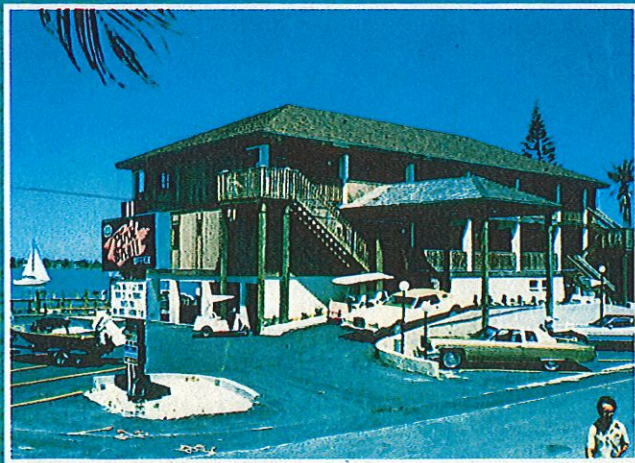
FORT MYERS BEACH, FL.

Pink Shell

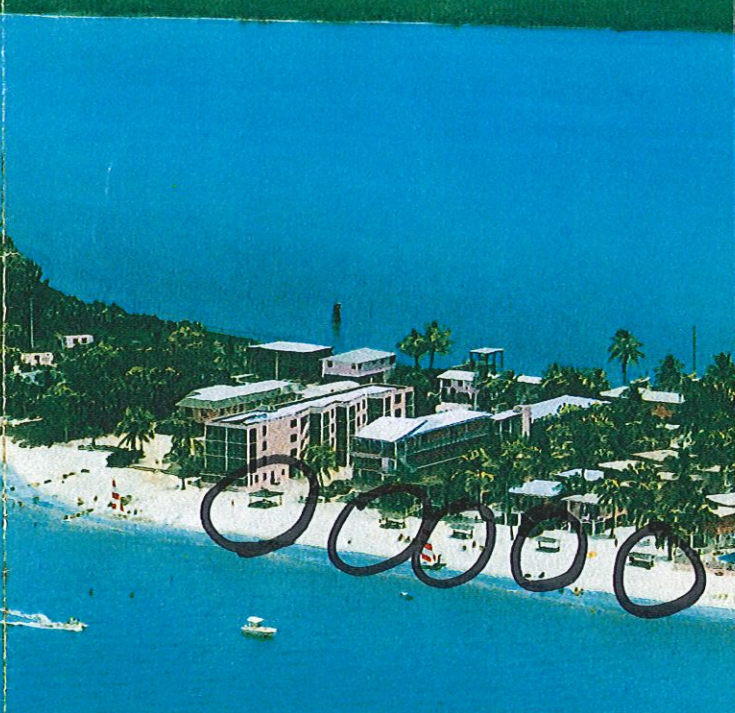
Family Resort

ON ESTERO ISLAND

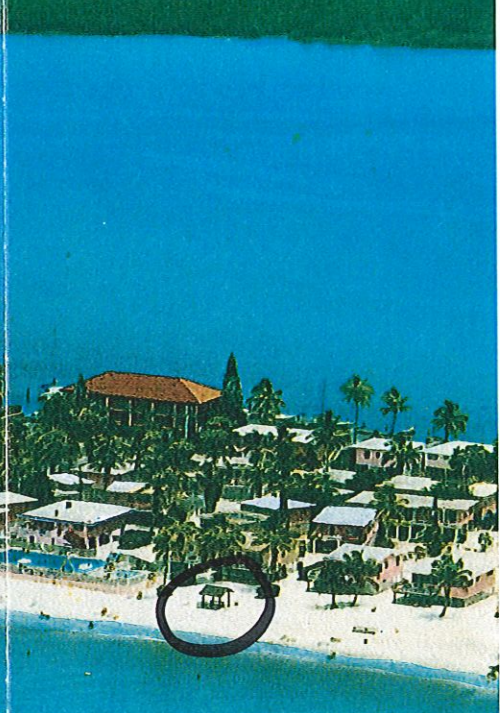
ONE STAY USUALLY MEANS MANY MORE



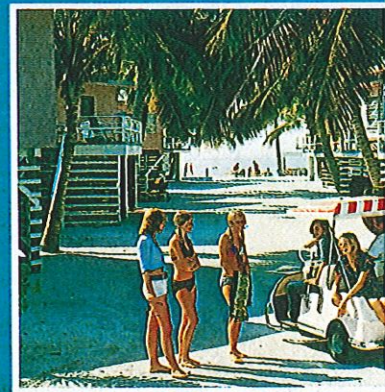
For your island sojourn
ON BEAUTIFUL ESTERO ISLAND
directly on the Gulf of Mexico and Estero Bay
Florida's Southwest Sun Coast
Ft. Myers Beach, Florida
The Pink Shell facilities span the breadth
of this tropical island from Gulf to Bay.

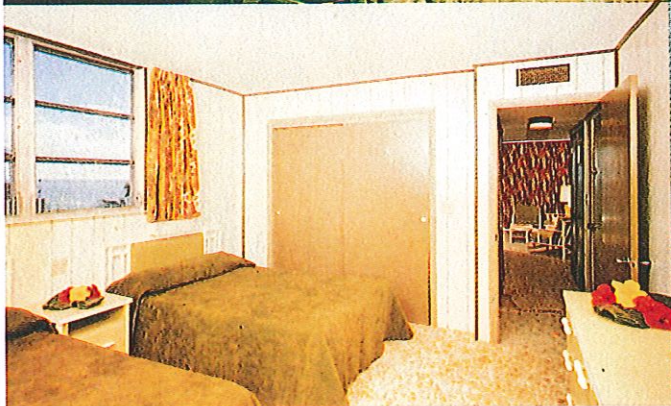
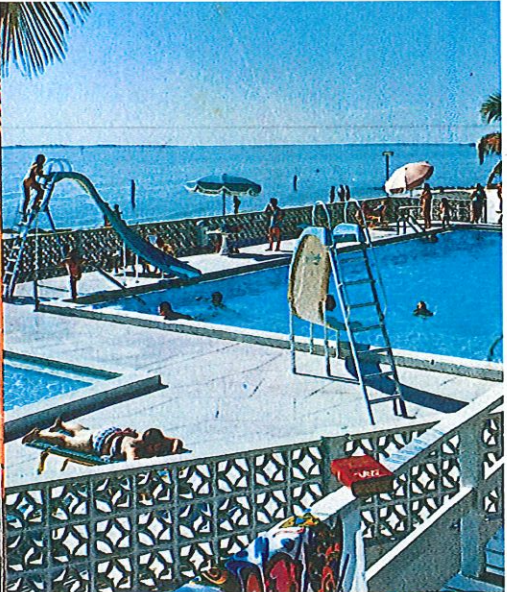
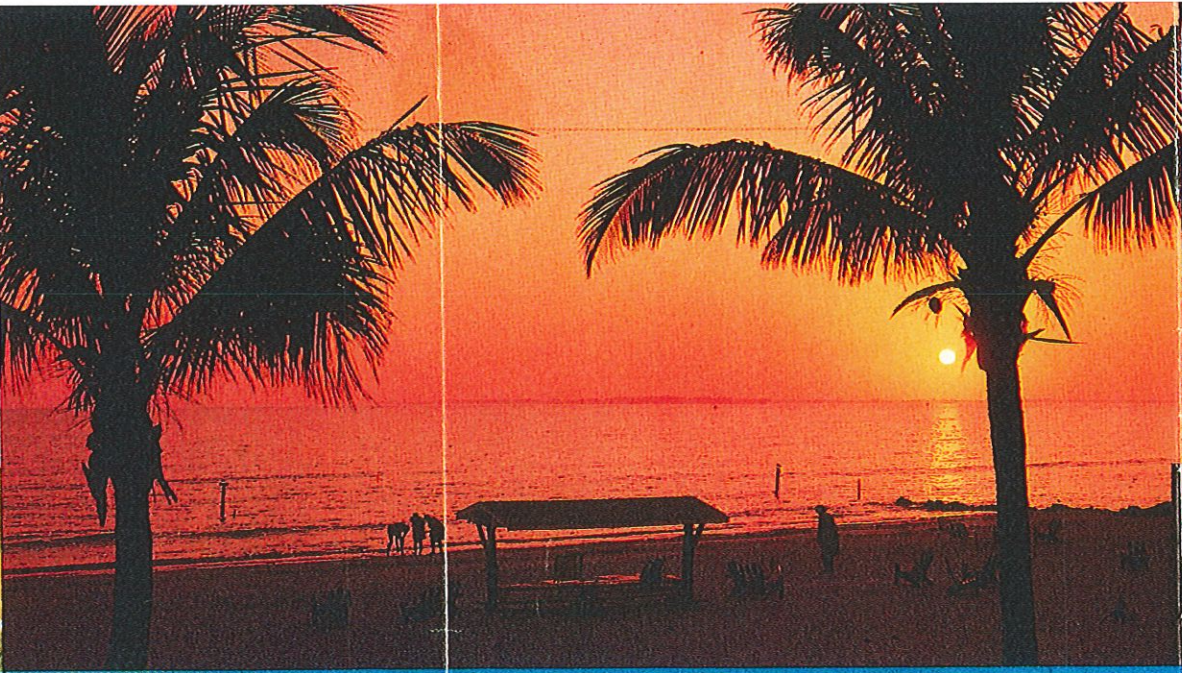


Join us . . . nearly a half mile
waterfront on the Gulf and Bay. Stroll
white sandy beach, sun bathe or search
bountiful shells found in this area. The
seascape with shrimp boats coming and
picturesque, everchanging sunsets to
delight your senses. It's a panorama of
as active, exciting or lazy and relaxing



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





Stay in luxurious accommodations . . . from a simple motel room to a 3-bedroom, 3-bath apartment. More than mere function was considered in the appointments of Pink Shell. Everything to make your holiday as pleasant and comfortable as possible has been incorporated into these deluxe accommodations. The soft warmth of carpeting, temperature control with central heat and air conditioning, color television for entertainment, telephone for easy communication, modern kitchen needs for easy meal preparation, sun decks or screened-in porches for leisure hours are all yours to enjoy at Pink Shell. Everything is furnished from a can opener to television!

You'll be reluctant to leave . . . leisure time activities are plentiful and the pace is slow and tropical.



Welcome to the Pink Shell Family Resort

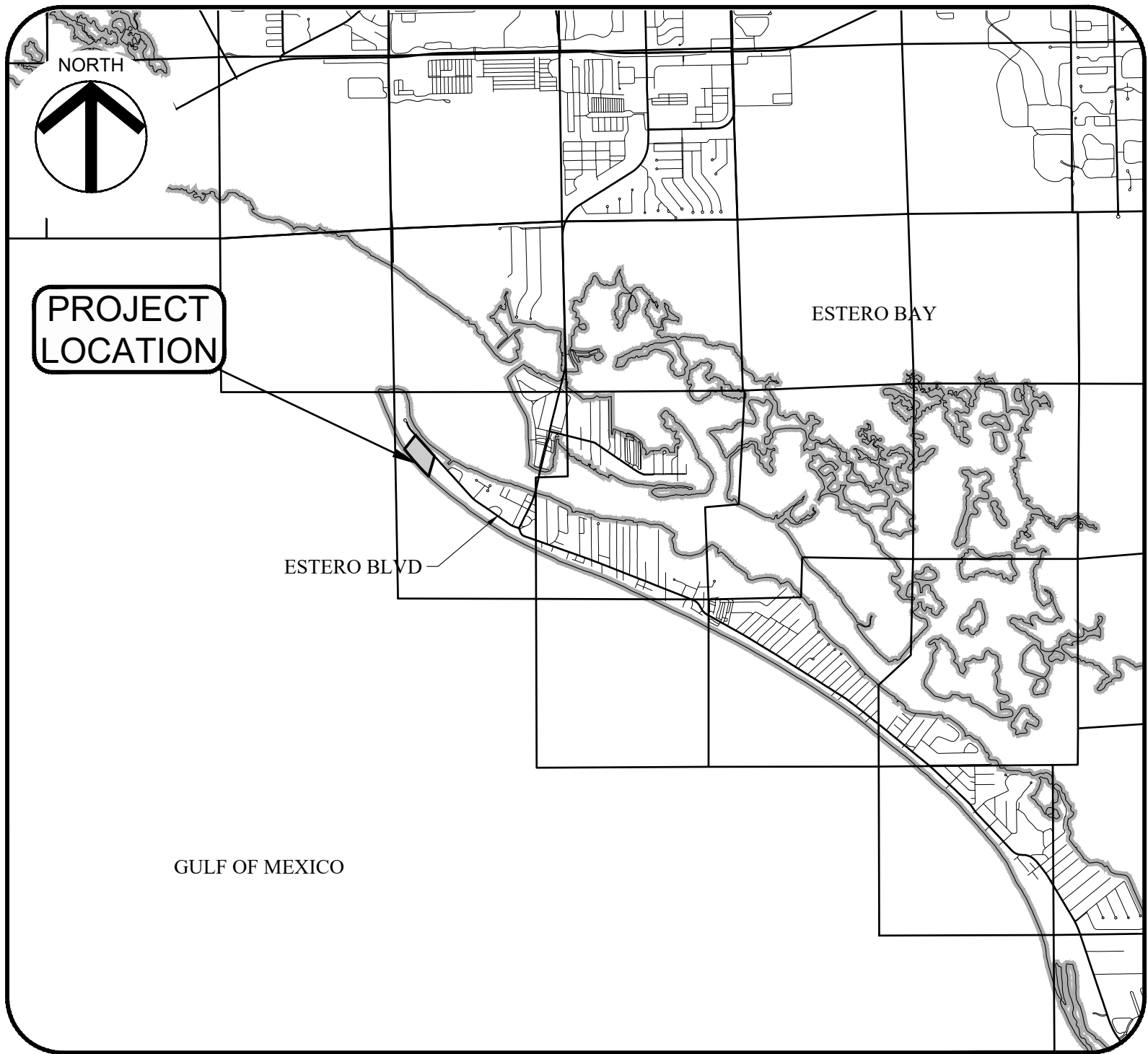
SWIMMING . . . in our three heated, f or in the Gulf, on the world's safest be tow. FISHING . . . from our five pier fishing from charter and party boats. we have rental boats, ramp and docka explore the inlets, rivers and Gulf. W for the entire family on shallow Gulf undisturbed bay. TENNIS . . . enjoy lighted courts. SHELLING . . . this ar renown shelling haven. GOLFING . . drive to several championship courses. ROOM . . . to keep the small fry busy

If you choose you can doze on the sa the sun 'cause we have plenty for ever convenience our Ship Store has groce fishing and boating supplies.

P.S. Visit us soon . . . reservations sug

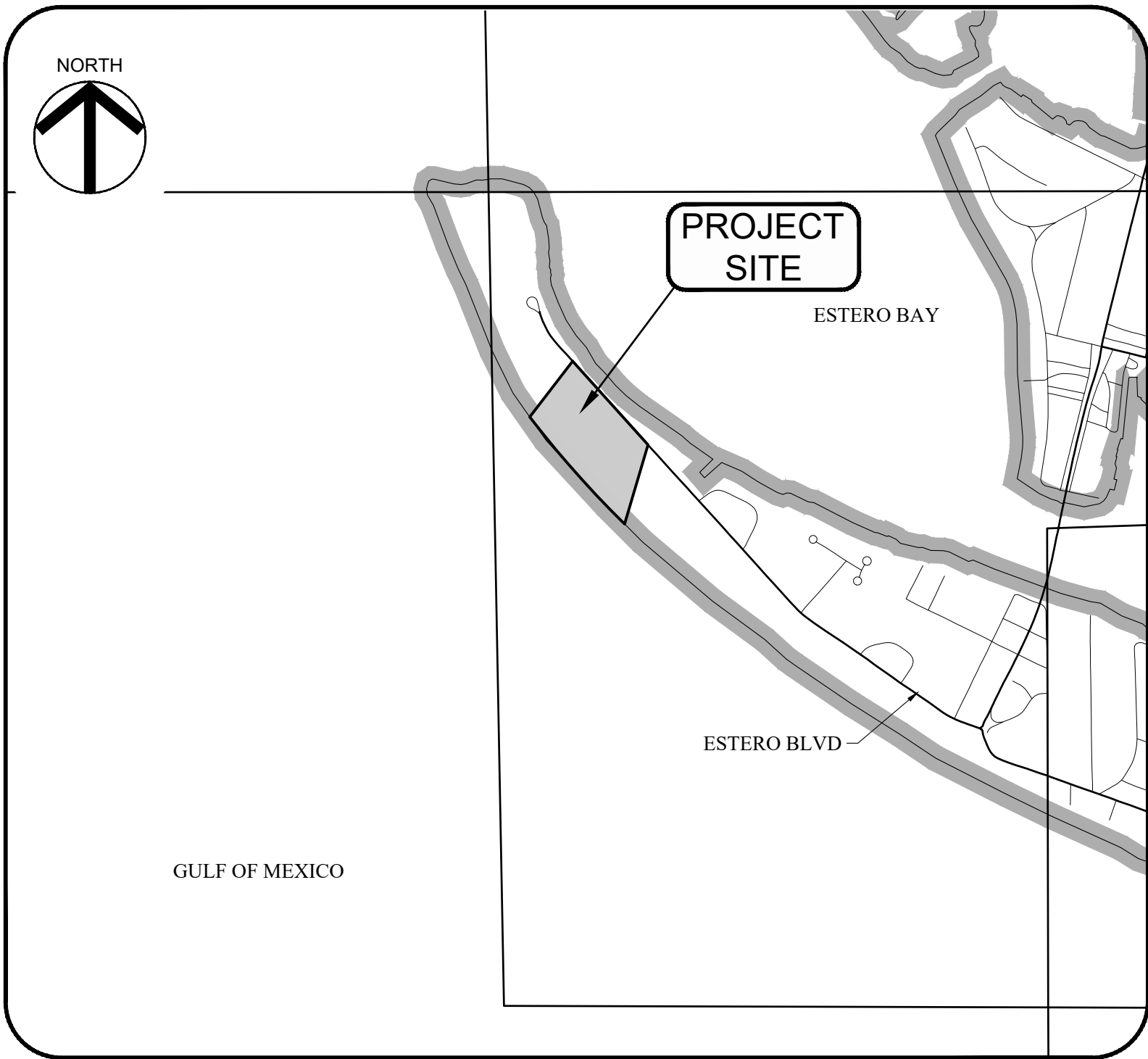
Drop anchor at the Pink Shell for a holiday of fun and relaxation for the entire fa

LANDSCAPE PLANS FOR
PINK SHELL RESORT
LEE COUNTY, FLORIDA



PROJECT LOCATION MAP
NO SCALE

SHEET INDEX	
L1	COVER
L2	LANDSCAPE REFERENCE PLAN
L3	LANDSCAPE PLAN
L4	LANDSCAPE PLAN
L5	LANDSCAPE DETAILS



PROJECT LOCATION MAP
NO SCALE

DEVELOPED BY:
PINK SHELL RESORT
275 ESTERO BLVD, FORT MYERS BEACH, FL 33931

RVi
25100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

Digitally
signed by
Laurah E
Walker
Date:
2024.05.14
16:49:08
-04'00'

LAURAH WALKER, P.L.A.
FL LICENSE NO. LA0667582

Sunshine
Call 811 or visit sunshine811.com two full
business days before digging to have
buried facilities located and marked.
Check positive response codes before you dig!

PINK SHELL RESORT
CODE MINIMUM LANDSCAPE PLANS
LEE COUNTY, FLORIDA

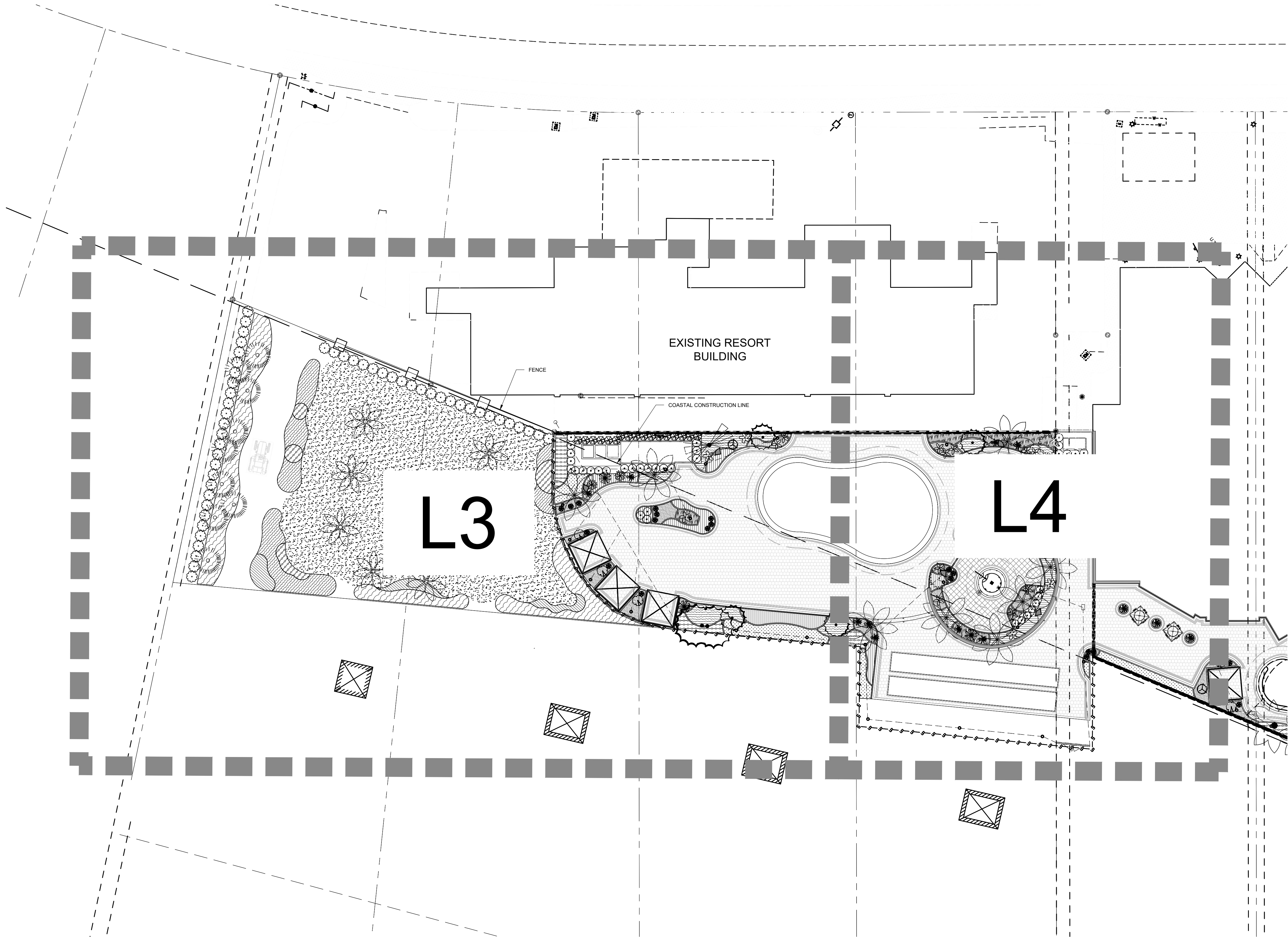
PROJECT NO : 23004319
DATE : 05/14/2024
DRAWN: YZ
REVIEWED: LW

REVISIONS

COVER

L1

Y:\23004319 Pink Shell SEPI07 LANDSCAPE ARCHITECTURE\23004319.01 LDO Submittal\02 CURRENT PLANS\23004319_L2.dwg 5/14/2024 laurah walker



LAURAH WALKER, P.L.A.
FL LICENSE NO. LA0667882

Sunshine811

Call 811 or visit sunshine811.com two full business days before digging to have buried facilities located and marked.
Check positive response codes before you dig!

PINK SHELL RESORT
CODE MINIMUM LANDSCAPE PLANS
LEE COUNTY, FLORIDA

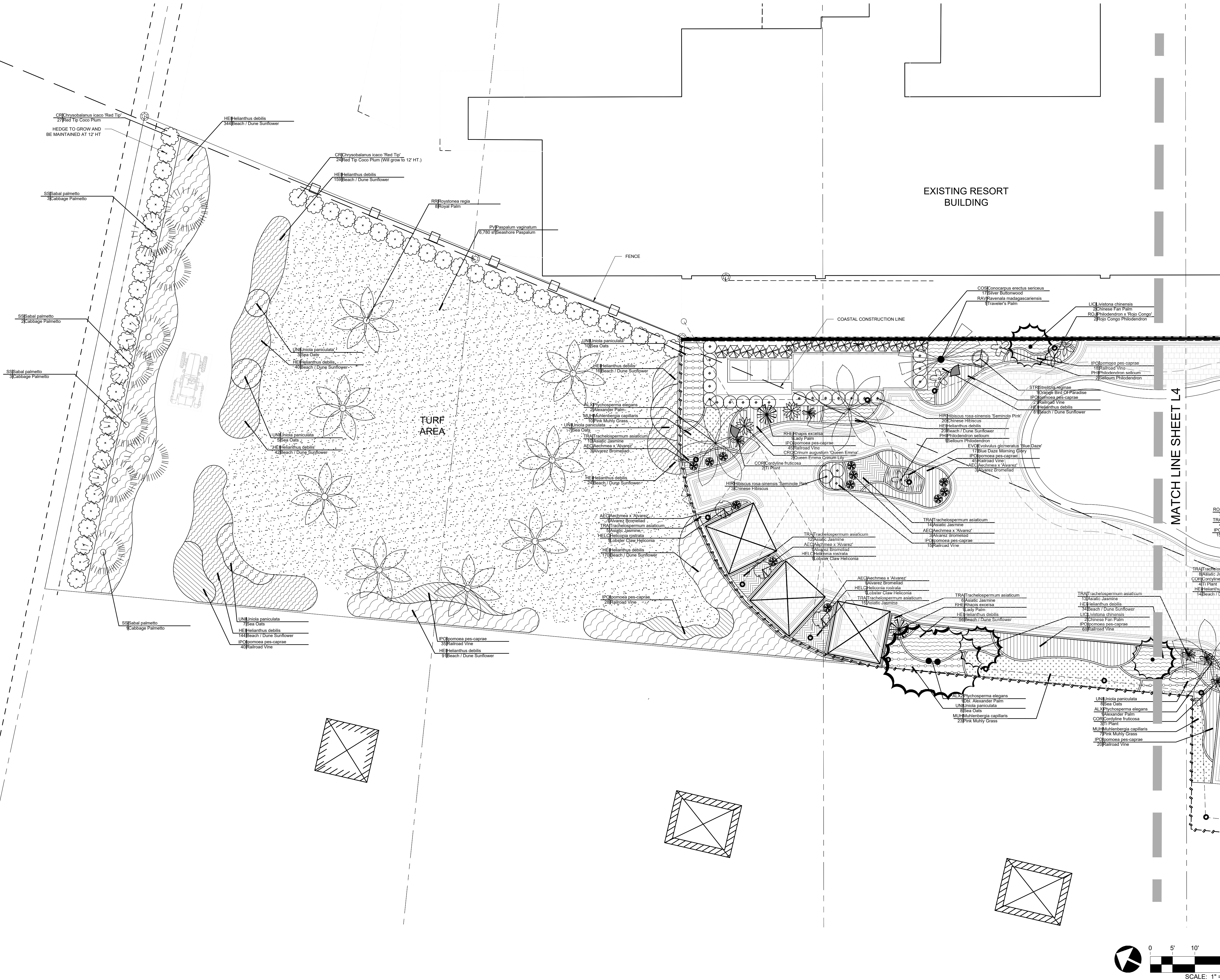
PROJECT NO : 23004319
DATE : 05/14/2024
DRAWN : YZ
REVIEWED : LW

REVISIONS

**LANDSCAPE
REFERENCE
PLAN**

L2

Y:\23004319 Pink Shell SEPI07 LANDSCAPE ARCHITECTURE\23004319.01 LDO Summit\02 CURRENT PLANS\23004319_L3.dwg 5/14/2024 laurah walker



LAURAH WALKER, P.L.A.
FL LICENSE NO. LA66782

Sunshine 

Call 811 or visit sunshine811.com two full business days before digging to have buried facilities located and marked.
Check positive response codes before you dig!

