



## Fort Myers Beach Local Planning Agency

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

Agenda

Tuesday, December 3