PINK SHELL RESORT

CODE MINIMUM LANDSCAPE PLANS

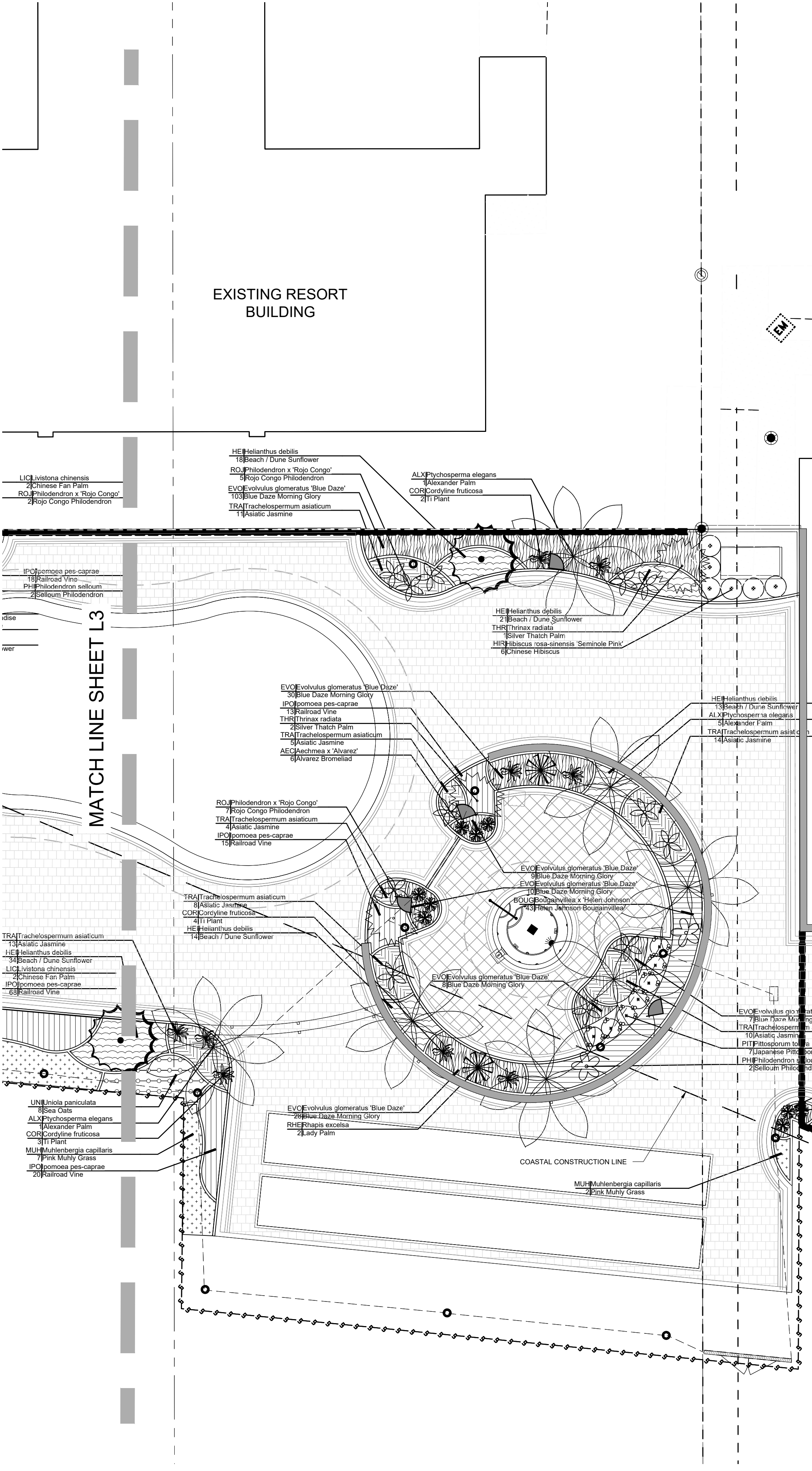
LEE COUNTY, FLORIDA

PROJECT NO : 23004319
DATE : 05/14/2024
DRAWN : YZ
REVIEWED : LW

REVISIONS

LANDSCAPE PLAN

L3



PINK SHELL RESORT
CODE MINIMUM LANDSCAPE PLANS
LEE COUNTY, FLORIDA

PROJECT NO : 23004319
DATE : 05/14/2024
DRAWN : YZ
REVIEWED : LW

REVISIONS	

LANDSCAPE PLAN

L4



PROJECT NO : 23004319
DATE : 05/14/2024
DRAWN: YZ
REVIEWED: LW

L5



TYPICAL PLANT SPACING DIAGRAM
SCALE: N.T.S.



ROOT BARRIER DETAIL
SCALE: N.T.S.



PINK SHELL SPECIAL EXCEPTION REQUEST

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PUBLIC HEARING APPLICATION



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 200 Estero Boulevard, Fort Myers Beach, FL

STRAP Number: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Applicant: JABO LLC and Captiva Villas Development LLC Phone: 239.463.8601

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

Email: sspector@ralaw.com Fax: 239.337.0970

Current Zoning District: CPD, MPD and EC

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

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

ACTION REQUESTED

☒ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

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

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

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

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

Email: bwaichulis@boykin.com Fax: 239.463.8640

Contact Name: Bill Waichulis Phone: 239.463.8601



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: N/A Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: N/A Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

JABO LLC and Captiva Villas Development LLC

Robert Boykin, John Boykin

100%

275 Estero Boulevard, Fort Myers Beach, FL 33931

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

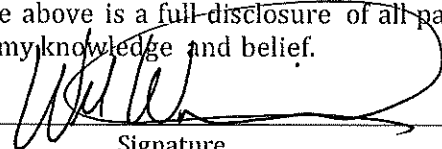
Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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



Signature

William Waichulis, Officer, JABO, LLC

Printed Name

AFFIDAVIT

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

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

JABO LLC and New Pink Shell LLC*

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

[Signature]
Signature

William Waichulis

Typed or Printed Name

President

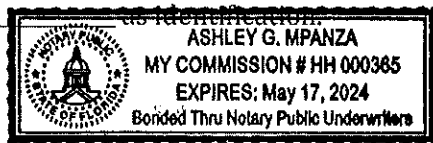
Title

10/30/23

Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 30 day of October, 2023, by William Waichulis ☒ who is personally known to me OR ☐ who has produced



[Signature]
Notary Public Signature

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

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Property Address: 200/275/322 Estero Boulevard, Fort Myers Beach, FL 33931

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

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

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

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

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

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

Total land area: _____ ☐ acres ☐ square feet

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

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

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☐ Marina

☒ Mixed Residential

☒ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay

EXHIBIT 5-1

LIST OF

PROPERTY OWNERS

EXHIBIT 5-1**LIST OF PROPERTY OWNERS**

	Property Owner	Property Address	STRAP Number	Plat Reference
1	JABO LLC	275/322 Estero Boulevard	24-46-23-W1-00700.0340	Portion of Lots 39 through 42, Island Shores Club Section, according to the plat thereof recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida (the “Island Shores Club Plat”)
2	Captiva Villas Development LLC	N/A	24-46-23-W1-00700.037A	Portion of Lots 37 and 38, Island Shores Club Section, according to the Island Shores Club Plat
3	JABO LLC	200 Estero Boulevard	24-46-23-W1-00700.0330	Portion of Lots 33 through 36, Unit No. 4 Island Shores, according to the plat thereof recorded in Plat Book 9, Page 37 of the Public Records of Lee County, Florida

UNIT NO. 4 ISLAND SHORES

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46S, R23E
ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100' October, 1951

DESCRIPTION

A tract or parcel of land in U.S. Lot 1, Section 24, T46S, R23E on Estero Island described as follows: Begin at the northwesterly corner of lot 25 of Unit No. 3, Island Shores according to a plat recorded in plat book 9, at page 27 of the public records of Lee County, Florida thence run northeasterly along the northwesterly boundary of said Unit No. 3 for 60'; thence southeasterly along the northeasterly line of Estero Boulevard as shown on said plat for 805.41'; thence deflect left 111°51' and run northerly 150.70'; thence deflect right 90°00' and run easterly for 150'; thence deflect left 90°00' and run northerly along the western boundary of Unit No. 2, Island Shores, according to a plat recorded in said plat book 9, at page 25, for 390' more or less to the waters of Matanzas Pass; thence northwesterly along said waters to an intersection with a line parallel to the northwesterly line of said lot 25 of Unit No. 3 and 1100' (measured on a perpendicular) northwesterly therefrom; thence southwesterly along said parallel line for 450' more or less to the waters of the Gulf of Mexico; thence southeasterly along said waters to the northwesterly line of said lot 25 of Unit No. 3; thence northeasterly along said line for 385' more or less to the point of beginning, together with all riparian rights appurtenant thereto.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Island Shores, Inc., a corporation under the laws of Florida, the owner of the hereon described lands has caused this plat of UNIT NO. 4, ISLAND SHORES to be made and does hereby dedicate to the perpetual use of the public all streets, roads, and/or boulevards and canals shown hereon.
IN WITNESS WHEREOF Island Shores, Inc., has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its secretary this 9th day of Oct., A.D. 1951.

By: John Waltman President
Attest: James B. Kelley Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me personally appeared John Waltman and James B. Kelley, respectively president and secretary of Island Shores, Inc., a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that said dedication is the act and deed of said corporation.
WITNESS my hand and official seal at Fort Myers, said County and State this 9th day of October, A.D. 1951.

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



NOTES
— P.R.M.'s are 4" x 4" x 24" Concrete Monuments.
— Indicates Concrete Monument set.
Both chord and arc distances are given on curved lines with angles to chords.

APPROVALS

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

Approved: [Signature] Chairman
[Signature] Clerk

I hereby certify that this plat of UNIT NO. 4, ISLAND SHORES is true and correct according to a recent survey made and plotted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Sec. 7, Chap. 10275, Laws of Florida, Acts of 1925.

[Signature]
Reg. Land Surveyor, Fla. Cert. No. 351
Johnson & Cothran, Ft. Myers, Florida

I HEREBY CERTIFY that this plat of UNIT NO. 4, ISLAND SHORES has been examined by me, and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925. I FURTHER CERTIFY that said plat was filed for record at 4 P.M. this 22nd day of October 1951 and duly recorded in Plat Book 9, at Page 37, of the public records of Lee County, Florida.

[Signature]
Clerk of the Circuit Court in and for Lee County

135757

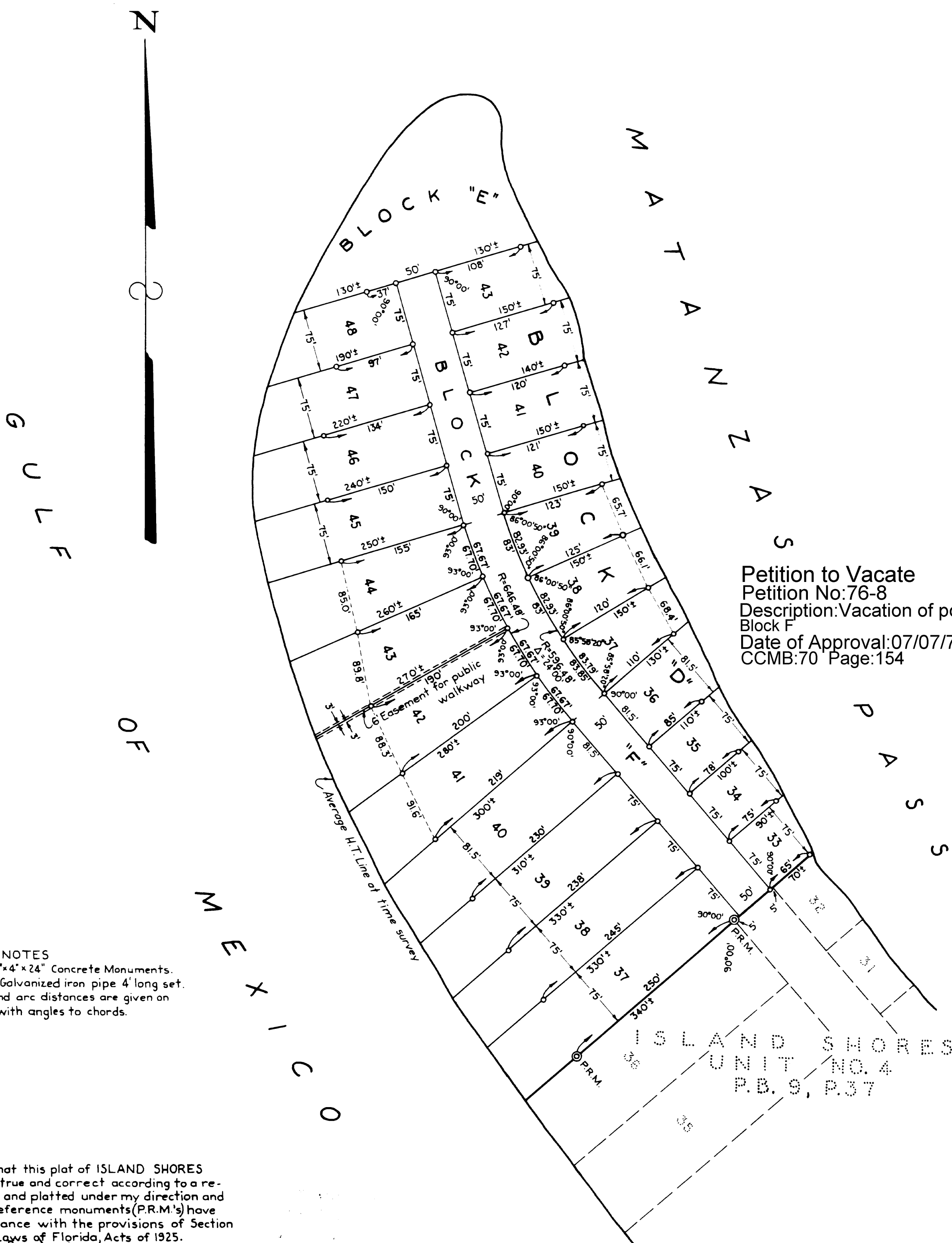
ISLAND SHORES CLUB SECTION

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

ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale : 1" = 100'

March 1952



NOTES
—●— P.R.M.'s are 4"x4"x24" Concrete Monuments.
—○— Indicates 1/4" Galvanized iron pipe 4' long set.
Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a recent survey made and platted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

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

DESCRIPTION

All that part of U.S. or Government Lot I, Section 24, Township 46 South, Range 23 East lying north and west of the northwesterly boundary of Unit No. 4, Island Shores according to a map or plat thereof recorded in Plat Book 9 at Page 37 of the public records of Lee County.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that John Waltman and his wife Doris H. Waltman, the owners of the hereon described lands have caused this plat of ISLAND SHORES CLUB SECTION to be made and do hereby dedicate to the perpetual use of the public all streets, roads and/or boulevards shown hereon.
IN WITNESS WHEREOF, the owners have hereunto set their hands and seal this 19th day of March, A.D. 1952.

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

WITNESS: *Arthur J. ...* *Doris H. Waltman* SEAL

Petition to Vacate
Petition No: 76-8
Description: Vacation of portion of road
Block F
Date of Approval: 07/07/76
CCMB: 70 Page: 154

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared John Waltman and his wife Doris H. Waltman, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this 19th day of March A.D. 1952.

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

APPROVALS

This plat accepted this 19th day of March, A.D. 1952 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: *[Signature]*
Chairman
[Signature]
Clerk

I HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 11 A.M. this 22nd day of March, A.D. 1952 and duly recorded in Plat Book 9, on Page 41 of the public records of Lee County, Florida.

Clerk of the Circuit Court in and for Lee County

EXHIBIT 5-2

PROPERTY OWNERS

MAP

EXHIBIT 5-2
PROPERTY OWNERS MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

--- County Boundary

US 41

Parcels Near

Major Roads Medium

Other Highways

Downtown Government Bldgs

I - 75

Other Roads

Building Footprints Low

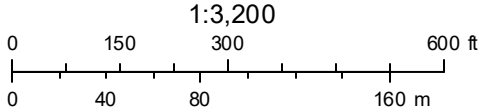


EXHIBIT 6-2

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 AUTHORITY 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:
Lot 5 d 6, GULF SHORE SUBDIVISION recorded in Public Record Book 9, 88, of Public Record of Lee County, Florida.

PARCEL 2: W S d u d r P r :
Part of Lot 8 d 9, d Lo 10 of G f or S d o r r ord d P Boo 9, 88, of P R ord of L Co , Ford , d r of Lo 33 ro 36 of U No. 4, l d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :
B Nor or r of Lo 36 of d U No. 4, l d S or o o o So r r of of E ro Bo rd 30 f fro So 42 07'25 E o dr of for 400.00 f o Nor r r of of G f or Co r So 47 52'35 W o dr of of G f or Co r for 98.24 f Nor 42 07'25 W for 24 f So 47 52'35 W for 2.50 f Nor 42 07'25 W for 43.54 f Nor 47 52'35 E for 2.50 f Nor 42 07'25 W for 50.00 f Nor 40 31'28 E for 14.49 f Nor 50 19'25 for 27.57 f Nor 59 22'01 W for 20.23 f So 39 40'35 W for 31.50 f So 59 17'28 E for 2.30 f So 30 21'33 W for 15.24 f Nor 58 42'37 W for 3.31 f So 29 58'13 W for 29.45 f So 48 42'33 W for 77.19 f So 40 09'10 E for 31.53 f So 07 36'21 E for 37.85 f Nor 40 26'54 W for 312.86 f o Nor r of Lo 36 of d U No. 4, l d S or C S o Nor 47 52'35 E o d Lo 36 for 258.36 f o Po of B .

TOGETHER WITH PARCEL 3:
Part of Block D, U, 4, l d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :
T Nor f of Lo 28, ALL of Lo 29, ALL of Lo 30, d So 20 f of Lo 31 of d Bo D, U, 4, l d S or .

TOGETHER WITH PARCEL 4:
Part of Block D, l d S or C S o , r ord d P Boo 9, 41, A d r of U, 4, l d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :
T Nor 17 f of Lo 32, of d Bo D, U, 4, l d S or .

ALL of Lo 33, Lo 34, d Lo 35, d So 50 f of Lo 36, ISLAND SHORES CLUB SECTION, recorded in Public Record Book 9, 41, of Public Record of Lee County, Florida.

PARCEL 5:
Lot 34, 35, 36 d Nor r 25 f of Lo 33, U No. 4, ISLAND SHORES, ord o r of d P Boo 9, 37, of P R ord of L Co , Ford ,
Lo 4, GULF SHORE, ord o r of d P Boo 9, 88, of P r ord of L Co , Ford .

LESS of o ro o d r d W S d u d r P r d r d o AND LESS o ro o d r d o o r of ESTERO BEACH VILLAS, o do r o o D r o of Co do r ord d Of R ord Boo 2574, 734, of P R ord of L Co , Ford .

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 NORTHWESTERLY 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.

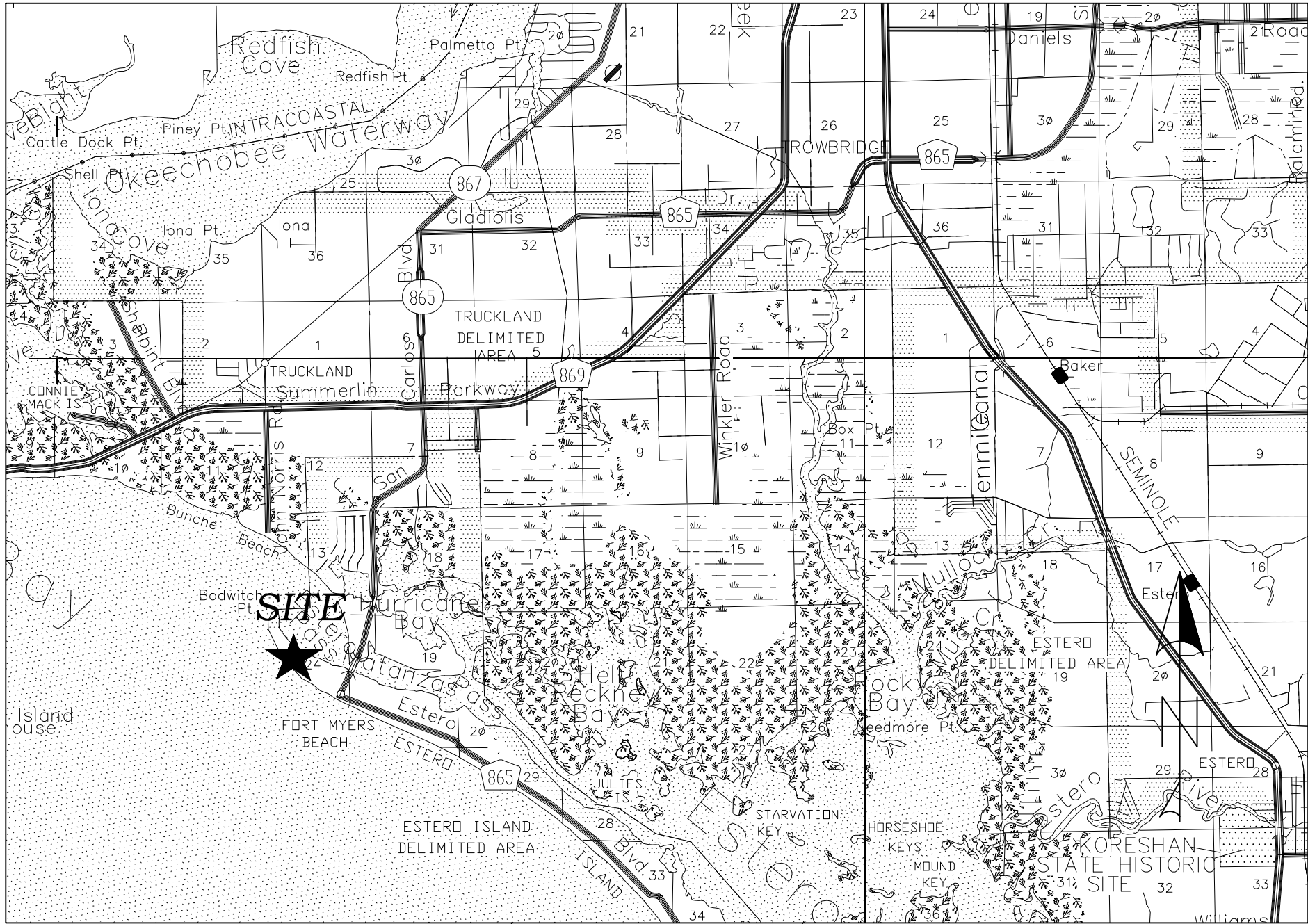
LEGAL DESCRIPTION: (PER O.R. 3559, PG. 222)

PART OF LOTS 38 THROUGH 42 OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA. SECTION 24, TOWNSHIP 46 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. 59° 52' 36" W. ALONG THE NORTHERLY LINE OF SAID LOT 42, FOR 85.88 FEET THENCE S. 18° 44' 59" E. FOR 80.90 FEET; THENCE S. 21° 11' 18" E. FOR 49.64 FEET; THENCE S. 42° 07' 25" E. FOR 188.15 FEET; THENCE N. 47° 52' 35" E. FOR 36.03 FEET; THENCE S. 42° 07' 25" E. FOR 19.50 FEET THENCE N. 47° 52' 35" E. FOR 83.68 FEET TO THE WESTERLY RIGHT OF WAY OF ESTERO BOULEVARD THENCE N. 42° 07' 25" W. FOR 176.00 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 646.48 FEET, CENTRAL ANGLE OF 12° 00' 01". CHORD 135.15 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 135.40 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER INST. NO. 2022000052757)

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



LOCATION MAP
N.T.S.

LEGEND:

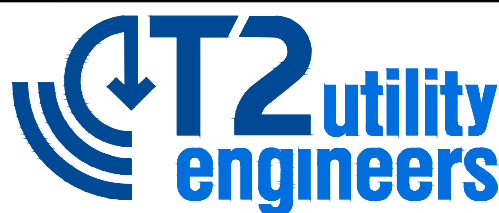
	BACKFLOW PREVENTER		FOUND CONCRETE MONUMENT
	BENCH MARK		FOUND DRILL HOLE
	BOLLARD		FOUND IRON PIPE
	CATCH BASIN		FOUND IRON ROD
	CENTERLINE		FOUND IRON ROD & CAP
	CONCRETE POWER POLE		NOT FND OR SET
	ELECTRICAL BOX		FOUND NAIL & DISK
	ELECTRIC METER		LIGHTER WOOD POST
	ELECTRIC TRANSFORMER W/ PAD		FOUND PARKER KALON NAIL
	EXISTING ELEVATION		FOUND PARKER KALON NAIL & DISK
	FIBER OPTIC BOX		SET CONCRETE MONUMENT
	FIRE HYDRANT		SET DRILL HOLE
	FIRE VALVE		SET 5/8" IRON ROD & CAP "T2 LB 8336" U.O.N.
	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:

AC. = 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	PK&ND = 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
EW = EDGE OF WATER	R/W = RIGHT-OF-WAY
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE	SEC. = SECTION
ESMT. = EASEMENT	S.F. = SQUARE FEET
EXIST. = EXISTING	SWFMD = 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 FP&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	= 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

4/17/2023 11:42:22 20230223 04 - CW3 - PINK SHELL BEACH RESORT AND MARINA 20230223 04 - BNDT DWG 9/18/2023 7:54 AM

LINE TABLE		
LINE	BEARING	DISTANCE
L-1 (C)	S 42 06'01" E	75.00'
L-1 (P)	N/A	75.00'
L-2 (C)	S 47 53'59" W	100.00'
L-2 (P)	N/A	100.00'
L-3	N 42 06'01" W	75.00'
L-3 (P)	N/A	75.00'
L-4	N 47 53'59" E	100.00'
L-4 (P)	N/A	100.00'
L-5	S 47 53'59" W	98.24'
L-5 (D)	S 47 52'35" W	98.24'
L-6	N 42 06'01" W	24.00'
L-6 (D)	N 42 07'25" W	24'
L-7	S 47 53'59" W	2.50'
L-7 (D)	S 47 52'35" W	2.50'
L-8	N 42 06'01" W	43.54'
L-8 (D)	N 42 07'25" W	43.54'
L-9	N 47 53'59" E	2.50'
L-9 (D)	N 47 52'35" E	2.50'
L-10	N 42 06'01" W	50.00'
L-10 (D)	N 42 07'25" W	50.00'
L-11	N 40 32'52" E	14.49'
L-11 (D)	N 40 31'28" E	14.49'
L-12	N 50 18'01" W	27.57'
L-12 (D)	N 50 19'25" W	27.57'
L-13	N 59 20'37" W	20.23'
L-13 (D)	N 59 22'01" W	20.23'
L-14	S 39 41'59" W	31.50'
L-14 (D)	S 39 40'35" W	31.50'
L-15	S 59 16'04" E	2.30'
L-15 (D)	S 59 17'28" E	2.30'
L-16	S 30 22'57" W	15.24'
L-16 (D)	S 30 21'33" W	15.24'
L-17	N 58 41'13" W	3.31'
L-17 (D)	N 58 42'37" W	3.31'
L-18	S 29 59'37" W	29.45'
L-18 (D)	S 29 58'13" W	29.45'
L-19 (C)	S 48 43'57" W	77.19'
L-19 (D)	S 48 42'33" W	77.19'
L-20 (C)	S 40 07'46" E	31.53'
L-20 (D)	S 40 09'10" E	31.53'
L-21	S 07 34'57" E	37.85'
L-21 (D)	S 07 36'21" E	37.85'
L-22	S 07 34'57" E	57.08'
L-22 (D)	S 07 36'21" E	57.08'
L-23	S 07 34'57" E	19.23'
L-24 (C)	S 42 06'01" E	75.00'
L-24 (D)	S 42 07'25" E	75.00'
L-25	S 42 06'01" E	19.50'
L-25 (D)	S 42 07'25" E	19.50'
L-26	N 47 53'59" E	83.68'
L-26 (D)	N 47 52'35" E	83.68'
L-27 (C)	S 42 06'01" E	55.50'
L-27 (D)	S 42 07'25" E	55.50'
L-28	S 59 53'59" W	85.88'
L-28 (D)	S 59 52'36" W	85.88'
L-29	S 18 43'35" E	80.90'
L-29 (D)	S 18 44'59" E	80.90'
L-30	S 21 09'54" E	49.64'
L-30 (D)	S 21 11'18" E	49.64'
L-31	N 47 53'59" E	36.03'
L-31 (D)	N 47 52'35" E	36.03'
L-32	N 42 06'01" W	17.00'
L-33	S 47 53'59" W	5.00'
L-33 (P)	N/A	5.00'
L-34	N 42 06'01" W	31.50'
L-35 (C)	N 71 53'59" E	120.40'
L-36 (C)	S 55 57'18" W	125.31'
L-37 (C)	N 47 53'59" E	119.62'
L-38 (C)	N 47 53'59" E	112.84'
L-39 (C)	N 47 53'59" E	97.11'
L-40 (C)	N 47 53'59" E	90.93'
L-41 (C)	N 47 53'59" E	101.69'
L-42 (C)	S 28 03'40" E	128.32'
L-43 (C)	S 33 27'35" E	3.16'
L-44 (C)	S 33 27'35" E	63.93'
L-45 (C)	S 27 24'31" E	2.91'
L-46 (C)	S 27 24'31" E	25.81'
L-47 (C)	S 40 05'39" E	6.54'
L-48 (C)	S 40 05'39" E	56.87'
L-49 (C)	S 39 51'05" E	68.23'
L-50 (C)	S 40 37'13" E	20.29'
L-51 (C)	S 39 30'18" E	14.62'
L-52 (C)	S 40 13'20" E	25.59'

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

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

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

LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39 51'35" E	88.85'
L-54 (C)	S 40 20'58" E	15.12'
L-55 (C)	S 39 49'33" E	2.62'
L-56 (C)	S 39 49'33" E	26.97'
L-57 (C)	S 40 02'49" E	37.52'
L-58 (C)	S 39 56'38" E	68.33'
L-59 (C)	S 39 51'07" E	30.29'
L-60 (C)	S 39 51'07" E	118.82'
L-61 (C)	S 43 49'43" W	8.68'
L-62 (C)	S 40 17'54" W	4.03'
L-63 (C)	S 52 50'26" E	75.16'
L-64 (C)	S 51 09'45" E	36.30'
L-65 (C)	S 38 50'15" W	0.33'
L-66 (C)	S 54 12'31" E	41.31'
L-67 (C)	S 54 12'31" E	3.08'
L-68 (C)	S 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'

GULF OF MEXICO

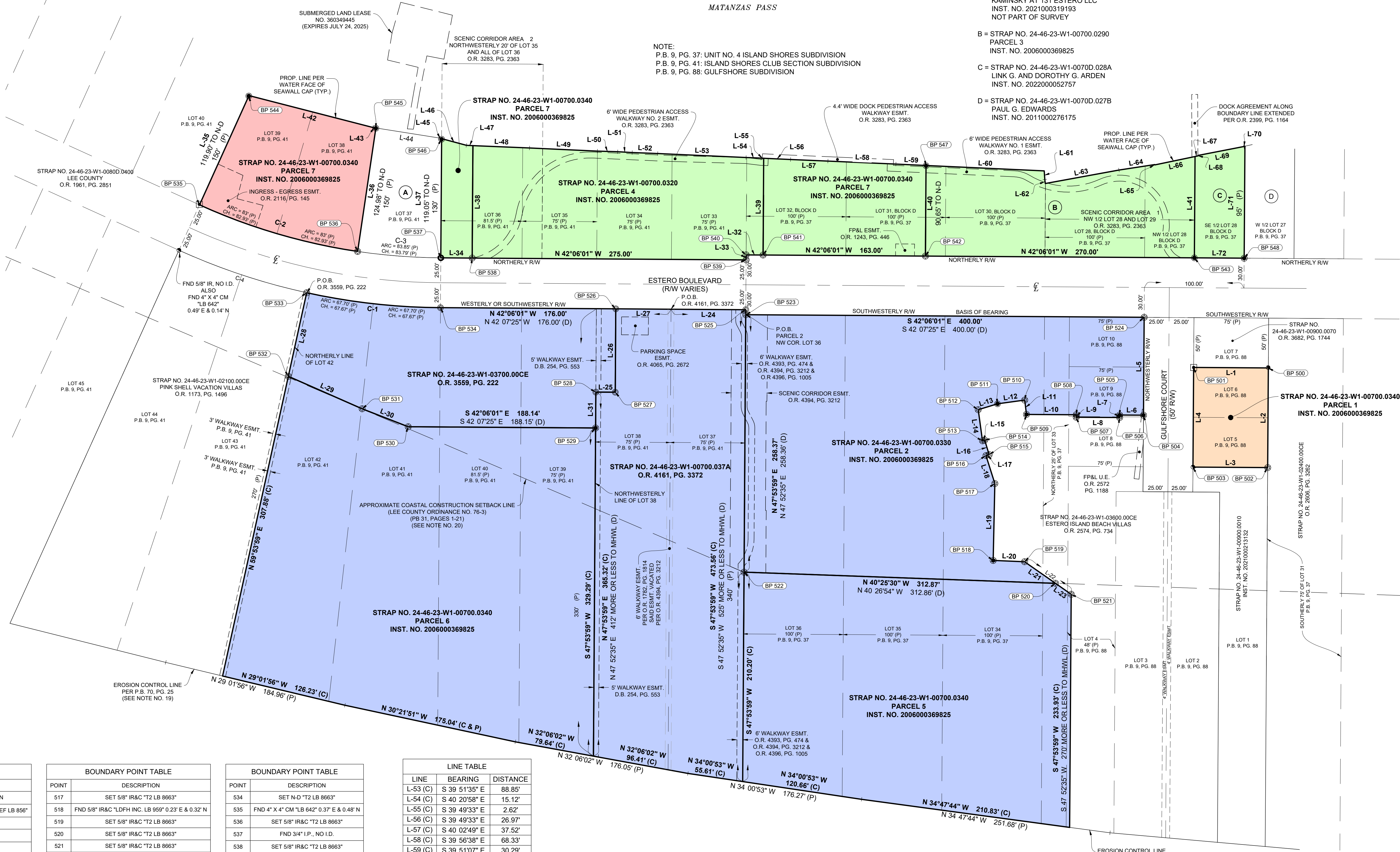
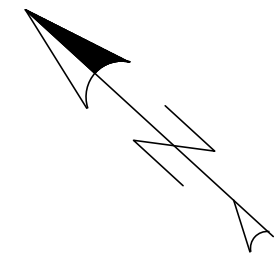
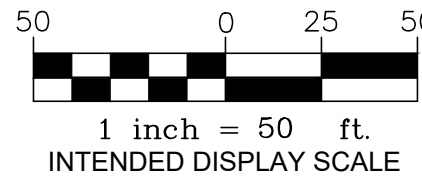
AREA TABLE	
	= 8.40 ACRES
	= 0.17 ACREA
	= 1.80 ACRES
	= 0.43 ACRES
TOTAL 10.80 ACRES	

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA

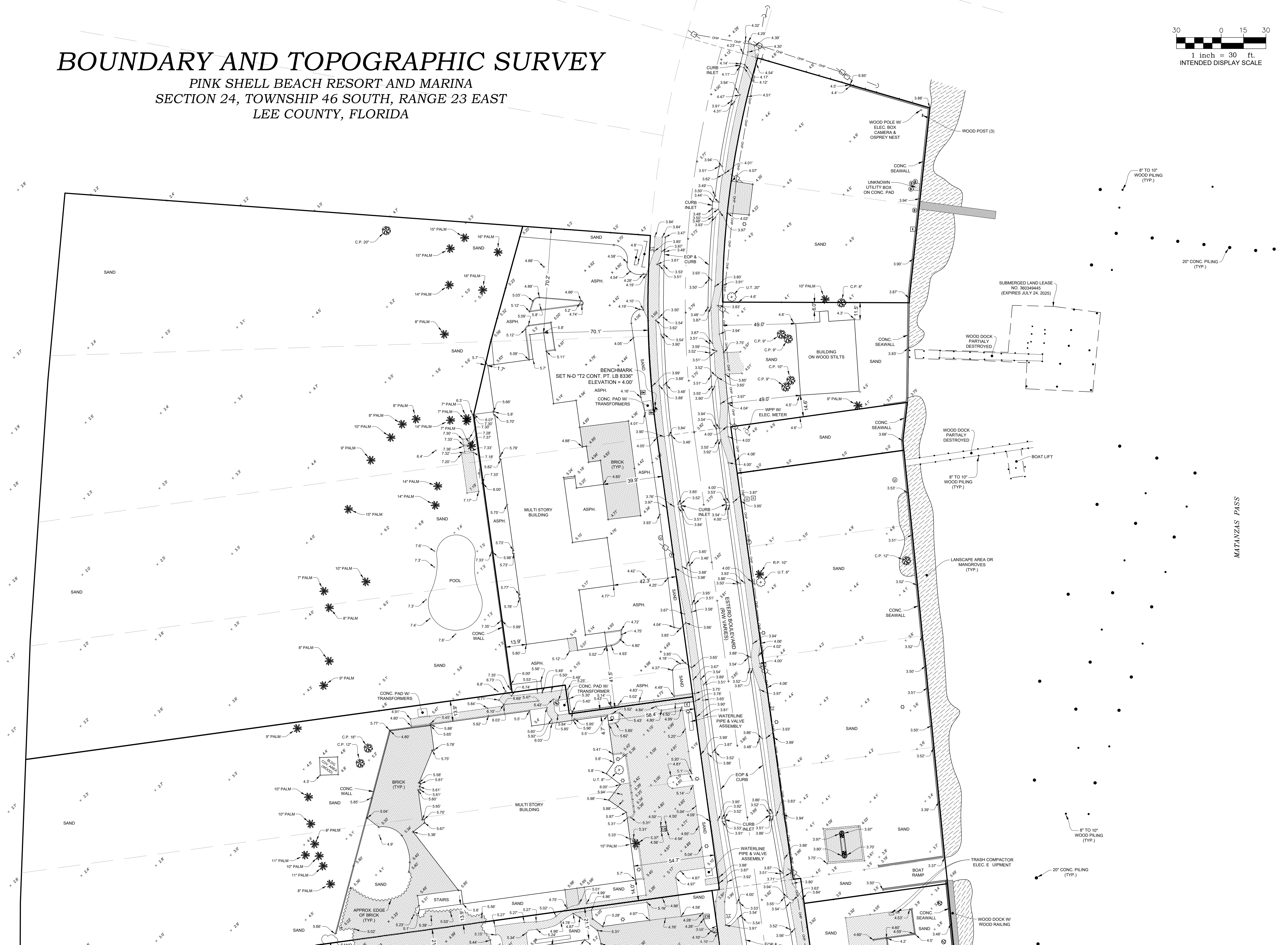
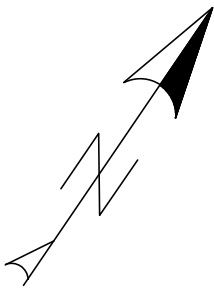
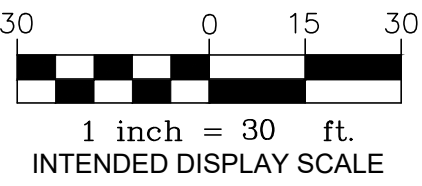
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA

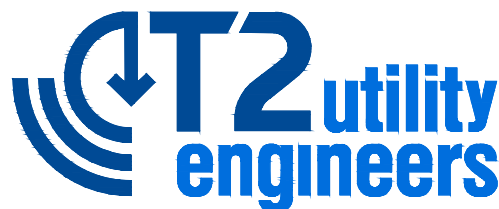


BOUNDARY AND TOPOGRAPHIC SURVEY

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



SEE SHEET 4 OF 4



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

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

FOR:		DATE		REVISION	
		5-9-23		SHEET 2 ACRES TABLE	
				R.O.	
				S.U.	

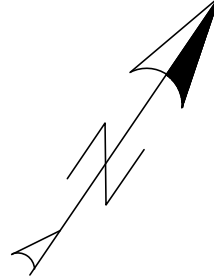
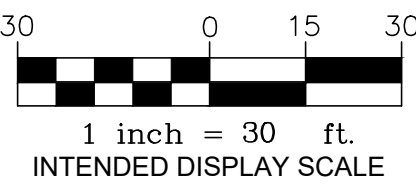
COUNTY: LEE
SEC. 24-46-23
PROJECT NUMBER: 220702.04
DWG. NUMBER: 220702.04 - BNDT

DATE: 2-5-2023
SURVEY DATE: 24-46-23
DRAWN BY: 220702.04
CHECKED BY: 220702.04 - BNDT

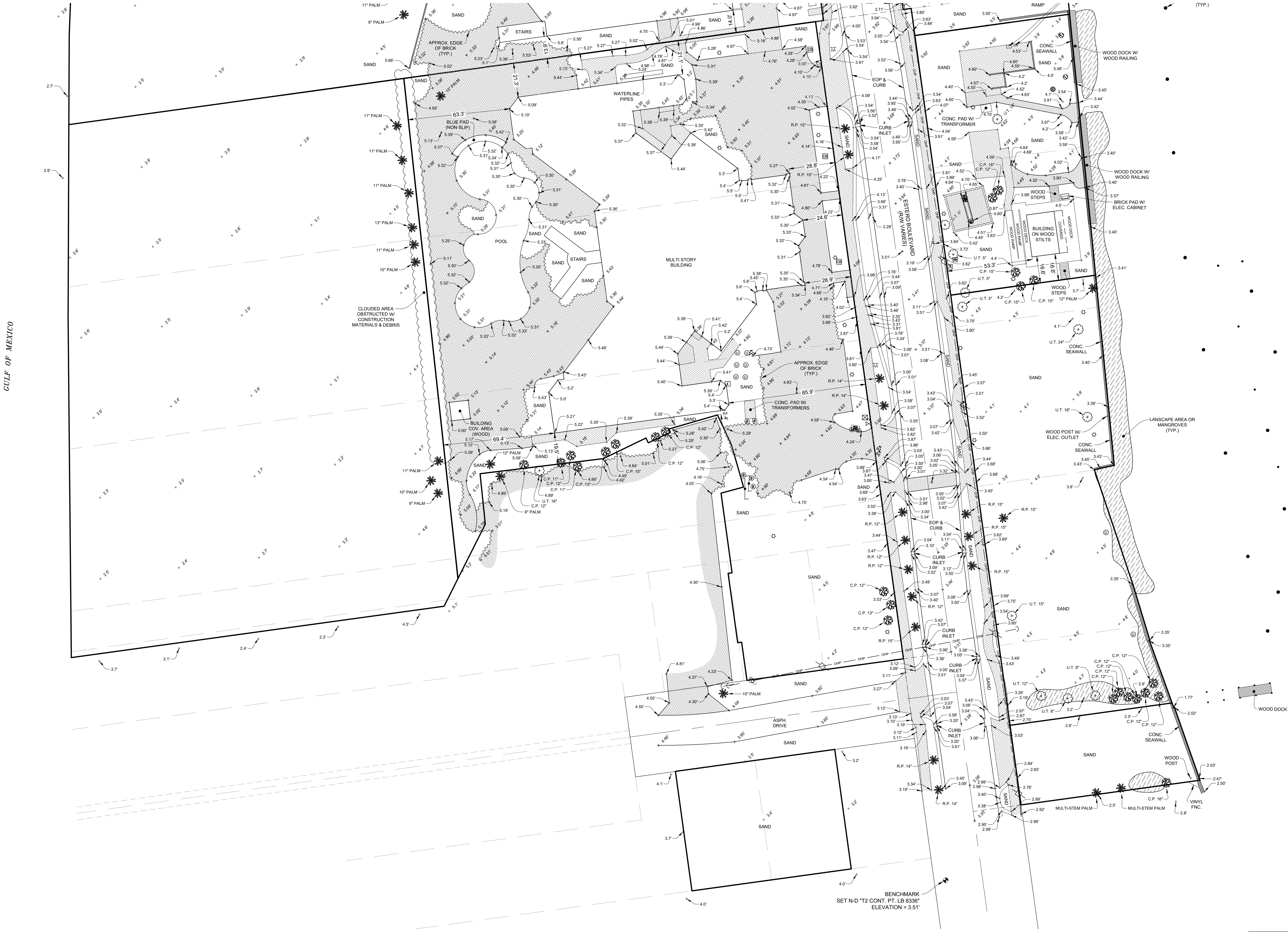
BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

BOUNDARY AND TOPOGRAPHIC SURVEY

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



SEE SHEET 3 OF 4



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

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

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



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

EXHIBIT 6-3

AREA LOCATION MAP

EXHIBIT 6-3
AREA LOCATION MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

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

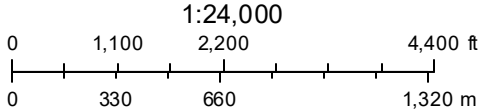
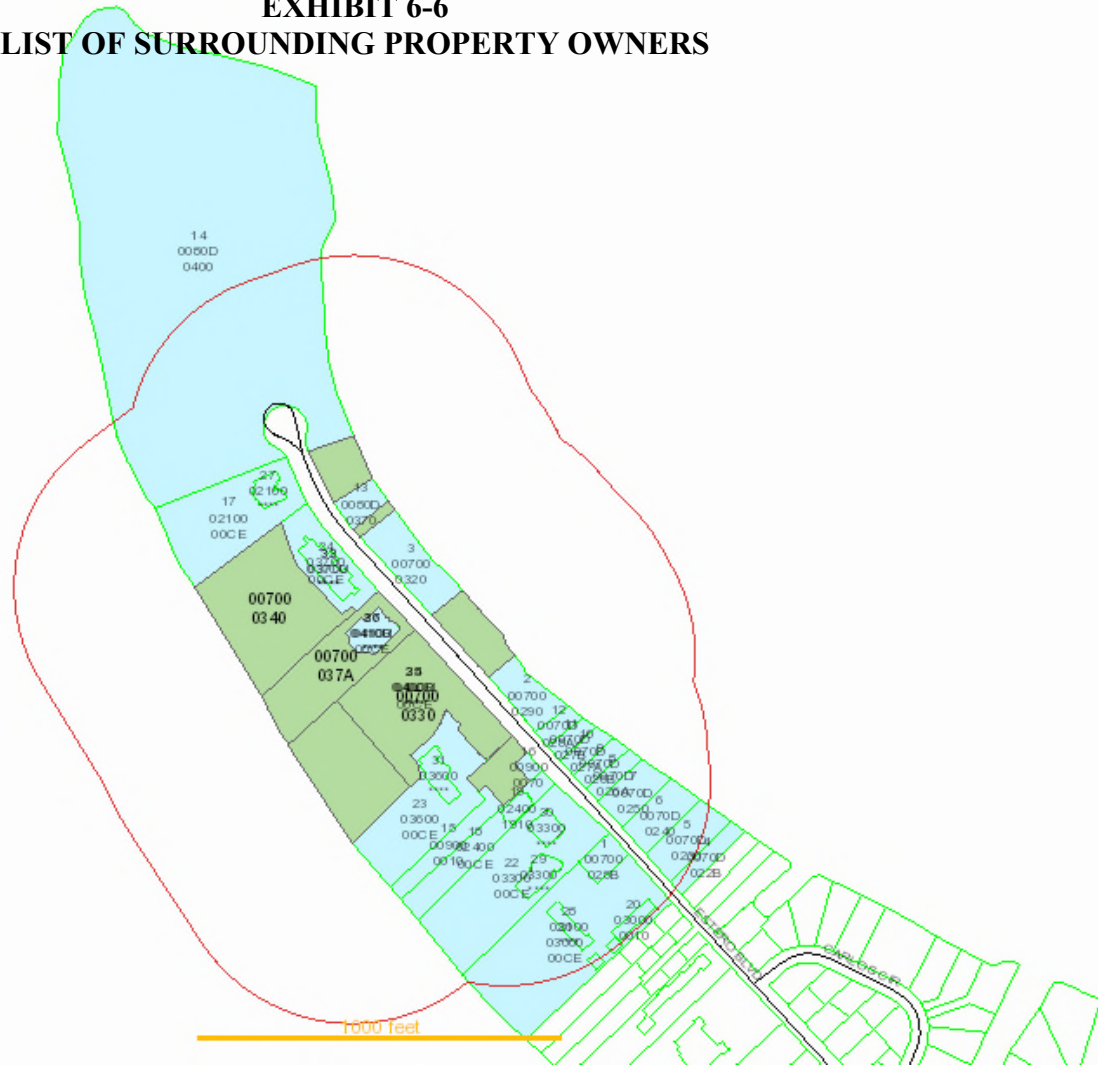


EXHIBIT 6-6

LIST OF SURROUNDING PROPERTY OWNERS

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



Date of Report: October 19, 2023

Buffer Distance: 500 feet

Parcels Affected: 432

Subject Parcels: **24-46-23-W1-00700.0330, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A**

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
WINDWARD PASSAGE RESORT CONDO VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	24-46-23-W1-00700.028B 406 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 PB 9 PG 37 LOT PT 28	1
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0290 251-281 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 1/2 OF LT 28 LT 29 + 30 + SE 20 FT OF LOT 31 BLK D UT 4 ISLAND SHORES PB 9 PG 37	2
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	24-46-23-W1-00700.0320 171-191 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 17 FT OF LT 32 + LTS 33 + 34 + 35 + SE 50 FT LT 36 BLK D UT 4 ISLAND SHORES PB 9 PG 37	3
BLAUM BRIAN C TR 220 EMERSON PL #201 DAVENPORT IA 52801	24-46-23-W1-0070D.022B 431 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 NWLY 50 FT LOT 22	4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 6-7

**SURROUNDING
PROPERTY OWNERS MAP**

EXHIBIT 6-7 SURROUNDING PROPERTY OWNERS MAP

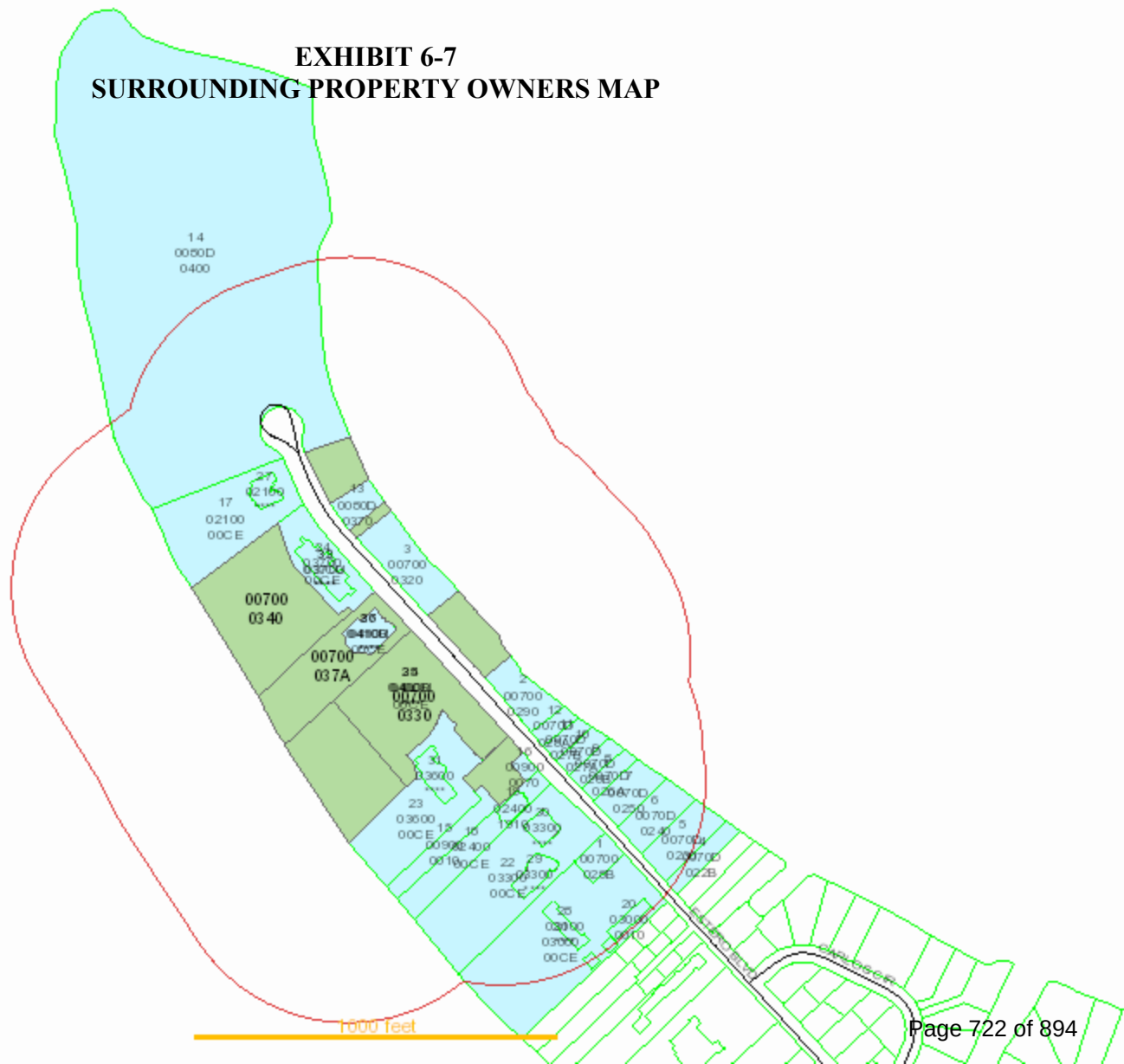


EXHIBIT 6-8

**SURROUNDING
PROPERTY OWNER
MAILING LABELS**

EXHIBIT 6-8
SURROUNDING PROPERTY OWNERS MAILING LABELS

WINDWARD PASSAGE RESORT CONDO
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

BLAUM BRIAN C TR
220 EMERSON PL #201
DAVENPORT IA 52801

MCCHESNEY KEVIN E TR
417 ESTERO BLVD
FORT MYERS BEACH FL 33931

SILVER KING VENTURES LLC
353 CLIFTON AVE
KINGSTON NY 12401

385 ESTERO BLVD LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

DAVIS JAMES & KIMBERLY
327 ESTERO BLVD
FORT MYERS BEACH FL 33931

COOPER FMB LLC
PO BOX 501
HOWELL MI 48844

HOLSEM JACK
505 JACKSON ST
GRANDVILLE MI 49418

EDWARDS PAUL G L/E
315 ESTERO BLVD
FORT MYERS BEACH FL 33931

JABO LLC
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

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

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

PINK SHELL BEACH CLUB CONDO
275 ESTER BLVD
FORT MYERS BEACH FL 33931

PINK SHELL BEACH CLUB
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND SHORES CONDO
394 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

SANIBEL VIEW VILLAS CONDO ASOC

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

CAPTIVA VILLAS
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

100 ESTERO BLVD LLC
844 TENACITY DR
LONGMONT CO 80504

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

WALTERS CHRISTINE
224 CARRANZA RD
TABERNACLE NJ 08088

BURNS ROBERT &
5965 BAKER CT
FORT MYERS FL 33919

STEDER PATRICIA B +
9820 STERLING DR
CUTLER BAY FL 33157

UNKNOWN HEIRS OF
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

HARRIS ELSIE KAY +
1043 HEATHER HILLS LN
LEXINGTON KY 40511

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

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

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

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

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

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

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

CICCONE NATALE +
1239 CEDAR RD
SOUTHPORT CT 06890

MCGINNITY MARTHA TR
440 CARROLLWOOD DR
TARRYTOWN NY 10591

RYFFEL-KRAGH AMY
23939 WINBERLY OAK
SAN ANTONIO TX 78261

SHEPKA ELYSE +
1642 S FOUNTAINHEAD RD
FORT MYERS FL 33919

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

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

SCHULTE WAYNE D &
PO BOX 268
ELLSWORTH WI 54011

SCROGGIE PHYLLIS T TR
PO BOX 61596
FORT MYERS FL 33906

REGGIE 535 LLC
2353 GREENWOOD RD
NORTHBROOK IL 60062

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

MERVIN + MELISSA LARSON TRUST
4 FIRST ST
EXCELSIOR MN 55331

CMME PROPERTIES LLC
9523 CLAYCHIN CT
BURKE VA 22015

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

TL 5109 LLC
180 WASHINGTON ST
GOLDEN CO 80403

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

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

SCHERER DEBRA E TR
18215 LANSFORD PATH
LAKEVILLE MN 55044

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

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

ROBINSON CAROL L TR +
105 CROSSBOW TRAILS
LAWRENCEBURG IN 47025

YORDY MICHAEL E TR
26700 BROADWAY RD
MORTON IL 61550

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

LOVELESS ENTERPRISES INC
210 SPRINGFIELD RD
GILLESPIE IL 62033

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

KING MICHAEL G
PO BOX 3001
DUBLIN OH 43016

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

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

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

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

CATHERINE G SCHOLZ 2007 TRUST
5 FIDDLEHEAD LN
WAYLAND MA 01778

BARNHART DAVID W
PO BOX 14536
MINNEAPOLIS MN 55414

MIDDLESWARTH DAVID B TR
500 MEADOW LN
MIDDLEBURG PA 17842

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

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

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

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

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

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

MIDDLESWARTH DAVID B
500 MEADOW LN
MIDDLEBURG PA 17842

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

SIEVERTSEN DOLORES C TR
15492 LEONARD RD
SPRING LAKE MI 49456

EASTON FAMILY LLC
24523 WEST PELLINORE DR
JOLIET IL 60404

EASTON MELODEE M TR
24523 W PELLINORE DR
JOLIET IL 60404

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

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

STOOPS JEFFREY E +
3808 CLAYBROOK CT
BARGERSVILLE IN 46106

WELLS GWENDOLYN M +
4021 BAY DR
MIDDLE RIVER MD 21220

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

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

STUTZ SHARON A TR
47790 STATE ROUTE 162
WELLINGTON OH 44090

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

DEMARY JULE A +
930 VILLAGE BROOK WAY
COLUMBUS OH 43235

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

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

WIESSING CAROL S TR
2403 LOWELL AVE
SPRINGFIELD IL 62704

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

MCSPEDON TRUST
750 RUSHMORE AVE
MAMARONECK NY 10543

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

BOERMAN DANIEL J +
2420 DAVEY RD
WOODRIDGE IL 60517

MASSEY STEVEN MICHAEL &
1864 SUMMIT LANE
MENDOTA HEIGHTS MN 55118

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

FM BEACH LLC
4441 CORNWELL LN
WHITMORE LAKE MI 48189

HULL PETER H +
1982 AUTUMN BROOK TRL
HINCKLEY OH 44233

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

BASSEL ROBERT N &
9008 HACK RD
CLINTON MI 49236

SHAFFER RICHARD TR
PO BOX 3075
FORT MYERS BEACH FL 33932

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

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

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

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

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

TOWNSEND TREASURE LLC
3516 YORK RD
OAK BROOK IL 60523

MALOCO LLC
36 SUFFOLK DR
SAINT CHARLES MO 63301

ODONELL WILLIAM M &
415 COLFAX AVE
CLARENDON HILLS IL 60514

FAHY BRYAN
421 OCEAN BLVD #5N
HAMPTON NH 03842

WALZ PATRICIA M TR
20363 CARA AVE
CASSOPOLIS MI 49031

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

JAKOVY PROPERTIES LLC
1264 CANDLEWOOD CT
DOWNERS GROVE IL 60515

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

PETH NICHOLAS A
1629 E STATE ROUTE 73
WAYNESVILLE OH 45068

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

CLENNON LAWRENCE
20641 W COUNTY RD
WILMINGTON IL 60481

WENTWORTH JEFFREY R
3630 LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

ANDREWS BERNARD C TR
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

CONNOLLY PAUL A &
5780 WILLOW LN N
SHOREVIEW MN 55126

TOWNSEND DOUGLAS Y
2060 COMMERCE DR
SIDNEY OH 45365

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

DOAN BEVERLY CLARKE &
9737 WADSWORTH BLVD
WESTMINSTER CO 80021

SCHUBERT CHARLES & AMY
344 HAMLETONIAN DR
OAK BROOK IL 60523

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

LAIRMORE BRANDON & BRANDI
7651 COLDSTREAM WOODS DR
CINCINNATI OH 45255

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

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

T JOY RENTALS LLC
211 W HIGH ST
BRYAN OH 43506

KM INVESTMENTS LLC
1721 W BIKE ST
BREMEN IN 46506

MANAGER LINK LLC
3404 ADAMS RD
OAK BROOK IL 60523

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

FINISH STRONG LLC
673 CADDE TRAIL
SCROGGINS TX 75480

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

BROWN DAVID L TR
13 WARD LN
CINCINNATI OH 45246

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

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

PREMIUM PROPERTIES LP
440 W CAIRNS ST
ELLSWORTH WI 54011

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

KLB HOLDINGS LLC
6041 NORTH LINDBERG
HAZELWOOD MO 63042

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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

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

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

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

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

TRIEGLAFF MARK A
915 EDDY CT
WHEATON IL 60187

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

ABDULLAH AFZAL
6136 EAGLE RIDGE CT
BETTENDORF IA 52722

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

FREEDOM LIBERTY PROPERTIES LLC
26072 N HILL AVE
WAUCONDA IL 60084

ZACHARIAS KENNETH R &
16 EDMUND ST
GREEN BAY WI 54302

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
BARRINGTON IL 60010

WIEDER FLORENCE + ROBERT TR
3614 KINGS CROWN BLVD
FORT MYERS FL 33908

HART RANDALL D +
NEW YORK LIFE
153 S MAIN ST
COLUMBIANA OH 44408

DAVIS ALAN & JANET
2560 MATTHEW JOHN DR
DUBUQUE IA 52002

BAER DENNIS L TR
1418 SAND CASTLE RD
SANIBEL FL 33957

ZURI CAY LLC
1650 LILAC LANE SW
BYRON MN 55920

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GOWDY WILLIAM G & JEAN B
12737 IVORY STONE LOOP
FORT MYERS FL 33913

HEMBROUGH JOSHUA HOWARD &
505 EMILIE DR
LAFAYETTE IN 47906

OLESCYSKI JAIME ALLEN
109 MANIZAKS AVE
PUNTA GORDA FL 33983

FRANCIS1704 LLC
709 CAPE CORAL PKWY W
CAPE CORAL FL 33914

CC SQUARED HOLDINGS INC
13923 LILY PAD CIRCLE
FORT MYERS FL 33907

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GOLOSOW LORRAINE &
33 FALCONWOOD COURT
FORT MYERS FL 33919

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

WHITE MARI TAKAYAMA
908 VILLAS DR #3
VENICE FL 34285

S & G PROPERTY MANAGEMENT LLC
3051 DANA POINTE DR
PINCKNEY MI 48169

JASPER COM LLC
JAMES VOLPE
3319 MANSION WAY
COLUMBUS OH 43221

CLASSE PROPERTIES LLC
4707 61ST ST
HOLLAND MI 49423

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PINKERTON RICHARD A &
406 WAYNE ST
JOHNSTOWN PA 15905

FERGUSON ROBERT P & ROSE M TR
16935 TIMBERLAKES DR
FORT MYERS FL 33908

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MEES JUERGEN +
HUMMEL STRASSE 6
BERLIN 12623
GERMANY

832 LLC
832 HEATHWOOD DR
MARCO ISLAND FL 34145

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP I
1375 N 800 W
TIPTON IN 46072

H C J ASSOCIATES LLC
161 EGRET ST
FORT MYERS BEACH FL 33931

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HOFF LARRY F & ANGELA M
5665 SUGARWOOD DR
NEW ALBANY OH 43054

GIRNYS DENNIS J TR
18243 DEEP PASSAGE LANE
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

LA PALMA WEST LLC
6741 ORANGE DR
FORT LAUDERDALE FL 33314

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
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 PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

BOUNDS ROSEANNE H
3842 NW 22ND ST
CAPE CORAL FL 33993

VICKERY STEVEN B &
1509 E 77TH ST
INDIANAPOLIS IN 46240

BARAN JOSEPH W JR &
1102 PHILIPS ST
BADEN PA 15005

SHEREN MICHAEL E TR
75 E OLD MILL TRL
ANTIOCH IL 60002

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

REVIS LINDA C +
43031 BOARDWALK LOOP
PUNTA GORDA FL 33982

PELLA KATHLEEN G TR
1079 CALOOSAHATCHEE DR SW
MOORE HAVEN FL 33471

CUSACK MICHAEL J &
15134 BROLIO LN
NAPLES FL 34110

KAECHLE CLARENCE W
31775 EASTLADY
BEVERLY HILLS MI 48025

200 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

NAGARATHINAM S V & CHRITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

BRUNER MICHAEL J & SUSAN L
PO BOX 447
HERSCHER IL 60941

GROSSKOPF MARK R
1000 N WATER ST #950
MILWAUKEE WI 53202

RECK SCOTT A & MARYLEE A
7550 32ND AVE S
GRAND FORKS ND 58201

IFG HOLDINGS LLC
4540 BARTHOLOMEW DR
PLEASANT HILL IA 50327

KLAVANS ALAN L + KAREN R TR
8113 KEY WEST DOVE ST
WINTER GARDEN FL 34787

NAGARATHINIM S V & CHITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

BORKOWSKI DUANE E TR
694 SEABISCUIT DR
TROY MI 48084

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GLOMERLOT PROPERTIES LLC
3075 DANA POINTE DR
PINCKNEY MI 48169

200-601 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

SCHANE JAMES R TR
PO BOX 5434
WOODRIDGE IL 60517

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

174 PASSAIC AVENUE LLC
25 SOUTH RD
MENDHAM NJ 07945

HAMMERNIK KEITH M TR
13640 W LINFELD CT
NEW BERLIN WI 53151

RIEDEL THOMAS R TR
5949 ASHFORD LN
NAPLES FL 34110

LIOTTA VINCENZO S &
1000 MERRY LN
OAK BROOK IL 60523

DANIEL W BENECKE TRUST +
PO BOX 24
RIDGEVILLE CORNERS OH 43555

PUORRO ANTHONY TR
50133 JOY LANE
EAST LIVERPOOL OH 43920

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

CAMPBELL FAMILY LTD PARTNERSHI
21557 SHORE VISTA LN
NOBLESVILLE IN 46062

CECIL LUDVIK FRANK & EVA
2900 NE 14TH ST CSWY UNIT 1005
POMPANO BEACH FL 33062

CAMPBELL FAMILY LIMITED PARTNE
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GORDEE BRADLEY TR
2685 MAPLE DR
MCFARLAND WI 53558

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

CECIL LUDVIK & EVA
2900 NE 14TH ST CSWY #1005
POMPANO BEACH FL 33062

MAIN REAL-ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E STE 208
CAPE CORAL FL 33904

CUATRO AMIGOS PROPERTIES LLC
2623 HARRISON WOODS RD
TERRE HAUTE IN 47805

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

TYSON FARRELL C II &
PO BOX 100181
CAPE CORAL FL 33910

DEUTSCH RANDALL P
1524 WATERFORD RD
NORTH AURORA IL 60542

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

DURR KENNETH C & DONNA M L/E
4830 WESTGATE RD
MINNETONKA MN 55345

MERSCHMAN GEORGE & LINDA TR
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

BRISTOL DAVID C
4149 MIDWAY RD
HERMANTOWN MN 55811

FERRY REALTY LLC
3 AJOOTIAN WAY UNIT D-10
MIDDLETON MA 01949

NAGARATHINAM SUNDARAM V &
3630 CASITAS DR
JACKSONVILLE FL 32224

CASH DOUGLAS A
PO BOX 1317
BELOIT WI 53512

VIEAU MARK R & SHERYL
4946 W PIKE LAKE RD
DULUTH MN 55811

VIEAU MARK R + SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

JO MAR FAMILY LLC
PO BOX 696
NEW BALTIMORE MI 48047

TRI BOELTER PROPERTIES LLC
105 MAPLE LANE
WINONA MN 55987

ASHTON VICTORIA M +
PO BOX 538
SANIBEL FL 33957

ZAKO VACATIONS INC
2358 LEEDS CROSSING
LONDON ON N6M 0E4
CANADA

CECIL LUDVIK F & EVA
2900 NE 14TH STREET CSWY #1005
POMPANO BEACH FL 33062

200-906 ESTERO BLVD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

200-907 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

COLE HARLEY J & BRENDA V
PO BOX 101674
CAPE CORAL FL 33910

PARADOWSKI KATHLEEN
4521 E LAKE RD
WILSON NY 14172

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

MAIN REAL ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E #208
CAPE CORAL FL 33904

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

PALMA VICTOR J & KAREN L
101 N MARION CT APT 234
PUNTA GORDA FL 33950

BRUNETTI ROBERT G TR
2532 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
8015 W KENTON CIR STE 220
HUNTERSVILLE NC 28078

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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CORNELIUS NC 28031

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CORNELIUS NC 28031

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CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
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ROOT LARRY W & JANE E
1559 WESLEY CHAPEL RD
MITCHELL IN 47446

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

KRUGER KATHLEEN & RYAN D
2519 SUTHERLAND CT
CAPE CORAL FL 33991

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

MCKEE FAMILY PROPERTIES LLC
7 E DOW ST
TIPP CITY OH 45371

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

5CS LLC
PAUL CHAMBRE
780 CAL COVE DR
FORT MYERS FL 33919

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

ALLEN NICK JOHN &
113-198 SPRINGBANK DR
LONDON ON N6J 1G1
CANADA

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

SCHAULS WILLIAM R + VALETTA TR
412A LEE ST
DURAND WI 54736

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

AMM VILLA SERVICES INC
MICHAEL MOHR
IM VOGELSANG 25B
VALLENDAR 56179
GERMANY

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BYRNE WILLIAM M & DEBORAH L
14505 MORNINGSIDE RD
ORLAND PARK IL 60462

WITT JASON A + KATHLEEN M
45897 DENISE DR
PLYMOUTH MI 48170

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

WENTWORTH JEFFREY R
3630 E LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

SOLLAZZO LUIGINA A & PAUL J
21 WESTBROOK CT
BRIDGEWATER NJ 08807

CAMPBELL FAMILY LTD PTNRSHIP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

SCHMITT DANIEL R & SUSAN L
15410 CATALPA COVE LN
FORT MYERS FL 33908

GIPEAN INC
PO BOX 4366
LAKE CHARLES LA 70606

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

S & L CAMPBELL FAMILY LIMITED
20927 EDGEWATER DR
NOBLESVILLE IN 46062

COLVIN TIMOTHY JAY +
15429 TAYLOR TRACE DR
CARMEL IN 46033

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
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SUPPLEMENT PH-A SPECIAL EXCEPTION



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: Pink Shell Special Exception
Authorized Applicant: Sarah Spector, Roetzel & Andress
LEPA STRAP Number(s): 24-46-23-W1-00700.0340,
24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Current Property Status: Improved resort
Current Zoning: CPD, MPD, and EC
Future Land Use Map (FLUM) Category: Mixed Residential and Recreation
Platted Overlay? ☒ yes ☒ no FLUM Density Range: 6 du/acre

Requested Action:

☐ Use of premises in the EC (Environmentally Critical) zoning district for:
Pool fence with gates, pavers, six (6) chickee huts, and irrigation to support lawn and
landscaping
☐ Use of premises in the _____ zoning district for:



Case# _____

Date Received: _____

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

special exception to allow for a pool fence with gates, pavers, six (6) chickee huts, and irrigation to support lawn and landscaping

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:

Please see attached narrative.



Please see attached narrative.

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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:

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- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows..."

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

- corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
 - C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
 - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
 - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
 - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
 - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
 - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
 - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must have either of the affidavits in Part V & VI, notarized, signed and submit, as applicable.

SUPPLEMENT PH-A

NARRATIVE

SPECIAL EXCEPTION REQUEST SUPPLEMENT PH-A NARRATIVE

A. REQUEST

(indicate the proposed use that requires a special exception)

This is a request for a special exception to allow for a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping waterward of the Coastal Construction Control Line (CCCL) in the Environmentally Critical (EC) zoning district.¹ The location of the CCCL is highlighted in yellow on the Site Plan included with this application, with the area to the west and waterward of the CCCL being the area at issue in this request. The items shown on the Site Plan in this area were in place prior to Hurricane Ian and, as such, the request is simply to replace the items that were destroyed by the storm.

B. REASONS FOR REQUEST

(state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property that is the subject of this request has been given an EC zoning designation. While the purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach, Section 34-652(e) of the Town of Fort Myers Beach Land Development Code (the “LDC”) does allow for the placement of certain improvements on properties with this designation. Specifically, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district.

The term “*minor structure*” is defined in Section 34-2 of the LDC as “a small, accessory structure that is considered expendable under design wind, wave, and storm forces and are of a size and design to have a minor impact on the beach and dune system. Minor structures do not include structures supported by or extensions of the principal structure.” It is also defined in Section 6-333 of the LDC as follows:

Minor structure includes, but is not limited to, pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences,

¹ The four (4) cabanas shown waterward of the CCCL line towards the northern property line will not be permanent, but rather moveable, akin to a “temporary, movable structure on private property that does not alter the natural environment, landscape or obstruct pedestrian traffic,” as described as a permitted use in Section 34-652(d) of the LDC. Similarly, the two tiki huts shown closest to the water are not included in this request because they, too, meet the definition of a permitted use because they are moveable and do not have the characteristics that would preclude the use.

ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be characteristic of minor structures that they are considered expendable under design wind, wave, and storm forces.

The items that are the subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure* and are either identical or akin to those items underlined in the quoted section above.

Town Council is given authority to allow for the placement of items on property with an EC zoning designation, including those that are the subject of this request, through the Special Exception process laid out in Section 34-88 of the LDC. Each of the criteria identified in Section 34-88 is set forth below with an analysis of applicability following each one.

1. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

Changed conditions do exist on the property that is the subject of this request. As noted above, all items for which a Special Exception is being sought were in place, in the same location, prior to Hurricane Ian. Additionally, a number of the requested items are shown on the approved Master Concept Plan (MCP). This request is simply to return the property to the condition it was in prior to the storm.

2. *The testimony of any applicant.*

The testimony of the applicant will be provided at the public hearings on the Special Exception request.

3. *The recommendation of staff and of the local planning agency.*

The recommendation of staff will be provided prior to the public hearings on the Special Exception request. The recommendation of the local planning agency will be provided in advance of the Town Council hearing on the request.

4. *The testimony of the public.*

The testimony of the public, if any, will be provided at the public hearings on the Special Exception request.

5. *Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The property that is the subject of this request has been given a Recreational future land use designation. Policy 4-B-8 of the Future Land Use Element of the Town of Fort Myers Beach Comprehensive Plan provides the following relative to the Recreational designation:

“RECREATION”: applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes

or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all dwelling units to be constructed outside this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.

The request does not propose any new residential development. Rather, it proposes the placement of minor structures that are accessory uses to support both the hotel resort uses on the adjacent Commercial Planned Development (CPD)- and Mixed Used Planned Development (MPD)-zoned property as well as the bathing beach use of the EC-zoned property. Accordingly, the request is consistent with the goals, objectives, policies, and intent of the Comprehensive Plan.

6. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

Pursuant to Section 34-652(e)(4) of the LDC, minor structures requiring a special exception must be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system. The items will be placed back in the same locations that they were prior to Hurricane Ian. These locations were chosen in part to minimize any adverse effects on the beach and dune system.

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The minor structures proposed to be added by this request will be placed in the same locations as they were previously located. There is no historical record of the previous minor structures having any impact on environmentally critical areas or natural resources and, as such, it is not anticipated that the proposed structures will have an impact on environmentally critical or natural resources.

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The request is compatible with the existing and planned resort hotel and associated accessory uses on the adjacent property, including but not limited to the existing pools and hot tubs that are located wholly within the property zoned either CPD or MPD. As was the case with the previous structures in this location, there is no anticipated damage, hazard, nuisance, or other detriment to persons or property associated with the proposed location of the replacement structures.

9. *Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

As noted above, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district. The items that are the

subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure*, as set forth in Section 34-2 of the LDC, and are either identical or akin to those items underlined in Section 6-333 quoted above. Accordingly, the requested uses will be in compliance with applicable general zoning provisions and supplemental regulations.

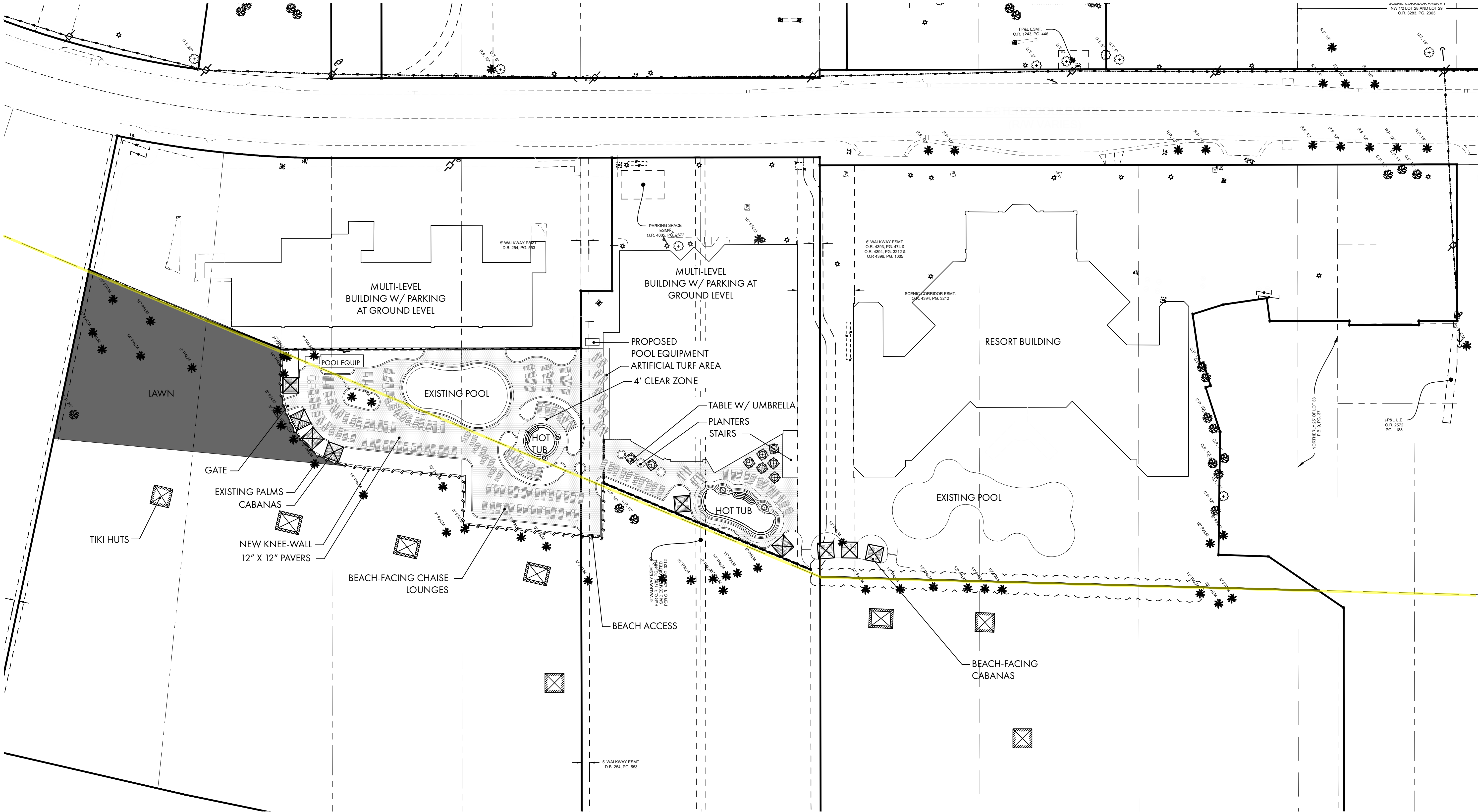
Given that the request meets the foregoing criteria, and that granting the special exception is not contrary to the public interest and the health, safety, comfort, convenience, and welfare of the citizens of the town, the LDC provides that the Town Council shall grant the special exception. We respectfully request that the Town Council do so.

C. IMPACT ON SURROUNDING PROPERTIES

(explain how granting the requested Special Exception could impact surrounding properties)

The location of these items prior to Hurricane Ian had no reported impact on surrounding properties. Given that the items will be placed back in their original location, there is no anticipated impact on surrounding properties.

SITE PLAN



TOTAL CHAIR COUNT: 170

Copyright RVI

PINK SHELL RESORT • POOL DECK CONCEPT

📍 Lee County, FL
📅 October 16, 2023
23004319

1. **Request:**

Meeting Date: June 17, 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:

Special Exceptions are reviewed and decided by the Town Council.

What the action accomplishes:

Approval of the special exception will allow for the repair/replacement of a partial parking lot. Denial of the aluminum fence along the seawall and fence/gate for the south garden.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Sarah Propst, Community
Development, Planning
Manager

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. 24-134, SEZ20240126- 7400 Estero Blvd (1) ns (1)
2. SEZ20240126 Leonardo Arms Staff TC (1)
3. Exhibit 1A- site plan
4. Exhibit B - Property Owner Acknowledgment list
5. EXHIBIT C-LPA AND TC SEZ postcard 7400 Estero Blvd
6. Exhibit D - Complete application 7400 Estero

Financial Impact:

unknown

6. **Alternative Action**

Deny or Approve with conditions

7. **Management 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:**

Eli Lee, Planner

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Andy Hyatt, Town Manager

Created/Initiated - 6/7/2024

Approved - 6/7/2024

Approved - 6/12/2024

Approved - 6/13/2024

Final Approval - 6/13/2024

RESOLUTION NUMBER 24-134

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 unanimously to recommend approval of the special exception for reconstruction of a partial parking lot and an aluminum rail fence along the seawall and voted 6 to 1 to recommend approval of the south garden fence/gate; and

WHEREAS, on June 17, 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 _____ day of June 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
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 .

TOWN COUNCIL HEARING DATE: June 17, 2024, at 9:00 AM

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).

At the June 11th LPA hearing the LPA unanimously recommended approval of the request with conditions for the reconstruction of the parking lot and fence along the seawall. They also recommended approval with a 6 to 1 vote for the south garden fence.

If Town Council 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







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 June 11, 2024, 1st Town Council June 17, 2024

CASE: SEZ20240126

ADDRESS: 7400 Estero Blvd " Leonardo Arms Beach Club"

APPLICANT: Timothy Bagget

REQUEST: Applicant is requesting 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.

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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Community Development Services - Planning Division
2731 Oak St,
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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA June 11, 2024, 1st Town Council June 17, 2024

CASE: SEZ20240126

ADDRESS: 7400 Estero Blvd " Leonardo Arms Beach Club"

APPLICANT: Timothy Bagget

REQUEST: Applicant is requesting 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.

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.

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 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

by **ANGELINA POLITO**
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126226
My Commission Expires 04/27/2025

DL as identification.

(SEAL)

[Signature]
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	_____
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

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

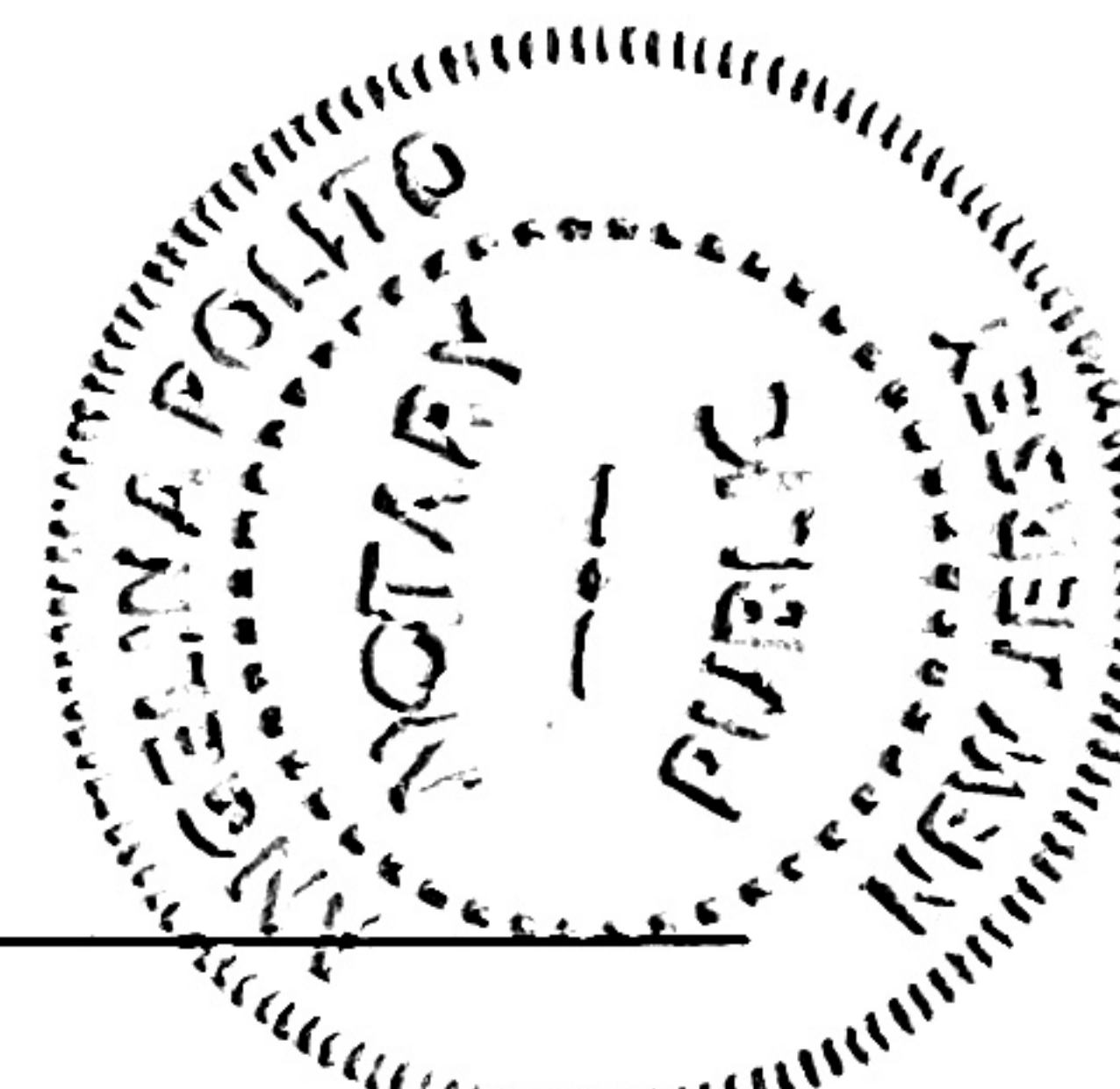
The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 14th day of November, 2023, by DL ☐ who is personally known to me OR ☒ who has produced DL as identification.

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

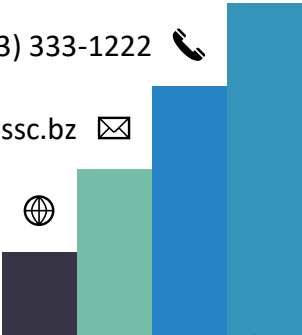
We are dealing with a total 60 parking spots for Building 2, all are DEEDED parking spots. The (14) spots we lost from Ian that are located “Seaward” of the CCCL, are imperative we get the back, (Please see revised site and parking plan). According to Sec.34-2020 Required parking spaces(d) (1)(b) with 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**

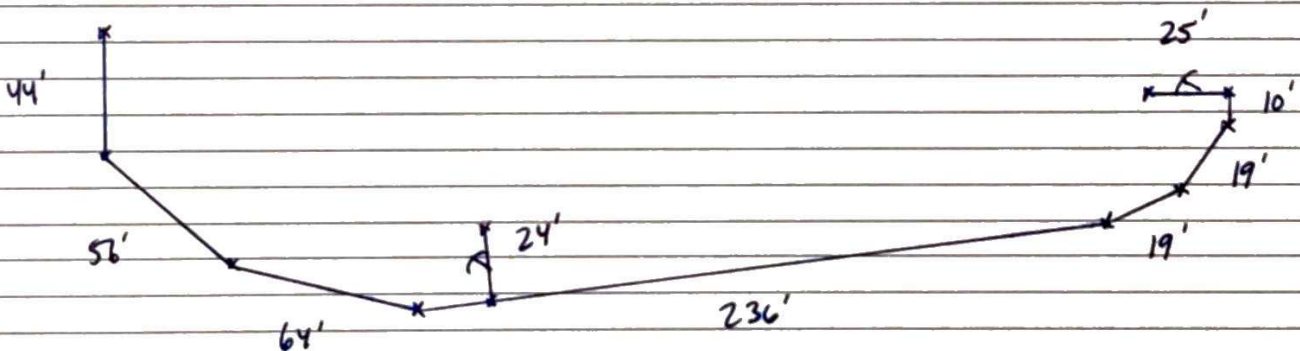
CUSTOMER	Leonardo Arms Beach Club	PHONE	239-878-3010	DATE	8/22/2023
CONTACT PERSON	Timothy Baggett	FAX		JOB NAME	
ADDRESS	7400 Estero Blvd	CELL		ADDRESS	
CITY	Fort Myers Beach	STATE / ZIP	FL	CITY	
EMAIL	timothyabaggett@gmail.com			COMMUNITY	

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

[Signature of Gregory Edsell]

GREGORY EDSSELL

DATE

CONTRACT PRICE	\$35,736.00
DEPOSIT	\$12,508.00
BALANCE DUE	

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.			



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
LEIPA 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.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWNCOUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING 1) THE USE OF \$411,481 OF AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS TO REIMBURSE THE EMERGENCY FUND FOR EMERGENCY EXPEDITURES INELIGIBLE FOR REIMBURSEMENT BY FEMA, AND 2) AMENDMENTS TO THE FISCAL YEAR 2024 BUDGET RELATED TO THIS REIMBURESEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

It is necessary to reimburse the Emergency Fund for the \$411,481 of emergency expenditures that will not be reimbursed by FEMA, since there is not a sufficient balance in the Emergency Fund to absorb these expenditures.

What the action accomplishes:

The reimbursement of the emergency expenditures from ARPA is necessary in order to maintain a sufficient reserve.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Joe Onzick, Finance Director

5. **Background:**

There were \$411,481 of emergency services that were provided by Vetor Contracting Services immediately after Hurricane Ian for which insufficient supporting documentation was provided, which ultimately made those expenditures ineligible for FEMA reimbursement. Numerous attempts were made by the Town to obtain the missing documentation from Vetor, but were unsuccessful. As a result, the Town must now reimburse the Emergency Fund for these expenditures out of its own funds. The only available funds at this point are in the ARPA Fund. Therefore, we are asking that \$411,481 be transferred from the ARPA Fund to reimburse the fund for those expenditures.

Attachments:

1. FINAL NS 24-126, Authorizing ARPA Funds to Reimburse Emergency Fund rev

Financial Impact:

The financial impact is the cost of \$411,481 to the Town for not being able to obtain sufficient documentation to seek reimbursement from FEMA for emergency expenditures that would otherwise have been reimbursed if the contractor had provided the required supporting documentation.

6. **Alternative Action**

Unfortunately, the only other options would be to transfer \$411,481 from the General Fund, which would reduce the General Fund Emergency Reserve, or to transfer \$411,481 from the Capital Fund, which would reduce the amount that has been set aside for future capital projects.

7. **Management Recommendations:**

Staff recommends that this emergency expenditure be reimbursed in order to maintain the Emergency Reserve.

8. Recommended Approval:

Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/13/2024
Final Approval - 6/13/2024

RESOLUTION NUMBER 24-126

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING 1) THE USE OF \$411,481 OF AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS TO REIMBURSE THE EMERGENCY FUND FOR EMERGENCY EXPENDITURES INELIGIBLE FOR REIMBURSEMENT BY FEMA; AND 2) AMENDMENTS TO THE FISCAL YEAR 2024 BUDGET RELATED TO THIS REIMBURSEMENT; 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 ("Town") 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, Congress adopted the American Rescue Plan Act in March of 2021 (“ARPA”), which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, ARPA funds were initially intended to only provide support to state, local and tribal governments in responding to the impact of COVID-19; and

WHEREAS, the authorized use of ARPA funds was later expanded in the “2022 Final Rule” to allow it to be used to replace lost revenue, and to allow a recipient to elect a “standard allowance” of the lesser of \$10 million or its total allocation amount to spend on government services; and

WHEREAS, “government services” was later defined in the “2023 Interim Final Rule” to include emergency relief from natural disasters; and

WHEREAS, the Town of Fort Myers Beach has received a total of \$3,553,05, in ARPA funding and there is currently \$1,229,019 of ARPA Funds available; and

WHEREAS, the Town of Fort Myers Beach experienced a natural disaster in September 2022 of epic proportion when Hurricane Ian devastated Estero Island; and

WHEREAS, although Vetor Contracting Services provided \$411,481 of emergency services to the Town in the aftermath of Hurricane Ian, there is insufficient documentation to be reimbursed by FEMA for these emergency services and payment was made from existing funds in the Emergency Fund; and

WHEREAS, the authorized use of ARPA funds to replenish the Emergency Fund for payment of expenses for emergency relief is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. That the Town Council authorizes the appropriation of \$411,481 from the ARPA Fund to reimburse the Emergency Fund for the emergency services provided by and paid to Vetor Contracting Services for which there is insufficient documentation to be eligible for FEMA reimbursement.

Section 3. That the following adjustment to the Fiscal Year 2024 budget is hereby authorized:

60.19.519.38191	ARPA Fund: Prior Year Carryover	\$411,481
60.19.519.59106	ARPA Fund: Transfer out to Emergency Fund	\$411,481
13.40.533.38123	Emergency Fund-Water: Transfer in from ARPA Fund	\$411,481
13.40.533.80000	Emergency Fund-Water: Add to Reserve	\$411,481

Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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
Karen Woodson, Council Member
Scott Safford, Council Member
John R. King, Council Member

ADOPTED this 17th day of June 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 Attorneys

This Resolution was filed in the Office of the Town Clerk on this _____ day _____ 2024.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE ADOPTION OF FINANCIAL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The action establishes and maintains a strong internal control environment that meets the regulatory requirements of grants, and fulfills the fiduciary responsibility of the Town in protecting and efficiently utilizing the Town's assets.

What the action accomplishes:

The action demonstrates support of the Town Manager's and Finance Director's efforts to establish and maintain a strong internal control environment that meets the regulatory requirements of grants, and fulfills the fiduciary responsibility of the Town in protecting and efficiently utilizing the Town's assets. Having these policies in place enables the Town to score higher in the FROC assessment, which in turn will enable the Town to receive a higher percentage of FEMA funding in advance, rather than on a reimbursement basis.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Joe Onzick, Finance Director

5. **Background:**

As a result of participation in the Florida Recovery Obligation Calculation (FROC) program and as well as the effort to meet the requirements of the CDBD-DR program, the Finance Director has drafted the following financial policies: Emergency Financial Plan (based upon FEMA guidelines), Grant Financial Management Policy (based upon Lee County's CDBG-DR program requirements, Duplication of Benefits Policy (based on Lee County's CDBG-DR program requirements, and the Accounting Policy (based on GAAP, GASB, and GFOA best practices). The Finance Director would like for the Town Council to officially adopt these financial policies to encourage a strong financial internal control environment.

Attachments:

1. 24-127, Authorizing Adoption of Financial Policies
2. Exhibit A: FMB Emergency Financial Plan
3. Exhibit B: FMB Grant Financial Management Policy
4. Exhibit C: FMB Duplication of Benefits Policy
5. Exhibit D: FMB Accounting Policy - D rev

Financial Impact:

Enables the Town to meet the eligibility requirements of significant funding opportunities such as the CDBG-DR programs and also for advance funding from FEMA.

6. **Alternative Action**

The Town Council may choose not to officially adopt these policies.

7. **Management Recommendations:**

Management recommends adoption of these financial policies.

8. **Recommended Approval:**

Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-127

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE ADOPTION OF FINANCIAL POLICIES; 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 ("Town") 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, it is in the best interest of the Town to establish and maintain a strong internal financial control environment through the adoption and implementation of financial policies in accordance with Generally Accepted Accounting Principles, the Government Accounting Standards Board, Uniform Grant Guidance, state and federal regulatory requirements, and best practices advocated by the Government Finance Officers Association.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. That the Town Council hereby authorizes the adoption of the following financial policies to be implemented by the Finance Director:

Exhibit A: Emergency Financial Plan
Exhibit B: Grant Financial Management Policy
Exhibit C: Duplication of Benefits Policy
Exhibit D: Accounting Policy

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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
Karen Woodson, Council Member
Scott Safford, Council Member
John R. King, Council Member

ADOPTED this 17th day of June 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 Attorneys

This Resolution was filed in the Office of the Town Clerk on this _____ day _____ 2024.

Emergency Financial Plan

Introduction

Effective disaster financial management requires strong project and portfolio management skills. It involves defining and executing the steps necessary to meet the Town's recovery vision and goals, while balancing competing demands of scope, time, cost, quality, resources, and risks.

An emergency financial plan shall include a calculation of the costs of the natural disaster event and a determination of the financial resources available to the Town. If insufficient funds are available to fund the costs of the disaster event, the emergency financial plan shall identify strategies to close the gap between the disaster event costs and the Town's financial capacity, including use of reserves, reprioritizing annual budget, and borrowing.

Disaster financial management entails accurately managing the complex disaster budget to ensure all bills are paid; releasing funding according to schedule; tracking and reporting expenditures to inform the project sponsor on the use of finances; performing financial analysis; and maintaining accurate financial records in preparation for audits.

The Emergency Financial Plan complements the Town's Comprehensive Emergency Management Plan by expanding upon the financial management aspect of the Town's emergency response to a disaster. The recovery plan developed shall be in alignment with the Town's strategic plan and any previously developed recovery plans still in effect.

Emergency Financial Management Team

Effective disaster financial management requires the coordination and collaboration of a team of key members of the Town's financial and operational leadership. The team assists with budgeting, forecasting, cash flow management, debt monitoring, payroll, risk avoidance, disaster assessment, expense reimbursement pertaining to damage, emergency protective measures, debris management, timely tracking and reporting of costs and long-term disaster recovery project planning and funding streams.

The Town's disaster financial management team shall consist of the Town Manager and all directors, as well as any additional members deemed necessary by the Town Manager.

Project Management

From a project management perspective, effective disaster financial management involves the following process steps and related benefits:

- *Initiate*: Ensure proper financial policies, procedures and systems are in place and that staff have been trained in proper recording, submission, and/or reporting of awarded finances.
Benefit: Increases the ability to detect and deter fraud, waste, and abuse.

Emergency Financial Plan

- *Plan*: Identify existing resources and capability gaps for threats and hazards and the available financial resources to fill those gaps.
Benefit: Improves the Town's ability to project disaster financial needs and influence the budget.
- *Execute*: Effectively and promptly allocate funds among disaster project activities.
Benefit: Ensures that adequate monetary resources are available for the Town to complete its recovery mission.
- *Monitor and Control*: Monitor and track the status of recovery financial resources against stringent requirements to ensure that resources are used accurately and judiciously.
Benefit: Supports achievement of the program's desired return on investment.
- *Close*: Close out the project by concluding procurements, archiving documents, and participating in audits.
Benefit: When properly conducted, eases the burden of the audit process.

Portfolio Management

A portfolio is a group of projects or programs. A centralized manager or management function identifies, prioritizes, and authorizes the projects or programs to achieve strategic objectives. Portfolio management is critical for the Town to achieve its recovery vision and goals and manage its funding from various programs, each with different activating mechanisms, cost-sharing requirements, eligibility requirements, timelines and reporting requirements. Sound portfolio management skills are necessary to ensure the best use of funds and to avoid audit findings.

Coordination of Multiple Funding Sources

To effectively identify, apply for and manage the portfolio of programs needed after a disaster, the Town shall seek to identify and understand the variety of disaster assistance programs available, their scope and how they work together to address recovery needs. The Town also needs to establish mechanisms to effectively integrate these programs, as well as any insurance cost recovery, into a comprehensive solution. Integration will help the Town effectively coordinate multiple funding sources on the same project and the relevant tools that support the effort.

Procurement

The Town must comply with Federal procurement grant and sub-awarding regulations, specifically 2 CFR Part 200.300-.332, as well as all applicable local, state, tribal and territorial requirements, on all disasters. Since Federal rules are specific, the Town shall pay close attention to procurement practices pre-disaster to be positioned for post-disaster procurement activities. A best practice is to identify the most restrictive rule

Emergency Financial Plan

(which could be Federal or at the state, local or tribal level). Following the most restrictive rules can help ensure compliance with the less restrictive ones.

Important procurement and contracting regulations from 2 CFR Part 200 include:

- Maintain records to sufficiently detail the history of the procurement. These records are to include, but are not necessarily limited to, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, basis for the contract price, the contract document and any contract modifications with signatures of all parties, and any authorizations required by Town Council.
- Transact all procurements in a manner providing full and open competition.
- Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold.
- Use time-and-materials-type contracts only after determining that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. These may only be used for a limited time, and the Town must switch to a more suitable contract type once the scope is defined.
- Take affirmative steps regarding the solicitation from and use of small and minority businesses, women's business enterprises and labor surplus area firms.
- Maintain oversight to ensure contractors perform according to the terms, conditions and specifications of their contracts or purchase orders.
- Maintain written standards of conduct covering conflicts of interest and governing the performance of employees who select, award and administer contracts.
- Give subrecipients (if any) adequate guidance and grant management instructions.

Pre-Disaster Activities

The Town shall perform the following activities as often as necessary to maintain disaster financial management readiness:

- Review and codify emergency fiscal policies and procedures in ordinances.
- Form a disaster financial management team. Establish relationships and document financial management roles and responsibilities. Complete documentation and training for all recovery support function roles and responsibilities.
- Seek to acquire Environmental and Historic Preservation (EHP) expertise through mutual aid or by contract to be able to complete highly technical EHP reviews, assessments, and planning considerations before applying for grants. May be able to leverage single EHP review process for multiple funding programs.
- Complete and maintain a FEMA approved Hazard Mitigation Plan. This is required to be eligible for FEMA's HMGP (Hazard Mitigation Grant Program) and for permanent work under FEMA's cat C-G.
- Review and follow Grant Management Practices that comply with 2 CFR 200.

Emergency Financial Plan

- Maintain accounting standards and practices that comply with Generally Accepted Accounting Principles (GAAP) and the Governmental Accounting Standards Board (GASB), and which are documented by a yearly audit.
- Establish, document, and review financial management policies, procedures and account lines. Financial policies and procedures for non-disaster projects shall have the same requirements as disaster response and recovery projects to promote consistency and familiarity.
- Develop and maintain a disaster financial management toolkit with relevant policies, procedures, forms, and tools, readily available and easily accessible by those who will need them.
- Implement emergency contracting mechanisms and contracts. Pre-existing and pre-qualified contracts with vendors for goods and services expedite response and recovery. Pre-existing contracts also ease the cost reimbursement process by ensuring Federal compliance prior to performance execution. It is essential to follow the Town's procurement policies and the procurement regulations in 2 CFR §§ 200.317-.326 when establishing pre-existing contracts, as well as when executing them during an event. Pre-existing contracts must follow the Federal procurement rules at 2 CFR §§ 200.317-.326 and applicable local, tribal, and state requirements. Properly procured pre-event contracts must adhere to all applicable performance, pricing, and process standards. Contracts implemented through grants must adhere to the standards required by the grants.
- Research compliant, non-Federal cooperative purchasing ventures and GSA for the best options to quickly procure goods and services after a disaster.
- Consider enrolling in the GSA purchasing program to quickly procure or purchase federally approved goods and services, which helps ensure that pricing and terms are eligible for Federal disaster declaration reimbursements.
- Maintain Emergency Reserve Fund balance to enable rapid response to and recovery from a disaster. The Town shall annually reassess the fiscal impacts of threats, risks, and hazards to help identify the monetary amount needed in the reserve fund, and budget accordingly.
- Catalog disaster assistance programs and resources that are most applicable to the Town, as well as their eligibility criteria, timelines, and implementation requirements.

Initial Post Disaster Activities

Initial cost recovery starts concurrently with response operations and typically ends within weeks of an incident. For some disasters, like a hurricane, expenses can start to accumulate before the disaster strikes.

Proper organization and documentation from the start helps prevent denials, appeals and delays of funding. Processes and a database or accounting tools to log and track disaster

Emergency Financial Plan

response and recovery costs can rapidly provide the necessary documentation to obtain reimbursement. A centralized repository for expenses will save valuable time assembling documentation. Accuracy in documentation is also critical to avoid errors and audit findings.

Initial post-disaster activities shall include the following:

- Review pre-disaster recovery plans and identify key roles, responsibilities, systems, and processes, as well as the recovery vision, goals, and objectives. Review the pre-disaster plan in the context of the specific disaster, tailor the plan to address the recovery needs, and identify disaster-specific recovery vision and goals.
- Issue a local declaration of disaster using the existing declaration processes. Using the Town's pre-existing disaster declaration process activates the emergency powers and authorities needed for local response actions and fiscal expenditures. Any disaster cost reimbursements will require this declaration.
- Conduct a preliminary damage assessment (PDA). The preliminary damage assessment process is vital to establish disaster cost impacts. The Town shall validate and develop cost recovery actions based on these estimates.
- Activate and use disaster accounting general ledger line items and project numbers. These line items and project numbers allow the Town to track costs precisely, report them to agencies for reimbursement and conduct detailed reporting and analysis.
- Log and track time and expenses. Disaster cost reimbursement requires accurate and detailed records of the time and costs associated with response actions. Such records should include time sheets with detailed descriptions of precisely what was done, where, and with what equipment. Reimbursement for associated costs incurred for actions taken during a response or recovery requires precise and acceptable documentation.
- Activate emergency procurements and contracts as needed. Pre-existing contracts tremendously expedite response operations and can save the Town money, as terms and costs of response functions are also pre-determined. Pre-existing contracts still must follow the Federal procurement rules at 2 CFR §§ 200.317-.326 and all applicable state, local, tribal, or territorial requirements. Emergency contracts must comply with all procurement under grant regulations.
- Document all expenditures related to response and disaster impacts. The Town shall use the general ledger line items and project numbers to document every expenditure related to response and recovery. The Town must justify each expenditure and directly relate it to the incident response, as well as differentiating response costs from concurrent general operational costs.
- Document all equipment and materials used during response activities. Any reimbursements will require accurate documentation.

Emergency Financial Plan

- Document all damages and cost impacts. Any fiscal reimbursement requires documentation of all damages and cost impacts. The documentation will include cost and expense reports, as well as the damage cost estimation processes.
- Compile cost and expense data. To achieve certain thresholds for disaster cost reimbursements, the Town must show proof of cost and impact, which requires compiling and aggregating fiscal information.
- The Town shall reassess all emergency or exigency contracts and transition to a competitive contract once the emergency or exigency circumstance ends. Additionally, certain aspects of Federal procurement standards and other grant requirements under 2 CFR Part 200 apply even in emergencies, such as cost reasonableness and adequate documentation.

Initial Cash Flow Management

- The Town shall closely monitor the cost of the emergency response, including cost of services, supplies, equipment, additional personnel, and overtime hours, as well as any changes to the revenues and expenditures of normal operations, and compare the total to funds available in its emergency reserves.
- If the cost of the emergency response is expected to exceed the Emergency Fund Reserve, the Town shall seek financial assistance from its catalogue of disaster assistance programs and resources.
- If the Emergency Fund Reserve is depleted before financial assistance arrives, the Town may borrow from the following reserves in the order specified below for cash flow management purposes:
 - General Fund Emergency Reserve
 - General Fund Operational Reserve
 - General Fund Contingency account
 - Capital Fund Reserve
- Once financial assistance is received, the Town must repay the amounts borrowed from its other reserves mentioned above.
- The Town shall also consider temporarily scaling back non-essential operations to replenish its reserves.

Longer-Term Post-Disaster Activities

The Town shall continue good practices of disaster financial management throughout response and recovery. Many critical financial management activities must be completed during the initial recovery effort, but several activities occur later in the recovery process.

Many disaster funding programs for recovery become available months after the disaster has occurred, and more long-term funding programs for recovery can be

Emergency Financial Plan

implemented years into the recovery process. The Town may also see impacts to their tax receipts in the long term.

By incorporating longer-term post-disaster activities into the regular rhythm of disaster financial management, the Town will continue to reduce disaster financial management risk and improve financial practices for potential future disasters. The Town shall conduct the following activities after the initial weeks of recovery operations:

- Document use of mutual aid and volunteer recovery programs. The Town must track its mutual aid agreements and the costs associated with those response functions. This cost becomes a component of the disaster declaration process and analysis. In certain instances, properly tracked volunteer labor may also be counted as a non-Federal match for certain disaster funding programs for recovery, such as debris management.
- Engage Voluntary Organizations Active in Disaster (VOADs) in area-specific functions. VOADs in areas such as housing, infrastructure, sheltering, and mass care can often provide services in response and recovery operations, saving the Town large amounts of money.
- Consider requesting an emergency or major disaster declaration from the Governor and/or the President. This activates emergency powers/authorities for response actions and fiscal expenditures. Many disaster cost reimbursements require this declaration.
- Continue documentation processes. Detailed documentation and accounting requirements shall continue throughout response and recovery efforts.
- Determine fiscal program eligibility and application processes. Fiscal and damage impact reports and analyses are the basis for funding eligibility and grant awards. The Town must ensure that the types of disaster costs incurred, such as housing, infrastructure, or transportation, are eligible expenses for the disaster recovery program utilized.
- Identify leads for each project for reimbursement. Department heads can oversee each project being submitted for reimbursement. As appropriate, these leads shall respond to discipline-specific questions from grant providers.
- Engage legal counsel for contracts and procurement compliance. After the initial response is complete and operations are transitioning into recovery, legal counsel will advise and consult on non-emergent contractual and fiscal functions. The legal review helps ensure compliance for future fiscal reimbursements.
- Maintain positive cash flow. The Town must have adequate cash reserves to fund immediate expenditures, and adequate forecasted receipts to fund forecasted expenditures. The Town shall track the movement of fiscal resources for obligation and commitment and identify those that can be received and

Emergency Financial Plan

expended within a short accounting cycle, typically 30 days. If necessary, the Town shall consider delaying or eliminating expenditures of a non-essential nature in order to maintain positive cash flow. The Town may also consider redirecting or reallocating resources and/or adjusting the budget.

Annual Review

This Emergency Financial Plan shall be reviewed annually in conjunction with the Town's Comprehensive Emergency Management Plan.

The Town's Emergency Reserve shall be evaluated and adjusted if necessary as part of the Town's annual budget preparation process.

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

Purpose

As a recipient of grant awards from a variety of sources for a variety of uses, the Town of Fort Myers Beach is often required to certify that its financial management system and internal control framework reasonably documents the eligible use for grant funding and minimizes risk of noncompliance by providing:

- 1) proficient financial management and accounting system documentation and controls,
- 2) full and open competitive compliant procurement,
- 3) prevention of duplication of benefits,
- 4) timely and compliant use and tracking of expenditures for approved projects,
- 5) financial and compliance reporting, and
- 6) means for detection and prevention of fraud, waste, and abuse.

The Town of Fort Myers Beach, as the subrecipient of grant funding from Lee County (the grantee), must continuously demonstrate conformity to sufficient financial management and internal control requirements specified in grant regulations, including, but not limited to 2 CFR 200. In order to facilitate such conformity, the Town of Fort Myers Beach Finance Department adopted the financial management policies of Lee County and adapted them to its organizational structure.

These financial management policies and procedures outline the financial management systems and internal control framework that enables compliant implementation, accountability, and transparency related to Federal, State, and Local requirements of grant funds. These policies and procedures address:

- Roles, Responsibilities, and General Requirements,
- Internal Controls, Cost Principles, and Cost Allocation,
- Accounting Systems and Records,
- Budget, Cash Management,
- Program Income,
- Real Property, Supplies and Equipment,
- Audits, Reporting, and
- Related Topics.

Responsible Positions, Roles, and Responsibilities

The specific grant responsibilities will be outlined in the effected relevant financial management procedures. These responsibilities may include:

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Town of Fort Myers Beach Grant Financial Management Policy

- Providing budgetary account codes management,
- Maintaining central financial inventory for grant funds,
- Processing invoices for payment,
- Cash management and check deposits,
- Requisitioning purchase orders for goods and services,
- Maintaining records for fixed asset inventory,
- Financial reporting to granting agencies,
- Monitoring department financial activity for grant compliance,
- Coordinating preparation for the annual Federal and state single audits,
- Providing on-going budget analysis and guidance, and
- Providing training and guidance to department staff on policies and procedures related to the above activities.

Position/Entity	Role	Processes
Mayor and Vice Mayor	Authorized Signatory	Check signing (checks greater than \$10,000)
Town Manager	Authorized Signatory	Check signing Contract signing Payment Request review and approval
Town Manager	Procurement Oversight	Procurement
Legislative Liaison / Deputy Clerk	Contract Manager	Contract drafting
Legislative Liaison / Deputy Clerk	Contact Person	General contact
Town Attorney	Legal Counsel	Contract review
Director of Operations and Compliance	Authorized Organization Representative	Invoice review and approval
Finance Director	Fiscal Manager	Payment Request review and approval
Finance Department under direction of Finance Director	Financial Management	Maintain accounting system; collect program income and reimbursements; process invoices, prepared payment requests; reconcile systems of record; prepare DRGR financial reports; maintain financial records; coordinate audit; manage asset inventory.
External Auditor	Single Audit	Audit by independent vendor in compliance with Single Audit requirements.

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Town of Fort Myers Beach Grant Financial Management Policy

Contact

The Finance Department is responsible for the financial management of the grant programs. To connect with the Finance Department, please contact:

Email: GrantAdmin@fmbgov.com

Phone: 239-765-0202 X 1701

Financial Management

Financial management related to grant funding is intended to enable compliant, effective, efficient, and transparent usage and reporting of funds. The Town has adopted financial management policies and procedures to guide the incorporation of cost principles, internal controls, generally accepted accounting principles, compliant record keeping, and reporting as prescribed by 2 CFR Part 200 Subpart E and 2 CFR 200.302. The Town's accounting policies and procedures will also define the controls and accountability over all funds, property, and other assets and ensure grant funds are used solely for the authorized purposes required by 2 CFR 200.302(b)(4). Per 2 CFR 200.400(d), the policies and procedures will also sufficiently define the standards for recording the accumulation of costs to document charges to the grant award.

The implementation of these general requirements and other guiding regulations establishes a financial management system with the following objectives:

- Clear Action Plan aligned spending plans, compliant procurement processes, and adequate accounting systems to capture actual expenditure, and reporting mechanism to enable periodic and frequent analysis of finances by program, activities, and objectives.
- Transparency and clear task ownership and accountability at all levels of operation to ensure compliant financial decisions.
- Assurance that costs are reasonable, necessary, allowable, and appropriately allocated.

Internal Controls

The Town will document and incorporate into its financial management system internal controls as required by 2 CFR 200.303. The controls will include processes, procedures, and technical safeguards effected by the Board, senior leadership, and other personnel to provide reasonable assurance regarding the achievement of the objectives related to operations reporting and compliance. The internal controls must conform to the "Internal

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) and will:

- a) Provide reasonable assurance that the Town is managing the grant award in compliance with Federal, State, and local statutes, regulations and the terms and conditions of the grant award.
- b) Comply with “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) as shown in the COSO framework principles table below.
- c) Provide a means to evaluate and monitor the Town’s and its compliance with statutes, regulations and the terms and conditions of grant awards, including detection and prompt action against fraud, waste, and abuse.
- d) Define the prompt actions to be taken when instances of noncompliance are identified (including noncompliance identified in audit findings).
- e) Demonstrate reasonable measures to safeguard protected personally identifiable information and other information the awarding agency or pass-through entity designates as sensitive or the Town considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

The COSO framework for internal controls has five components—the control environment, risk assessment, control activities, information and communication, and monitoring. The following results from adequately implemented internal controls:

- Fund oversight to ensure the appropriate use of funds.
- Separation of duties including authorization, reviews, payment management, reporting, and monitoring. No single person can have the authority to authorize a transaction, execute a transaction, record a transaction, and have custody of any resulting assets. Internal controls require that multiple people with different roles review every financial transaction. Report and entry cross-checks are conducted to ensure budgets, costs, records, and reports are reconciled.
- Risk assessments, compliance reviews, and monitoring are used to provide reasonable assurances the grant award is managed in compliance with statutes, regulations, and the terms and conditions of the award.

The following COSO components and principles are integral to the Town’s financial management processes and internal controls. The Town has operationalized these internal controls through documented procedures, activities, tools, and techniques identified in the Internal Control Crosswalk or similar control management system.

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

Internal Control Component	Principles
Control Environment	1. Demonstrates commitment to integrity and values. 2. Demonstrates independence and exercises oversight responsibility. 3. Establishes structure, authority, and responsibility. 4. Demonstrates commitment to attracting, developing, and retaining competent staff. 5. Enforces accountability for internal control responsibilities.
Risk Assessment	6. Specifies suitable, specific objectives. 7. Identifies and analyzes risks. 8. Assesses fraud risk. 9. Identifies and analyzes significant changes.
Control Activities	10. Selects and develops control activities that help mitigate risks. 11. Selects and develops general controls over technology. 12. Bases controls on thorough policies and procedures.
Information and Communication	13. Uses relevant, high-quality information. 14. Communicates internally to support controls. 15. Communicates externally.
Monitoring	16. Conducts ongoing and/or separate evaluations. 17. Evaluates and communicates deficiencies.

Cost Principles

The Town is responsible for compliance and ensuring the adherence to 2 CFR 200.400 Cost Principles, which assumes:

- a) responsibility for the efficient and effective administration of grant award through sound management practices;
- b) responsibility for administering grant funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the grant award;
- c) recognition of its own unique combination of staff, facilities, and experience, and will employ sound organization and management techniques necessary to administer the award properly and efficiently;
- d) cost principles are incorporated into existing internal accounting policies and practices, including accounting wherein the accumulation and documentation of costs is required;
- e) responsiveness to an approved indirect costing allowance as a reasonable and equitable treatment of facilities and administrative costs; and

Town of Fort Myers Beach Grant Financial Management Policy

- f) earnings and profit resulting from the grant may not be kept, unless explicitly authorized by the terms and conditions of the grant award and/or subrecipient agreements. See also § 200.307.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in subpart E of 2 CFR part 200 (the Cost Principles) applicable to grantees and their subrecipients require that costs are necessary and reasonable. 2 CFR 200.402 defines the total cost of a Federal award as the sum of the allowable direct and allocable indirect costs less any applicable credits. Therefore, direct and indirect cost classifications will guide the formation of the program's estimated budgets and the assignment of program expenditures to deliver program activities. Where conflicts occur between the definitions in 2 CFR 200 and more restrictive terms of the grant agreement, the definitions of the more restrictive grant agreement shall govern. See 2 CFR 200.101.

Classification of Direct and Indirect Costs

The Town will treat each cost item for the same purpose consistently in like circumstances, either as a direct or an indirect (Facilities & Administration) cost to avoid possible double charging grant awards per 2 CFR 200.412. Direct Cost classification will be guided by 2 CFR 200.413 and indirect costs by 2 CFR 200.414. As necessary, per 2 CFR 200.416, agency cost allocation plans will inform and provide backup documentation for central service costs. The Town will provide its basis for accounting and sufficient detail to understand how it formulated their estimated project budgets and assign a cost to accounting categories.

Direct Costs Definition and Determination

Direct costs are those that can be identified specifically with a particular final cost objective, such as that of the grant award, and that can be directly assigned to activities with relative ease and with a high degree of accuracy. Per 2 CFR 200.403(a), costs incurred for the same purpose in similar circumstances must be treated consistently as direct or indirect costs. See also 200.405. Direct costs can be:

- a. Exclusively associated with a particular good or service and can be classified to a final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. See 2 CFR 200.413 and 200.405.

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

- b. Identified with the grant award rather than the nature of the goods and services involved is the determining factor such as extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities, program evaluation costs, or other institutional service operations. 2 CFR 200.413(b)
- c. Identified with activities performed by the Town primarily as a service to members, clients, or the public when significant and necessary to the Town's mission. 2 CFR 200.413(f)

The typical direct budget categories will include, but are not limited to:

- Salaries and Wages and other personnel costs,
- Professional fees and services,
- Consumable supplies,
- Utilities,
- Travel,
- Rent,
- Other operating expenses, and
- Capital expenditures.

In-direct Costs Definition and Determination

Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Uniform Guidance, Appendix VII to Part 200 requires that governmental entities support indirect costs allocation with a cost allocation plan or an indirect cost proposal prepared in accordance with the three standard methodologies. (See OMB Circular A87 and A122) Indirect costs should be allocated in a manner that will result in the grant program bearing its fair share of total indirect costs.

A central service cost allocation plan is required if the local government has indirect costs resulting from centralized services that will be charged to federal awards. A central service cost allocation plan, for the purposes of local governments, refers to a description of a process whereby services provided on a centralized basis (e.g., motor pools, computer centers, purchasing and accounting services) can be identified and assigned to benefited departments/agencies on a reasonable and consistent basis.

An indirect cost proposal is required if the subrecipient has indirect costs resulting from centralized services that will be charged to federal awards and other indirect costs originating in various departments/agencies carrying out federal awards. An indirect cost proposal is the documentation prepared by a subrecipient to substantiate its request for the

Town of Fort Myers Beach Grant Financial Management Policy

establishment of an indirect cost rate. This rate, expressed in percentage terms, is applied to direct costs to determine the amount of reimbursement a grantee can obtain for indirect costs. (Attachment E of OMB Circular A-87 provides instructions on preparing indirect cost proposals. OMB Circular A-122 prescribes three methods for allocating indirect costs, from which one must be chosen.)

Note that the Town of Fort Myers Beach does not currently have an established or negotiated indirect cost rate. If the Town were to be awarded reimbursement for indirect costs, it is expected to be awarded at the standard de minimis indirect cost rate of 10%.

Budgets

The Town will use budgets as a project management and control tool. A budget is a financial plan listing by category the required goods, services, and resources and allocated funding and cost estimates needed to execute the project across a designated period. The project budget will include all necessary revenue (including grant allocations) and expense estimates (including all direct and indirect costs estimates). The budget will use the prescribed form or format presented as a chart or table showing revenues and expenditures at the most practical level. Budget reports developed from ongoing accounting should be organized to allow comparisons by accounting categories of the estimated or proposed budget, actual expenditures, budget balance, and variances.

Financial Accounting

The Town of Fort Myers Beach will account for grant funds in accordance with generally accepted accounting principles and in compliance with Florida Statute 218.33. Grant funds, revenue, and expenses will be classified and allocated using the Town's standard method of fund-based accounting. All grant financial information, including supporting procurement and other related documentation will be recorded as described in the Accounting and Bookkeeping Procedure. Financial records are subject to monitoring by the grantor, or its contractors and other concerned parties as described in the grantor's subrecipient monitoring policies.

The Town may be required by the grantor to provide a copy of its accounting policy and documentation describing its basis for accounting and its procedure for cost classification.

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

Expenditure Certifications

Per 2 CFR 200.415, the Town's requests for payment, reports, and financial records under the grant funding agreements may be required to include a certification, signed by an official who is authorized to legally bind the entity. The cost allocation plan or indirect cost rate proposal must be certified and comply with 2 CFR 200.415(b). Uniform Guidance General Provisions for Selected Items of Cost will be the reference to guide considerations of allowability for selected items of cost.

Accounting Funds and Cost Classification Structure

The Town of Fort Myers Beach utilizes an abbreviated version of the Florida Uniform Accounting System account structure. Fund numbers are only two digits rather than three and object codes are only five digits rather than six. However, the Town's numbering convention for the Town's account numbers follows the Uniform Accounting System numbering system as closely as possible within those limitations. The Town's complete account number string is represented as ##.###.###.#####.###. Each position is defined below.

Account Number String Definition				
##	##	###	#####	###
Fund	Department	Function	Object	Project

Fund: The fund is represented by the first two digits. The Town currently utilizes governmental funds consisting of the general fund, special revenue funds, debt service funds and capital funds; and utilizes proprietary funds consisting of utility funds.

Department: The department is represented by a two-digit code indicating the specific unit within the Town's organizational structure.

Function: The function is represented by a three-digit code indicating the specific function associated with the revenue or expenditure.

Object: The object code is represented by a 5-digit code indicating the specific revenue, expense, asset, liability, deferred inflow, deferred outflow, fund balance or net asset balance. The first three digits of the object code generally follow the Uniform Accounting System numbering convention for the type of account, although several object codes unique to the Town have also been created.

Exhibit B

Town of Fort Myers Beach Grant Financial Management Policy

Project: The project number is represented by a 3-digit code indicating the specific grant or project associated with the transaction being recorded.

Allowability of Costs

The Town will evaluate the allowability of costs as guided by criteria outlined in 2 CFR 200.403, including ensuring that all costs:

- a) are necessary and reasonable for the performance of the grant award and are allocable thereto under these principles;
- b) conform to any limitations or exclusions set forth in these principles or in the grant award as to types or amounts of cost items;
- c) are consistent with policies and procedures that apply uniformly to both grant financed and other activities of the Town;
- d) are given consistent treatment; (e.g. cost may not be assigned to a grant award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the grant award as an indirect cost);
- e) are determined to be in accordance with generally accepted accounting principles (GAAP), except for state and local governments and Indian tribes only, as otherwise provided for in this part;
- f) are not included as a cost or used to meet cost-sharing or matching requirements of any other grant financed program in either the current or a prior period unless specifically allowed. (See also 2 CFR 200.306(b));
- g) are adequately documented; (see also 2 CFR 200.300 through 200.309); and
- h) are incurred during the approved budget period. At its discretion, the awarding agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to 2 CFR 200.308(c)(3).

Reasonable Costs

The Town will evaluate the reasonableness of costs as guided by criteria outlined in 200.404, including:

- a) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the Town or the proper and efficient performance of the grant award;
- b) the restraints or requirements imposed by such factors as: sound business practices, arms-length bargaining, Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the grant award;
- c) market prices for comparable goods or services for the geographic area; and

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- d) whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town, its employees, where applicable its students or membership, the public at large, and the granting agency;
- e) whether the Town significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the grant award's cost.

To avoid subsequent disallowance or dispute based on unreasonableness or non-allocability, the Town may seek prior written approval or other technical assistance before special or unusual costs occur, as advised by 200.407.

Allocable Costs

The Town will evaluate the allocability of costs as guided by criteria outlined in 2 CFR 200.405. A cost is allocable to a particular grant award or other cost objective if the goods or services involved are chargeable or assignable to that grant award or cost objective in accordance with relative benefits received. This standard is met if the cost:

- 1) Is incurred specifically for the grant award;
- 2) benefits both the grant award and other work of the Town and can be distributed in proportions that may be approximated using reasonable methods; and
- 3) Is necessary to the overall operation of the Town and is assignable in part to the grant award in accordance with the principles in this subpart.

All activities which benefit from the Town's indirect cost will receive an appropriate allocation of indirect costs.

Any cost allocable to a particular grant award under the principles provided for in this part may not be charged to other grant awards to overcome fund deficiencies, to avoid restrictions imposed by statutes, regulations, or terms and conditions of the grant awards, or for other reasons. However, this prohibition would not preclude the Town from shifting costs that are allowable under two or more grant awards in accordance with existing statutes, regulations, or the terms and conditions of the grant awards.

Direct cost allocation principles: If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, the costs may be allocated or transferred to benefitted projects on any

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reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a grant award, the costs are assignable to the grant award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required. See also 2 CFR 200.310 through 200.316 and 200.439.

If the contract is subject to CAS, costs must be allocated to the contract pursuant to the Cost Accounting Standards. To the extent that CAS is applicable, the allocation of costs in accordance with CAS takes precedence over the allocation provisions in this part.

Limitation on Allowance of Cost

Some grant funds are subject to statutory requirements that limit the allowability of costs. When the maximum amount allowable under a limitation is less than the total amount expended, the amount in excess of the allowance may not be charged to the grant award. (2 CFR 200.408 Limitation on allowance of costs)

Collection of Unallowable Costs and Improper Payment

Payments made for costs determined to be unallowable by the grantor, for direct or indirect costs, must be refunded (including interest) to the grantor in accordance with the grantor's instructions unless statute or regulation directs otherwise. See 2 CFR 200.410, 2 CFR 200.428, 2 CFR 200.300 through 200.309 in subpart D of 2.CFR 200.

Financial Management System Requirements

Per 2 CFR 200.302 Financial Management, the Town will use a financial management system that enables a system of record for documenting compliance with statutes, regulations, and the terms and conditions of the grant award, sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and for tracking of funds to a level of expenditures adequate to establish that such funds have been used according to the statutes, regulations, and the terms and conditions of the grant award. The system will permit the accurate, complete, and timely disclosure of financial results in accordance with grantor reporting requirements and will minimize the time elapsed between the disbursement of funds and the receipt of funds from the grantor.

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Accounting System General Capabilities

Per 2 CFR 200.302(b), the Town will utilize an accounting system with the following capabilities:

- a) Identify and separately maintain accounts for each grant award received, and expended by unique identifiers (e.g., a project number associated with subrecipient agreement number and year) as required at 2 CFR 200.302 (b)(1).
- b) Provide accurate, current, and complete disclosure of the financial transactions of each grant award in accordance with 2 CFR 200.327 Financial reporting and 2 CFR 200.328 Monitoring and reporting program performance.
- c) Enable record keeping that adequately identifies the source and application of funds for grant-funded activities. These records must contain information pertaining to grant awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
- d) Effective control over, and accountability for, all funds, property, and other assets. The town must adequately safeguard all assets and assure that they are used solely for authorized purposes. See 2 CFR 200.303.
- e) Allow for comparison of expenditures with budget amounts for each grant award.
- f) Well-documented procedures to effectively implement the requirements of 200.305 and 2 CFR 200 Subpart E – Cost Principles.
- g) Comply with 2 CFR 200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission, and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records.

Accounting System Specific Capabilities

The Town will use an accounting system that sufficiently identifies the source and application of grant funds provided to them. The accounting system shall have the capacity to generate and manage the functions and capabilities below:

1. Chart of Accounts - this is a list of account names and the numbers assigned to each account name. The names describe the type of transactions that will be recorded in each account (e.g., an account titled “cash” denotes that only transactions affecting cash should be recorded in that account). The account number is required by most accounting software programs and is assigned to an account name to group similar types of accounts. A typical chart of accounts will generally include the following categories: assets, liabilities, net assets/fund balances, revenues, and expenses.

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2. Cash Receipts Journal - a cash receipts journal document for chronological recording the receipt of funds, including when the funds are received, the amounts, and the sources.
3. Cash Disbursements Journal - a cash disbursement journal documents, in chronological order, when an expense was incurred, for what purpose, how much was paid, and to whom it was paid.
4. Payroll Journal - a payroll journal documents payroll and payroll-related benefit expenses on salaries and benefits, including distinguishing between categories for regulatory purposes.
5. General Ledger - a general ledger summarizes, in chronological order, the activity and financial status of an organization's accounts. Information is transferred to the general ledger after it is entered into the appropriate journal. Entries transferred to the general ledger should be cross-referenced to the applicable journal to permit the tracing of any financial transaction. All journal entries must be properly approved and supported by source documentation.

The Town currently uses MIP for its accounting system but is in the process of selecting a new system. A replacement system will be selected that meets these requirements.

Documentation Management

The accounting system must manage documentation that demonstrates that grant expenditures were incurred during the effective period of the grant agreement; paid out (or properly accrued); expended on eligible items; and approved by the appropriate official(s) within the Town.

Source documentation must explain the basis of the costs incurred and the actual expenditure dates. For example, source documentation for payroll would include employment letters, authorizations for rates of pay and benefits, and time and attendance records. Source documentation on supplies would include purchase orders or purchase requisition forms, invoices from vendors, canceled checks made to vendors, information on where the supplies are stored, and the purpose for which they are being used.

The Town shall ensure that their accounting records include reliable, up-to-date information on the sources and uses of grant funds, including:

1. Amount of grant funds received;
2. Current authorization of funds;
3. Obligations of funds;

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4. Unobligated balances;
5. Assets and liabilities;
6. Program income; and
7. Actual expenditures broken down by the grant program, the year for which the funds are derived, and the activity for which the funds were used.

Accounting Records Management

To comply with 24 CFR 570.506, 24 CFR 570.490, and 24 CFR 570.502 recordkeeping requirements, the Town will be responsible for the acquisition and maintenance of recordkeeping systems. The Town will process all grant-related financial records as described in the Financial Management Recordkeeping procedure. The financial recordkeeping procedure shall clearly define:

- how financial records will be organized, stored, retrieved, and reported;
- identify the person responsible for recordkeeping and reporting; and
- the required records and formats.

Required financial records will include, but are not limited to:

- Chart of accounts,
- Accounting procedures,
- Accounting journals and ledgers,
- Source documentation (purchase orders, invoices, canceled checks),
- Procurement files (including bids, contracts, etc.),
- Real property inventory,
- Bank account records (including RLF records, if applicable),
- Draw down requests,
- Payroll records and reports,
- Financial reports,
- Audit files; and
- Relevant financial correspondence.

Record Retention, Storage, Transmission, and Access

The Town will retain financial records, supporting documents, statistical records, and all other Subrecipient records pertinent to the grant agreement for 5 (five) years after the close-out of the grant.

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The Town's Financial Management system will comply with 200.336 Methods for collecting, transmitting, and storing information. When possible, the standard for record will be in open and machine-readable formats rather than in closed formats or on paper, in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system.

Per 200.337 and 200.338, the Town will grant access to the appropriate grantor staff and to financial records pertinent to the grant award for monitoring and audit purposes.

Financial Reporting

The Town will use standard reporting requirements as described in the financial reporting procedures. Financial Reporting is required for the following:

- Track expenditures each month;
- Monitor expenditures of subrecipients;
- Ensure timely expenditures of funds per budget and schedule;
- Account for and manage program income;
- Reprogram funds in a timely manner for activities that are stalled; and
- Monitor project expenditures to ensure spending of all grant funds is within the grant agreement period.

Payments

The Town will pay contractors and vendors for eligible and allocable grant-related expenses per the Payment Standards outlined at 2 CFR 200.305. The Town must include accurate information in drawdown requests. Funds drawn down erroneously must be returned.

Reimbursement Requests

The Town will submit reimbursement requests (Payment requests) to the grantor substantiated with documentation of payments having been made for which the Town is seeking reimbursement.

Improper Payments

This policy documents the process used by the Town for determining cost allowability – both programmatic and financial - as well as plans for determining cost allocation. However,

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should costs be determined to be ineligible at any point after disbursement, the Town reserves the right to recover any payment determined to be improper. Improper payments mean any payment that:

- should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements,
- is made to an ineligible party,
- is made for an ineligible good or service,
- is duplicative,
- is for a good or service not received (except for such payments where authorized by law),
- does not account for credit for applicable discounts, or
- has insufficient or lack of documentation that prevents a reviewer from discerning whether a payment was proper. [2 CFR 200.53].

If it is determined that an improper payment was made, the Town will issue a written notice of repayment obligation to which supporting documentation will be attached and which indicates that improper payments must be repaid within 60 days of the written notice of the repayment obligation.

Program Income

The Town must report and remit program income to the grantor if required to do so. Program income is defined as any gross income received that was generated from the use of grant funds, regardless of when the grant funds were appropriated and whether the activity has been closed out.

When income is generated by an activity that is only partially assisted with grant funds, the income shall be prorated to reflect the percentage of grant funds used (e.g., a single loan supported by grant funds and other funds, or a single parcel of land purchased with grant funds and other funds).

Program income generated by a grant must be remitted to the grantor in full, if required to do so. The Town shall consult with grantor staff regarding any anticipated or received proceeds related to the grant-funded Program, even though the income might not be classified as program income, or to prorate proceeds generated from an activity that is only partially assisted with grant funds.

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Proceeds that are Program Income

Typical sources of program income include, but are not limited to, the following:

- Proceeds from the disposition by sale or long-term lease of real property purchased or improved with grant funds;
- Proceeds from the disposition of equipment purchased with grant funds;
- Gross income from the use or rental of real or personal property acquired by the Town with grant funds, less costs incidental to the generation of the income;
- Gross income from the use or rental of real property owned by the Town that was constructed or improved with grant funds, less the costs incidental to the generation of the income;
- Payments of principal and interest on loans made using grant funds;
- Proceeds from the sale of loans or obligations secured by loans made with grant funds;
- Interest earned on program income pending disposition of the income, including interest earned on funds held in a revolving fund account;
- Funds collected through special assessments made against nonresidential properties and properties owned and occupied by non-LMI households, where the special assessments are used to recover all or part of the grant-funded portion of a public improvement; and
- Gross income paid to a Town from the ownership interest in a for-profit entity in which the income is in return for the provision of grant-funded assistance.

Program income may be received before or after closeout of the grant activity that generated the program income. Any amount that meets the definition of program income must be returned to the grantor if required to do so.

Subrecipient Program Income Reporting and Transfer

The Town will work together with the grantor to anticipate and plan for program income. The Town will report program income through monitoring and desk audits and will be prepared to provide a Program Income Report for the grantor upon request. The Report will identify all receipts, including funds received that are not program income and any funds returned to the grantor.

The Town will maintain a distinct chart of accounts that provides for all booked program income, including the date the Town submitted the earned program income to the grantor.

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Timelines Requirement and Reprogramming Grant Funds

If the grant agreement includes a performance schedule, the Town will work with grantor to ensure that timeline objectives and deliverables are met, and that the performance schedule is substantially met. The Town's Program Manager will review progress status reports monthly and monitor the financial progress monthly through reporting and the system of record grant management system.

The grant agreement with the Town may outline benchmarks, draw schedules, and noncompliance processes for the project/activity. When sufficient progress is not being made and the project/activity is more than a certain number of days behind schedule as specified in the grant agreement, the Town may be subject to possible corrective actions, possible conditions (if necessary), and a possible reevaluation progress. Upon the reevaluation of the progress of the project/activity, if the Town is unable to complete grant activities in a timely manner, the grantor may reprogram the funds. In the event of an unanticipated termination of the Town's grant agreement, the Town may be required to remit all program income to the grantor within a certain number of days after the termination of the agreement.

Program income (other than program income deposited in a revolving fund) must be disbursed prior to the drawdown of additional funds from the grantor. Program income in a revolving fund must be disbursed for the activity for which the fund was established before additional requests are made for reimbursement from the grantor.

De-obligation of Funds

The Financial Review for closeout of activities may evaluate if funds obligated for the project will require de-obligation. If activities undertaken incur less costs than originally expected, funds may be de-obligated at agreement closeout, and made available for other eligible projects.

An unencumbered and obligations report will be reviewed monthly to ensure that funds are being expended and obligated in a timely manner to viable projects.

Asset Management

The Town will document and track all assets obtained with grant funds. All tangible personal property obtained by the Town through the use of grant funds will be controlled under the property management standards of the appropriate regulations governing the grant

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regarding the acquisition, record keeping, use and disposal of the asset, in addition to the procedures outlined in the administrative code.

Fixed Assets Management

The Federal monetary asset threshold is \$5,000 or more. Under Florida Statute 274, the Town will track all fixed asset property with a purchase price of \$5,000 or more. This is consistent with CFR 200.313 and 200.314, which requires that equipment and supply assets acquired with a value of \$5,000 or more per unit be capitalized, inventoried, and monitored.

To ensure accurate accounting of the Town's fixed assets, all staff are required to adhere to the following guidelines:

- Never remove property tags.
- Before disposing of any asset, regardless of its value, (even if not tagged), check with the Finance Department.

Disposal of Town Property Other Than Fixed Assets

Guidelines for disposing of surplus Town-owned office equipment, fixtures and materials that do not fall under the category of tangible fixed assets are as follow:

1. The surplus item(s) are to be advertised on the Town's intranet bulletin board for five business days to see if another Town department has a need for the item(s).
2. If no department is interested, then the item(s) can be considered salvage, and disposed of in the following order:
 - a. Transferred to another local, non-town government agency;
 - b. Donated to a local not-for-profit charity;
 - c. Donated to another Florida Town;
 - d. Disposed of as trash, using appropriate solid waste guidelines.

Real Property

Per 2 CFR 200.311 Real Property, the title to real property acquired or improved under a Federal award will vest upon acquisition by the Town. Real property must be used for the originally authorized purpose if specified in the grant agreement, during which time the Town must not dispose of or encumber its title or other interests.

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Disposition of Real Property

When real property is no longer needed for the originally authorized purpose, the Town must obtain disposition instructions from the grantor. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the grantor. The amount paid to the grantor will be computed by applying the grantor's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the Town is disposing of real property acquired or improved with a grant award and acquiring replacement real property under the same grant award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.
2. Sell the property and compensate the grantor. The amount due to the grantor will be calculated by applying the grantor's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the grant award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When the Town is directed to sell property, sale procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.
3. Transfer title to the grantor or to a third party designated/approved by the grantor. The Town is entitled to be paid an amount calculated by applying the Town's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

Audits

The Town will comply with the audit standards set forth in OMB Circular A-133 "Audits of States, Local Governments and Non-profit Organizations". In addition, the Town is subject to the scrutiny of two annual audits: one audit is of all general fund activity and the other is the required single audit of all Federal and state grants. The Town is also routinely monitored for financial and performance compliance by various Federal, state and private granting agencies, as well as the previously mentioned oversight divisions and offices.

The Finance Department routinely acts as the liaison between all auditing entities and program staff for financial audits. Town staff are expected to make every reasonable effort to provide clear and accurate documentation on all financial transactions to ensure a proper

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audit trail is in place. To this end, the following policies, procedures, and forms have been developed to ensure a valid and reliable audit trail.

The Town of Fort Myers Beach Audit Reports are retained on the Finance page of the Town of Fort Myers Beach website at <https://fortmyersbeachfl.gov/1136/Annual-Reports>

Finance Department staff are responsible for the continuous update of monitoring exhibits, policies and procedures, and program documentation to ensure audit readiness at all times. Upon notification of audit, Finance staff will complete and assemble all required Monitoring Checklists, Forms, or other required exhibits prior to the grantor's deadline.

During the audit, Finance staff will provide on-site monitoring staff with a space in which to review the provided documents, if such space is available. Town staff must ensure access to systems of record, Town networks, printers, or any other resources necessary to complete the audit. For any monitoring conducted remotely, Town staff will ensure Microsoft Teams appointments are established and coordinated to ensure a streamlined audit.

Audits performed for the Town will be performed by an independent auditor in accordance with Government Auditing Standards and must be conducted in accordance with the OMB circulars. Specifically, the audit will cover financial statements, internal controls, and compliance with applicable laws and regulations.

Single Audit

The Single Audit Act requires an annual audit of non-Federal entities that expend \$750,000 or more of Federal Financial Assistance in a fiscal year. The Single Audit must be performed by an independent auditor and the reporting package (which includes the audit report) must be submitted to the Federal Audit Clearinghouse within 30 days after your organization receives the audit report or 9 months from your organization's fiscal year end. The annual audit report must also be submitted to all granting agencies and financial institutions holding debt instruments of the Town.

A Single Audit includes an audit of both financial statements and compliance with Federal award requirements for those programs identified as "major programs" (based on application of the risk-based approach and criteria outlined in 2 CFR § 200.518 and 200.519) for the audit.

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In accordance with 2 CFR 200.509, the Town procures audit services to complete the single audit. The Town Clerk's Office maintains procurement records for the single audit provider and are available upon request.

Notification regarding the selection of a grant for single audit will be provided to the Finance Director. The Finance Director will notify the Finance Department of the audit and staff will begin gathering all required information to comply with the audit. Finance Department staff will serve as the single point of contact for grant-related audit concerns.

Grantor Audits

Federal and state agencies will audit the Town of Fort Myers Beach for financial, performance, and overall grant management for any grants awarded. Notifications regarding audits by grantors, including the Office of Inspector General (OIG) may arrive through a variety of means. Most often, grantors will send a notification regarding a planned audit to the grantee contact on file. The grantee contact must then notify the Finance Director, who will then notify Finance Department staff of the audit and staff will begin gathering all required information to comply with the audit. Finance Department staff will serve as the single point of contact for grantor auditors.

Audit Reports

Following the completion of the audit, an audit report must be prepared. The audit report must, at a minimum, contain the following:

- An opinion (or disclaimer of opinion) as to whether the financial statements are presented fairly in all material respects to conform with generally accepted accounting principles and an opinion (or disclaimer of opinion) as to whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements taken as a whole;
- A report on internal controls related to the financial statements and major programs. This report shall describe the scope of testing of internal controls and the results of the tests, and, where applicable, refer to the separate schedule of findings and questioned costs;
- A report on compliance with laws, regulations, and the provisions of contracts or grant agreements, and any noncompliance which could have a material effect on the financial statements. This report shall also include an opinion (or disclaimer of opinion) as to whether the grantee or subrecipient complied with laws, regulations,

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and the provisions of contracts or grant agreements which could have a direct and material effect on each major program, and, where applicable, refer to the separate schedule of findings and questioned costs; and

- A schedule of findings and questioned costs that includes a summary of the auditor's results, findings relating to the financial statements which are required to be reported in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States, and findings and questioned costs for Federal awards.

The audit must be completed, and the report submitted to the Federal clearinghouse designated by OMB within the earlier of 30 days after receipt of the auditor's report(s), or 13 months after the end of the audit period. The Town shall make copies available for public inspection on its website. Copies of audit reports must be kept on file for a minimum of three years from the date of submission to the Federal clearinghouse designated by OMB.

The auditor shall retain working papers and reports for a minimum of three years after the date of issuance of the auditor's report(s) to the grantee or subrecipient, unless the auditor is notified in writing by the cognizant agency for audit, oversight agency for audit, or pass-through entity to extend the retention period. If there are unresolved audit issues at the end of this three-year period, the grantee or subrecipient should notify the auditor in writing to extend the retention period.

Auditor Selection and Procurement

In arranging for audit services, the Town must follow the procurement standards found in 2 CFR Part 200, Subpart F, as applicable. The regulations at 2 CFR Part 200.501 – Subpart F states that a non-Federal entity that expends \$750,000 or more during its fiscal year in Federal awards, shall comply with audit requirements as set forth in the federal regulations by obtaining a single or program-specific audit conducted for that year, in accordance with the provisions of Part 200.501 – Subpart F. The Town is subject to the single-audit requirement and procures an audit firm per the procurement requirements at 2 CFR 200.509 Auditor, Selection, 200.509(a) Auditor Procurement, 2 CFR 200.318(e), and 2 CFR 200.319.

Whenever possible, the Town shall make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises when procuring audit services. In requesting proposals for audit services and objectives, the scope of audit, terms of services and duration of contract are made clear within the RFP to facilitate fair and open competition among all proposers. Factors to be considered in evaluating each proposal for audit services include the responsiveness to the request for proposal, relevant experience, availability of

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staff with professional qualifications and technical abilities, the results of external quality control reviews, and price.

Audit Costs

The costs of audits made in accordance with the applicable regulations are allowable charges to Federal assistance programs. These charges can be treated as either a direct cost or an allocated indirect cost, as determined in accordance with the provisions of the applicable OMB cost principles circulars. The cost of any audit under OMB Circular A-133 not conducted in accordance with this part is unallowable. The cost of auditing the Town, which has Federal awards expended of less than \$750,000 per year and is thereby exempted from having an audit conducted under this part, is also not allowable.

Town of Fort Myers Beach Duplication of Benefits Policy

Background

Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5155) requires that recipients of federal disaster recovery funding make certain that no "person, business concern, jurisdiction, or other entity" will receive duplicative assistance. Because disaster assistance to each person/entity varies widely based on their insurance coverage and eligibility for federal funding, grantees cannot comply with the Stafford Act without first completing a duplication of benefits (DOB) analysis specific to each applicant.

Overview

The Town of Fort Myers Beach (The Town) is the recipient of a Community Development Block Grant-Disaster Recovery (CDBG-DR) grant to support long-term recovery efforts.

This assistance is intended to supplement, not replace, other public, private, and nonprofit sector resources that have already been provided for the same need or loss. In order to ensure that CDBG-DR funding is spent on eligible activities, the Town will be responsible for verifying that the assistance it receives is only to the extent that it has a disaster recovery need that has not been fully met by funds that have already been, or will be paid, from another source.

A Duplication of Benefit occurs when:

- A beneficiary receives assistance, and
- The assistance is from multiple sources, and
- The assistance amount exceeds the need for a particular recovery purpose.

The federal regulation pertaining to procedures for identifying Duplication of Benefits is found in 84 FR 28836.

It shall be the policy of the Town of Fort Myers Beach to take affirmative steps to ensure that a duplication of benefit does not occur in the administration of its federal funding.

A duplication of benefits occurs when an entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance.

CDBG-DR funds are intended to be the payer of last resort for eligible recovery activities. The Town will verify that CDBG-DR funds are not used for activities reimbursable by or for which funds are made available by Insurance, FEMA or the Army Corps. If FEMA or the Army Corps are accepting applications for a project that is being considered for CDBG-DR funding, the Town will seek assistance from those sources before using CDBG-DR. If FEMA or Army Corps funding is received after the use of CDBG-DR to pay for the same costs,

Town of Fort Myers Beach Duplication of Benefits Policy

CDBG-DR funds will be recaptured in the amount that duplicates assistance received from FEMA or the Army Corps. If an insurance claim has not yet been made, the Town will file a claim with its insurance carrier.

Common disaster assistance sources include, but are not limited to:

- FEMA;
- SBA;
- NFIP;
- HUD;
- Central Office for Recovery, Reconstruction and Resiliency (COR3);
- Increased Cost of Compliance (ICC);
- United States Army Corps of Engineers (USACE);
- Private Insurance;
- Private and nonprofit disaster assistance; and
- Other public or private source.

The Town will provide supporting documentation, including award letters, denial letters and other documentation supporting the amount, sources and uses of funding received or declined to assist in the completion of the project that was provided in the recovery and/or mitigation from the covered disaster.

The Town acknowledges the warning that “Any person who knowingly makes a false claim or statement to HUD or causes another to do so may be subject to civil or criminal penalties under 18 U.S.C. 2, 287, 1001 and 31 U.S.C. 3729.”

AND

The Town understands that it must be willing to sign the following affidavit:

I/We agree to notify the [subrecipient] within five (5) business days of any additional or new payments, loans, grants, or awards by HUD, FEMA, the Small Business Administration, the state, or any other entity I/we have not specifically disclosed in this application. Further, I/we understand and acknowledge Lee County’s or its subrecipient’s right and responsibility to enforce this requirement by recapturing all or a portion of the CDBG-DR award if the funds I/we receive are determined to be a duplication of the CDBG-DR benefit I/we are applying for with this application.

I/We have read and understand the foregoing statement.

Date: Applicant(s):

Town of Fort Myers Beach Duplication of Benefits Policy

In addition, The Town understands that it must also be willing to sign, at the time of application, an affidavit as follows:

PENALTY FOR FALSE OR FRAUDULENT STATEMENT: U.S.C. Title 18, Sec. 1001, provides: "Whoever, in any matter, within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

I/We have read and understand the foregoing statement.

Date: Applicant(s):

Assessment of Needs Prior to Assistance

To ensure that funds are not duplicative of benefits provided by other sources, the Town will first determine its total post-disaster need, regardless of suspected duplicative funds or caps. After the calculation of total need, any duplicative assistance will be subtracted out and the cap will be applied, as per applicable cost reasonableness principles that must be considered when calculating the amount of the final award.

The Applicant's total post-disaster need shall be determined by a cost estimate completed by the Town, an implementation contractor, or its authorized representatives, according to the procedures established in each project's policies.

Supporting documentation for any sources of funding provided by the applicant to validate the DOB amount, including certifications, and benefit statements; agency communications, and calculation forms, will be maintained by the Town to support the Town's duplication of benefits calculation. If requested, the Town will submit its DOB calculations to Lee County for final review and approval.

Verification of Assistance

The Town will be prepared to disclose to the County all disaster related assistance it has received and to provide supporting documentation indicating what is the source of the assistance, what is the purpose of the assistance, what is the amount of the assistance, and are the uses eligible. Supporting documentation includes award letters, insurance proof of loss or estimates, cancelled checks.

Duplication of Funds Calculation

Exhibit C

Town of Fort Myers Beach Duplication of Benefits Policy

To calculate DOB, the projects consider the following:

- 1) total assistance received by or available to the applicant,
- 2) assistance considered to be non-duplicative; and
- 3) the unmet needs of the applicant.

Total DOB is calculated by subtracting non-duplicative assistance from the total assistance received. Under Federal law, any duplication of benefit must be deducted from the assistance provided by the projects.

According to 84 FR 28836, assistance is available if an applicant: (1) would have received it by acting in a reasonable manner, or in other words, by taking the same practical steps toward funding recovery as would disaster survivors faced with the same situation but not eligible to receive CDBG-DR assistance; or (2) has received the assistance and has legal control over it. Available assistance includes reasonably anticipated assistance that has been awarded and accepted but has not yet been received.

Duplication of Benefits (DOB) Analysis

- 1) Identification of the total need for assistance for the specific activity, according to the process established by each project (e.g., damage assessments, appraisals, quotes, among others);
- 2) Identification of the total assistance received by and available to the applicant for the specific activity;
- 3) Identification of the assistance provided to the applicant that has been determined not to be available, including the following exception to DOB:
 - Assistance provided for a different purpose;
 - Funds used for a different, eligible purpose;
 - Funds not available to the applicant;
 - Funds from a private loan not guaranteed by SBA unless such a loan is forgivable;
 - Applicable exceptions related to subsidized loans; and
 - Any other asset or line of credit available to the applicant.
- 4) Determine which sources must be excluded as non-duplicative as described in the Exceptions of DOB section of this policy, including amounts used for a different purpose, or same purpose, different allowable use.
- 5) A calculation to determine the total funds available from other sources for the specific activity:
 - o Calculated by subtracting the assistance not available to the applicant or excluded by Lee County from the total assistance received by the applicant.

Town of Fort Myers Beach Duplication of Benefits Policy

- 6) An award cap to be used as a check for the max award.
- 7) Determine the maximum award:
 - o Calculated by subtracting available funds from other sources (as defined above) from the total need for assistance and comparing the result to the project cap (if applicable) and entering the lesser of the award cap or the maximum award as the maximum eligible award.

Subrogation and Recapture of Funds

All duplicative assistance received by the Town must be accounted for and remitted to Lee County or its subrecipient, regardless of when it is received. By accepting the award, the Town agrees that it will report any duplicative funds to Lee County whenever received. Upon receipt of a report that additional assistance has been received, Lee County will recalculate the Town's award and provide instructions as to whether such funds must be used for the same purpose as the CDBG-DR-funded activity prior to expending additional funding by Lee County or whether the applicant must remit such amounts as a reimbursement. All applicants and subrecipients will be required to sign a Subrogation Agreement as part of their written agreement.

Once it has been determined that the Town must return funds to the CDBG-DR grant fund, the Town must repay their funds in a timely manner. All repayments shall be expected to be repaid in full, as one lump sum amount. The projects will review any Town claims of financial hardship and may make limited accommodations on a case-by-case basis.

Method of Capturing Duplication of Benefits

The Town will code each receipt of disaster recovery assistance for the same project and/or activity with the same project number. In this way, the Town will be able to identify all funding sources related to a particular project and then determine to which extent any of the sources of funding represents a duplication of benefits.

Town of Fort Myers Beach

Accounting Policy

The Town of Fort Myers Beach, Florida (the “Town”) was incorporated pursuant to Chapter 95-494, Laws of Florida. The Town operates under a Town Manager form of government and is governed by an elected five-member Town Council. The Town Manager is appointed by a majority vote of the Council. The Town provides the following services: parks and recreation, public works, streets and roads, planning and zoning, water utility services, museum and cultural, stormwater, and general and administrative services.

The basic financial statements of the Town have been prepared in conformity with accounting principles generally in the United States of America (GAAP), applicable to state and local governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for governmental accounting and financial reporting. The GASB periodically updates its codification of the existing Governmental Accounting and Financial Reporting Standards, which along with subsequent GASB pronouncements (statements and interpretations), constitutes GAAP for governmental units.

A. Reporting Entity

In evaluation of the Town as a reporting entity, management considered all potential component units in accordance with applicable Governmental Accounting Standards Board Statements (GASBS). A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Management reviewed all of the financial accountability concepts and determined that there are no component units required to be included in the Town’s financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide and fund financial statements along with the notes to the financial statements comprise the basic financial statements. The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. Government-wide financial statements do not provide information by fund but distinguish between the Town’s governmental activities and business-type activities. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net position includes non-current assets and non-current liabilities. In addition, the governmentwide statement of activities reflects depreciation expense on the Town’s capital assets. The statement of activities demonstrates the degree to which the direct expenses of a given function or activity is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: (1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Town of Fort Myers Beach

Accounting Policy

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. The reports the following major governmental funds:

The General Fund is the Town's primary operating fund. It accounts for all financial resources, except those required to be accounted for in another fund.

The Gas Tax Fund (Special Revenue Fund) is used to account for gas taxes and other resources dedicated to road related projects.

The Building Fund (Special Revenue Fund) is used to account for funds and other resources dedicated to community development.

The Beach Access Fund (Special Revenue Fund) is used to account for funds and other resources used for improvements to, and maintenance of, public beach access.

The Capital Projects Fund is used to account for funds and other resources used for the acquisition and/or construction of major capital facilities.

The American Rescue Fund (Special Revenue Fund) is used to account for grant funds received by the Town under the American Rescue Plan Act.

The Town reports the following major proprietary funds:

The Water Fund is used to account for the activities of the Town's water system.

The Stormwater Fund is used to account for the activities of the Town's stormwater system.

C. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues, except intergovernmental revenues, to be available if they are collected within 60 days of the end of the current fiscal period. Intergovernmental revenues are recognized in the year in which all eligibility requirements have been satisfied. Eligibility requirements include timing requirements, which specify the year when

Town of Fort Myers Beach

Accounting Policy

the resources are required to be used or the year when use is first permitted, matching requirements, in which the Town must provide local resources to be used for a specified purpose, and expenditure requirements, in which the resources are provided to the Town on a reimbursement basis. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, expenditures related to long-term debt, compensated absences and claims and judgments are recorded only when payment is due.

Taxes, licenses and permits, intergovernmental revenue, charges for services, and investment earnings associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

In accordance with GASB Statement No. 33, Accounting and Financial Reporting for Non-exchange Transactions, the corresponding assets (receivables) in non-exchange transactions are recognized in the period in which the underlying exchange occurs, when an enforceable legal claim has arisen, when all eligibility requirements have been met, or when resources are received, depending on the revenue source.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the Town's water function and various other functions of the Town. Elimination of these charges would distort the direct costs reported for the various functions concerned.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's enterprise funds are charges to customers for sales and services. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

The preparation of basic financial statements in conformity with GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

D. Assets, Liabilities, Deferred Inflows of Resources, and Fund Balance/Net Position

Cash and Investments

The Town's cash consists of amounts in demand deposits and certificates of deposit. Investments consist of amounts on deposit with the Florida State Board of Administration's Florida Prime pool and with the Florida Municipal Investment Trust.

The Town's investment policy follows Section 218.415 of the Florida Statutes and allows management to invest any surplus funds in its control in the following:

- The Florida State Board of Administration's SBA Florida Prime;

Town of Fort Myers Beach

Accounting Policy

- Florida Municipal Investment Trust (an intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in Florida Statute 163.01);
- Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
- Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in Florida Statutes, Chapter 280.02;
- Direct obligations of the United States Treasury.

For accounting and investment purposes, the Town maintains cash and investment pool available for use by all funds except those whose cash and investments must be segregated due to legal or other restrictions. Investments within this pool are treated as a demand deposit account by the various funds of the Town that participate. Interest earned on investments in the pool is allocated to the various funds based upon each fund's equity balance in the pool during the allocation period.

SBA Florida Prime meets the necessary criteria to elect to measure all of the investments in Florida Prime at amortized cost.

For purposes of the statement of cash flows, the Town considers highly liquid investments, including those held as restricted assets, with maturities of three months or less when purchased to be cash equivalents.

Customer deposit resources in the Water Fund are restricted to the payment of customer's deposits as they become due.

Receivables

The accounts receivable of the Town are recorded net of an allowance for doubtful accounts which generally is equivalent to the receivables that are over 90 days past due. In the Water Fund, revenues and receivables are accrued for services provided to customers through year-end even if the customers have not yet been billed.

Interfund Transactions

During the course of operations, the Town has activity between funds for various purposes. Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are reported as either "due from/to other funds" or "advances to/from other funds," the latter being amounts due in excess of one year. Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

Prepaid Items

Payments made to vendors for services that will benefit periods beyond the current fiscal year are recorded as prepaid items using the consumption method by recording an asset for the prepaid amount and reflecting the expenditure/expense in the year in which services are consumed. At the fund reporting level, an equal amount of fund balance is reported as nonspendable as this amount is not available for general appropriation.

Town of Fort Myers Beach

Accounting Policy

Restricted Assets

Assets are reported as restricted when limitations on their use change the nature or normal understanding of the availability of the asset. Such constraints are either externally imposed by creditors, contributors, grantors or laws of other governments, or are imposed by law through constitutional provisions or enabling legislation. Restricted assets in the enterprise funds represent cash and cash equivalents set aside for the repayment of deposits to utility customers.

Capital Assets

Capital assets include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items) and are reported in the governmental activities column in the government-wide financial statements. As permitted by GASB No. 34, the Town has elected not to report infrastructure assets retroactively.

Capital assets are recorded at cost if purchased or constructed. Donated capital assets are recorded at their acquisition value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. The Town follows a capitalization policy that calls for the capitalization of all capital assets that have costs of \$5,000 or more and useful lives in excess of one year. Property, plant and equipment are depreciated using the straight-line method over the following estimated useful lives:

Buildings and improvements	10 - 40 years
Leasehold improvements	10 years
Equipment	5 - 10 years
Computer equipment	3 - 10 years
Furniture	3 - 10 years
Vehicles and rolling stock	3 - 10 years
Distribution lines	20 - 25 years
Booster stations	25 years
Generators	10 years
Infrastructure	40 years

Deferred Outflows/Inflows of Resources

The Town reports deferred inflows and deferred outflows related to the recording of changes in its total OPEB liability. Certain changes in these liabilities are recognized as OPEB expense over time instead of all being recognized in the year of occurrence. Experience gains or losses result from periodic studies by the Town's actuary which adjust the total OPEB liability for actual experience for certain trend information that was previously assumed, for example the assumed dates of retirement of plan members. These experience gains or losses are recorded as deferred outflows of resources or deferred inflows of resources and are amortized into OPEB expense over the expected remaining service life of plan members. Changes in actuarial assumptions which adjust the total OPEB liability are also recorded as deferred outflows of resources or deferred inflows of resources and are amortized into expense over the expected remaining lives of plan members. Additionally,

Town of Fort Myers Beach

Accounting Policy

any contributions made by the Town to the OPEB plan before year-end but subsequent to the measurement date of the Town's total OPEB liability are reported as deferred outflows of resources.

In addition to the above OPEB related deferred inflows, the Town also has one other type of these items, which arises only under a modified accrual basis of accounting that qualifies for reporting in this category. Accordingly, the item, unavailable revenue, is reported only in the Governmental Funds Balance Sheet. The governmental funds report unavailable revenues from certain charges for services and fines and these amounts are deferred and will be recognized as an inflow of resources in the period in which the amounts become available.

Long-Term Obligations

In the government-wide financial statements and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund statement of net position. Debt premiums and discounts are deferred and amortized over the life of the debt using the effective interest method. Debt payable is reported net of the applicable debt premium or discount.

In the fund financial statements, governmental fund types recognize debt premiums and discounts during the current period. The face amount of debt issued and debt premiums are separately reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures when incurred.

Compensated Absences

Full-time employees may accumulate paid time-off. The Town's policy allows employees to accumulate up to 560 hours of paid time-off. Upon voluntary or involuntary separation from employment, an employee will be paid for all accumulated vacation leave (up to 560 hours). The accumulated compensated absences are accrued when incurred in the government-wide financial statements for both the current and long-term portions.

Fund Balance/Net Position

Fund equity at the governmental fund financial reporting level is classified as "fund balance." Fund equity for all other reporting is classified as "net position."

Fund Balance—Generally, fund balance represents the difference between current assets and current liabilities in fund financial statements using the current financial resources measurement focus. In the fund financial statements, governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.

Fund balances are classified as follows:

Town of Fort Myers Beach

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Nonspendable—Fund balances are reported as nonspendable when amounts cannot be spent because they are either: (1) not in spendable form (i.e., items that are not expected to be converted to cash such as prepaid items), or (2) legally or contractually required to be maintained intact.

Restricted—Fund balances are reported as restricted when there are limitations imposed on their use either through enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

Committed—Fund balances are reported as committed when they can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council through the adoption of a resolution or ordinance. Only the Town Council may modify or rescind the commitment. These self-imposed limitations must be set in place prior to the end of the fiscal year.

Assigned—Fund balances are reported as assigned when amounts are constrained by the Town's intent to be used for specific purposes but are neither restricted nor committed. Intent is stipulated by the Town Council or an official for whom that authority has been given by Town Council. The Town Manager has the authority to assign fund balance.

With the exception of the General Fund, amounts in all other governmental funds that are not nonspendable, restricted or committed will be considered to be assigned. Also, at fiscal year-end, any appropriation of existing fund balance to eliminate a projected budgetary deficit in the next year's budget is considered to be an assignment of fund balance.

Unassigned—Fund balances reported as unassigned are the residual amount of balances that do not meet any of the above criterion. The Town reports positive unassigned fund balance only in the General Fund. Negative unassigned fund balances may be reported in other funds.

Net Position—Net position represents the difference between assets and liabilities in reporting units using the economic resources measurement focus. Net position reported as net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvement of those assets, adding back unspent proceeds. Net position reported as restricted consists of amounts that have limitations imposed on their use either through enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments. Net position not reported as "net investment in capital assets" or "restricted" is reported as unrestricted.

Flow Assumptions—When both restricted and unrestricted amounts of fund balance/net position are available for use for expenditures/expenses incurred, it is the Town's policy to use restricted amounts first and then unrestricted amounts as they are needed.

For unrestricted amounts of fund balance, it is the Town's policy to use fund balance in the following order:

- Committed
- Assigned

Town of Fort Myers Beach Accounting Policy

- Unassigned

Property Taxes

The billing and collection of all property taxes is performed for the Town by the Lee County, Florida Tax Collector. Property taxes are levied after formal adoption of the Town's budget and become due and payable on November 1 of each year. Discounts are allowed for payment of property taxes before March 1 of the following year. Taxes are recognized as revenue when levied to the extent that they result in current receivables and meet availability criteria. On April 1, any unpaid taxes become delinquent. If the taxes are still unpaid in May, tax certificates are then offered for sale to the general public. The proceeds collected are remitted to the Town.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, WAIVING THE REQUIREMENT FOR PROOF OF USE OF A DWELLING UNIT AS A SHORT-TERM VACATION RENTAL DURING THE PRIOR YEAR DUE TO THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA; DIRECTING TOWN STAFF TO ADMINISTER ANNUAL RENEWAL APPLICATIONS OF PREVIOUSLY REGISTERED MONTHLY AND WEEKLY SHORT-TERM VACATION RENTALS AND COLLECT SHORT TERM VACATION RENTAL FEES AS IF THE ANNUAL REGISTRATION WAS TIMELY RECEIVED AND THE HOUSES HAD BEEN RENTED DURING THE PRIOR YEAR UNTIL JUNE 1, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The passage of this resolution is necessary to ensure previously registered short-term vacation rentals do not lose their status from failure to operate in the prior year or to meet the criteria required to renew a short-term vacation rental application while the Town is recovering from and under a state of local emergency after Hurricanes Ian and Idalia.

What the action accomplishes:

This resolution permits previously registered short-term vacation rentals to maintain their status, even if such rentals were not in operation in the prior year or fail to satisfy any of the criteria required for a renewal of the registration while the Town is under a state of emergency, and provides a directive to the Town staff to administer renewal applications of previously registered monthly and weekly short-term vacation rentals and collect short term vacation rental fees as if the annual registrations were timely received and rentals had been in operation during the prior year until June 1, 2025.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

On June 6, 2024, the Town Council held a discussion regarding the status of short-term weekly and monthly rentals in the Town and the necessity for allowing those rentals to renew their applications as if they had operated in the prior year and had satisfied all criteria required for a renewal, even if those rentals were not in operation and currently fail to meet the required renewal criteria due to the consequences of Hurricanes Ian and Idalia and the current local state of emergency. The Town Council further discussed the need for an administrative directive to the Town staff, requiring the staff to approve renewal applications for previously registered short-term rentals and collect renewal fees as if all renewal criteria have been met.

Attachments:

1. 24-128, Vacation Rentals Resolution - June 11 2024 MRNSBV-REV

Financial Impact:

None

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Jason Freeman, Legislative Liaison / Deputy Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-128

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, WAIVING THE REQUIREMENT FOR PROOF OF USE OF A DWELLING UNIT AS A SHORT-TERM VACATION RENTAL DURING THE PRIOR YEAR DUE TO THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA; DIRECTING TOWN STAFF TO ADMINISTER ANNUAL RENEWAL APPLICATIONS OF PREVIOUSLY REGISTERED MONTHLY AND WEEKLY SHORT-TERM VACATION RENTALS AND COLLECT SHORT TERM VACATION RENTAL FEES AS IF THE ANNUAL REGISTRATION WAS TIMELY RECEIVED AND THE HOUSES HAD BEEN RENTED DURING THE PRIOR YEAR UNTIL JUNE 1, 2025; 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, on September 28, 2022, the Town of Fort Myers Beach, residents and businesses in the Town of Fort Myers Beach was devastated by Hurricane Ian, resulting in the loss of lives, destruction of houses, and catastrophic financial losses; and

WHEREAS, since the arrival of Hurricane Ian, the Town has renewed and operated under a Local State of Emergency due to the impacts of Hurricane Ian and ongoing recovery efforts; and

WHEREAS, on August 29, 2023, the Town and its residents and businesses incurred additional damage and loss due to the effect of Hurricane Idalia, resulting in a second Local State of Emergency, which also remains in effect due to impacts of the storm and ongoing recovery efforts; and

WHEREAS, Section 10-198 of the Town of Fort Myers Beach Code of Ordinances (“Code”) contains regulations regarding short-term monthly vacation rentals, including but not limited to annual application renewal and payment of an administrative fee; and

WHEREAS, Section 34-2392 of the Code contains similar regulations as in Section 10-198 applicable to grandfathered short-term weekly rentals located in certain areas of the Town; and

WHEREAS, as a result of extensive damage and loss caused by Hurricanes Idalia and Ian, many property owners, due to no fault of their own, lost their ability to rent their properties as

required by Sections 10-198 and 34-2392 of the Code, due to needed repairs or required demolition of their short-term rental dwelling units; and

WHEREAS, a condition of a short-term rental renewal is evidence of short-term rental use of the dwelling unit during the preceding year, which for some short term rental property owners was a virtual impossibility; and

WHEREAS, the Town Council has determined it is in the best interest of the health, safety and welfare of the Town, as part of and in furtherance of its recovery efforts, to waive the requirement for evidence of short-term rental use of the dwelling unit during the preceding year until June 1, 2025 for previously registered short-term rentals, to prevent those properties from losing their short-term rental status while rebuilding and repairs are completed; and

WHEREAS, the Town Council deems it necessary to permit approval of the annual renewal applications of previously registered short-term vacation rentals as if they had not been destroyed or damaged by Hurricanes Ian or Idalia to prevent loss of their existing use as a short-term rental while the Town is rebuilding and recovering from Hurricanes Ian and Idalia; and

WHEREAS, the passage of this Resolution would serve the interests and welfare of the residents of the Town of Fort Myers Beach in the Town's comprehensive recovery and rebuilding efforts.

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. Town staff is hereby directed to process the renewal applications for previously registered short-term vacation rentals in accordance with findings stated in this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

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 _____ day of _____ 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2024.

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .#### MILLS FOR FISCAL YEAR 2024-2025 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2024-2025; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Pursuant to state law, a Tentative Millage Rate must be adopted by the Town Council prior to August 1st and submitted to the County Property Appraiser prior to August 4th. Once the tentative millage rate has been set it cannot be increased, only reduced.

What the action accomplishes:

Sets the Tentative Millage Rate in compliance with state law.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Andy Hyatt, Town Manager

5. **Background:**

A Tentative Millage Rate must be adopted by the Town Council prior to August 1st and submitted to the County Property Appraiser prior to August 4th. Once the tentative millage rate has been set it cannot be increased, only reduced. Currently the Town staff is developing the General Fund Operating Budget. By June 1, 2024 the county will have released the Estimated Property Values for Lee County. The county will release the Final Property Values for FY24 on or before July 1. In FY25, staff does not estimate any additional revenue to be available for new initiatives. To the contrary, due to the ongoing effects of Hurricane Ian, there will continue to be a substantial shortfall in operating revenues. The Town has been awarded an \$11,900,000 Bridge Loan to offset those shortfalls. It is staff's opinion that the Bridge Loan should continue to fund any decrease in revenue compared to normal year (FY22) revenue, and any remaining budget gap should be funded with other funding sources, including the consideration of a millage rate increase.

Budget reports will be distributed electronically or hard copy and discussed with the Council prior to the Budget Hearings that will occur in September.

The first budget hearings will be scheduled for Monday, September 9, 2024 at 5:01 pm, and the second budget hearing will be held on Monday, September 23, 2024 at 5:01 pm.

Attachments:

1. 24-120, FY25 Tentative Millage Rate ns edit
2. 2024 Estimated Tax Roll Values

Financial Impact:

Financial impact is unknown at the time of submitting this resolution. Once we have the estimated property values for Lee County (expected to be received on June 1st), and once we have the preliminary General Fund budget, we will be able to calculate the estimated property tax revenue and compare it to the preliminary budget in order to determine the size of the gap between estimated General Fund revenues and expenditures, if any. The estimated property

values and preliminary budget information will most likely not be available in advance of the meeting. It is understood, therefore, that there will not be sufficient time to consider the information in order to make a decision at the meeting. It is expected that the decision will be tabled until the June 17th meeting in order to have sufficient time to consider the information provided.

6. Alternative Action

Propose alternative millage rates and/or budget hearing dates.

7. Management Recommendations:

Staff recommends Town Council consider setting the Tentative Millage Rate high enough to cover the gap between estimated revenues and expenditures. Given that the information on which to base the decision will not be available in advance of the meeting, it is expected that the decision will be tabled until the June 17th Town Council meeting. The intent of having this on the June 3rd agenda is simply to begin the discussion, with the understanding that the Town Council will most likely need time to consider the information and to reach a decision.

8. Recommended Approval:

Jason Freeman, Legislative Liaison / Deputy Town Clerk
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/10/2024
Approved - 6/10/2024
Approved - 6/11/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-120

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .#### MILLS FOR FISCAL YEAR 2024-2025 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2024-2025; AND PROVIDING 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 services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Section 200.065, *Florida Statutes*, establishes the method for determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, the Town of Fort Myers Beach, by and through its Town Council, hereby determines it is in the best interest of the Town and orderly governmental process to hold public hearings as required by Section 200.065, *Florida Statutes*; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents and visitors of Fort Myers Beach that the Town Council set the tentative operating millage rate as set forth herein and take the other actions set forth herein; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the Town of Fort Myers Beach, Lee County, Florida has been preliminary certified by the Lee County Property Appraiser to the Town of Fort Myers Beach estimated as \$3,744,553,000 as documented on Attachment "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference and adopted as the legislative and administrative findings of the Town Council.

Section 2. The tentative ad valorem operating millage rate for Fiscal Year 2024-2025, is hereby adopted at .#### mills, which equals \$## per \$100,000 dollars of property value.

Section 3. Public meetings and hearings will be held in compliance with Florida Property Tax Truth In Millage (TRIM) Process at the Town Council Chambers located at 2731 Bay Oak Street, Fort Myers Beach, FL, to consider and adopt the final millage rate and to consider and adopt the Town budget for Fiscal Year 2024-2025 as set forth in Section 200.0654, et seq., *Florida Statutes*. The first hearing will be held on Monday, September 9, 2024 at 5:01 pm, and the second hearing will be held on Monday, September 23, 2024 at 5:01 pm.

Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____
John King, Council Member	_____

ADOPTED this ____ day of June 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 Resolution was filed in the Office of the Town Clerk on this ____ day of June 2024.

LEE COUNTY TAX ROLL VALUES - 2024

<i>COUNTYWIDE</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 204,004,677,354	\$ 207,056,218,000	\$ 3,051,540,646	1.50%
TOTAL ASSESSED:	\$ 140,760,439,119	\$ 153,023,157,000	\$ 12,262,717,881	8.71%
TOTAL TAXABLE:	\$ 120,583,101,524	\$ 132,214,496,000	\$ 11,631,394,476	9.65%
SCHOOL TAXABLE:	\$ 147,715,282,875	\$ 153,416,714,000	\$ 5,701,431,125	3.86%
<i>New Construction Just:</i>	\$ 3,278,968,147	\$ 5,309,041,413		
<i>New Construction Taxable:</i>	\$ 2,855,315,714	\$ 147,633,577		

LEE COUNTY TAX ROLL VALUES - 2024

<i>City of Fort Myers</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 19,855,115,583	\$ 19,570,463,000	\$ (284,652,583)	-1.43%
TOTAL ASSESSED:	\$ 14,475,736,300	\$ 15,199,360,000	\$ 723,623,700	5.00%
TOTAL TAXABLE:	\$ 11,982,452,942	\$ 12,601,466,000	\$ 619,013,058	5.17%
<i>New Construction Just:</i>	\$ 225,612,345	\$ 291,639,156		
<i>New Construction Taxable:</i>	\$ 206,911,821	\$ 2,288,383		

<i>City of Cape Coral</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 45,992,287,269	\$ 45,151,544,000	\$ (840,743,269)	-1.83%
TOTAL ASSESSED:	\$ 30,811,741,105	\$ 33,678,224,000	\$ 2,866,482,895	9.30%
TOTAL TAXABLE:	\$ 26,262,275,412	\$ 28,956,229,000	\$ 2,693,953,588	10.26%
<i>New Construction Just:</i>	\$ 1,007,852,062	\$ 1,613,038,527		
<i>New Construction Taxable:</i>	\$ 967,591,566	\$ 75,485,534		

<i>City of Sanibel</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 6,541,000,714	\$ 5,857,942,000	\$ (683,058,714)	-10.44%
TOTAL ASSESSED:	\$ 4,934,791,338	\$ 4,854,809,000	\$ (79,982,338)	-1.62%
TOTAL TAXABLE:	\$ 4,614,005,321	\$ 4,531,138,000	\$ (82,867,321)	-1.80%
<i>New Construction Just:</i>	\$ 1,726,479	\$ 53,695,449		
<i>New Construction Taxable:</i>	\$ 1,726,479	\$ 819,914		

LEE COUNTY TAX ROLL VALUES - 2024

<i>Town of Fort Myers Beach</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 3,610,650,563	\$ 4,923,988,000	\$ 1,313,337,437	36.37%
TOTAL ASSESSED:	\$ 2,800,383,293	\$ 3,991,587,000	\$ 1,191,203,707	42.54%
TOTAL TAXABLE:	\$ 2,582,895,050	\$ 3,754,553,000	\$ 1,171,657,950	45.36%
<i>New Construction Just:</i>	\$ 4,033,316	\$ 631,733,550		
<i>New Construction Taxable:</i>	\$ 4,033,306	\$ 7,323,899		

<i>City of Bonita Springs</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 24,610,676,931	\$ 24,991,206,000	\$ 380,529,069	1.55%
TOTAL ASSESSED:	\$ 16,951,826,217	\$ 18,389,049,000	\$ 1,437,222,783	8.48%
TOTAL TAXABLE:	\$ 15,601,371,944	\$ 17,021,313,000	\$ 1,419,941,056	9.10%
<i>New Construction Just:</i>	\$ 478,050,309	\$ 266,345,636		
<i>New Construction Taxable:</i>	\$ 220,276,602	\$ 2,695,747		

<i>Village of Estero</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
TOTAL JUST:	\$ 13,780,573,963	\$ 13,972,662,000	\$ 192,088,037	1.39%
TOTAL ASSESSED:	\$ 9,654,423,629	\$ 10,235,348,000	\$ 580,924,371	6.02%
TOTAL TAXABLE:	\$ 8,680,149,665	\$ 9,252,466,000	\$ 572,316,335	6.59%
<i>New Construction Just:</i>	\$ 20,320,165	\$ 75,299,457		
<i>New Construction Taxable:</i>	\$ 12,120,910	\$ 1,162,698		

LEE COUNTY TAX ROLL VALUES - 2024

<i>Fire Districts</i>	2023 Final Roll	Estimate 2024	Value change from 2023 Final Roll to 2024 Estimate	% Change from 2023 Final Roll to 2024 Estimate
ALVA FIRE DISTRICT	\$ 457,999,338	\$ 504,342,000	\$ 46,342,662	10.12%
BAYSHORE FIRE DISTRICT	\$ 631,494,255	\$ 700,343,000	\$ 68,848,745	10.90%
BOCA GRANDE FIRE DISTRICT	\$ 3,281,781,200	\$ 3,438,311,000	\$ 156,529,800	4.77%
BONITA SPRINGS FIRE DISTRICT	\$ 15,387,000,338	\$ 16,782,088,000	\$ 1,395,087,662	9.07%
CAPTIVA FIRE DISTRICT	\$ 1,372,602,161	\$ 1,402,360,000	\$ 29,757,839	2.17%
ESTERO FIRE DISTRICT	\$ 9,687,454,975	\$ 10,628,937,000	\$ 941,482,025	9.72%
FORT MYERS BEACH FIRE DISTRICT	\$ 3,160,509,251	\$ 4,374,882,000	\$ 1,214,372,749	38.42%
FORT MYERS SHORES FIRE DISTRICT	\$ 3,043,239,480	\$ 3,404,267,000	\$ 361,027,520	11.86%
IONA MCGREGOR FIRE DISTRICT	\$ 9,187,368,307	\$ 9,875,703,000	\$ 688,334,693	7.49%
LEHIGH ACRES FIRE DISTRICT	\$ 6,928,967,784	\$ 8,294,889,000	\$ 1,365,921,216	19.71%
MATLACHA-PINE ISLAND FIRE DIST	\$ 2,007,867,634	\$ 2,111,820,000	\$ 103,952,366	5.18%
NORTH FORT MYERS FIRE DISTRICT	\$ 3,651,481,559	\$ 4,080,930,000	\$ 429,448,441	11.76%
SAN CARLOS FIRE DISTRICT	\$ 7,644,998,774	\$ 8,454,269,000	\$ 809,270,226	10.59%
SANIBEL FIRE DISTRICT	\$ 4,614,529,441	\$ 4,531,632,000	\$ (82,897,441)	-1.80%
SOUTH TRAIL FIRE DISTRICT	\$ 8,983,874,658	\$ 9,512,856,000	\$ 528,981,342	5.89%
TICE FIRE DISTRICT	\$ 1,423,520,266	\$ 1,547,827,000	\$ 124,306,734	8.73%
UPPER CAPTIVA FIRE DISTRICT	\$ 296,972,172	\$ 340,817,000	\$ 43,844,828	14.76%

1. **Request:**

Meeting Date: June 17, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUSPENDING DURING THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA THE REQUIREMENT FOR CONDOMINIUM ASSOCIATIONS TO NOTIFY THE TOWN MANAGER IF THEY SELF-PERFORM AN ENFORCEMENT PROGRAM FOR VIOLATIONS OF THE CODE OF CONDUCT FOR SHORT TERM RENTALS AS PROVIDED IN SECTION 10-198(7) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; WAIVING PAYMENT OF THE REQUIRED FEE FOR EACH BUILDING FOR WHICH AN OPT OUT EXEMPTION WOULD OTHERWISE BE REQUESTED; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

This Resolution streamlines the process of enforcement of violations pertaining to the short-term vacation rental provisions of the Town Code by allowing condominium associations to self-perform an enforcement program for violation of the code of conduct for short-term rentals during the local state of emergency following Hurricanes Ian and Idalia without having to provide the required notification to the Town manager or pay the obligatory fee for every building a condominium association wishes to self-govern under Section 10-198(7) of the Town Code, facilitating the recovery of the Town as it moves closer toward resuming normal operations.

What the action accomplishes:

This resolution allows condominium associations to self-perform an enforcement program for violation of the code of conduct for short-term rentals without having to notify the Town manager of the same and pay a required fee for every building a condominium association seeks to self-govern while the Town is under a local state of emergency following the two hurricanes.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

On June 6, 2024, the Town Council held a discussion regarding allowing condominium associations an automatic opt-out from the requirements set forth in Section 10-198(7), specifically as they pertain to the requirement for the condominium associations to notify the Town Manager if they wish to self-perform an enforcement program for violations of the code of conduct for short-term rentals and pay the required fee for each building a condominium association wishes to self-govern. The passage of the Resolution serves the Town's interests by streamlining the process of enforcement of the Town's Code short-term vacation rental violations while the Town is recovering and rebuilding following the two hurricanes.

Attachments:

1. 24-129, Condo Opt Out Resolution - June 11 2024 MRNSBV-REV

Financial Impact:

None

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 6/12/2024
Approved - 6/12/2024
Approved - 6/12/2024
Final Approval - 6/12/2024

RESOLUTION NUMBER 24-129

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUSPENDING DURING THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA THE REQUIREMENT FOR CONDOMINIUM ASSOCIATIONS TO NOTIFY THE TOWN MANAGER IF THEY SELF-PERFORM AN ENFORCEMENT PROGRAM FOR VIOLATIONS OF THE CODE OF CONDUCT FOR SHORT TERM RENTALS AS PROVIDED IN SECTION 10-198(7) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; WAIVING PAYMENT OF THE REQUIRED FEE FOR EACH BUILDING FOR WHICH AN OPT OUT EXEMPTION WOULD OTHERWISE BE REQUESTED; AND PROVIDING 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, on September 28, 2022, the Town of Fort Myers Beach, residents and businesses in the Town of Fort Myers Beach were devastated by Hurricane Ian, resulting in the loss of lives, destruction of houses, and catastrophic financial losses; and

WHEREAS, since the arrival of Hurricane Ian, the Town has renewed and operated under a Local State of Emergency due to the impacts of Hurricane Ian and ongoing recovery efforts; and

WHEREAS, on August 29, 2023, the Town and its residents and businesses incurred additional damage and loss due to the effect of Hurricane Idalia, resulting in a second Local State of Emergency, which also remains in effect due to impacts of the storm and ongoing recovery efforts; and

WHEREAS, Section 10-198(7) of the Town of Fort Myers Beach Code of Ordinances (“Code”) contains regulations allowing condominium associations to “opt out” and self-perform an enforcement program for code of conduct violations under Section 34-2393, unlike the methods and procedures in Section 34-2394, upon making application to the town manager or designee and paying the required fee for each building for which exemption is sought; and

WHEREAS, the Town Council has determined it is in the best interest of the health, safety and welfare of the Town, as part of and in furtherance of its recovery efforts, to waive and suspend the requirement for condominium associations to notify the town manager of their desire to “opt

out” and implement an alternative enforcement program for short term rentals in the buildings they manage on behalf of condominium owners; and

WHEREAS, passage of this Resolution will serve the interests and welfare of the residents of the Town of Fort Myers Beach in the Town’s comprehensive recovery and rebuilding efforts.

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 notice requirement in Section 10-198(7) to the town manager is hereby waived and suspended during the pendency of the Local State of Emergency for Hurricanes Ian and Idalia.

Section 3. This Resolution shall take effect immediately upon adoption.

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 ____ day of _____ 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2024.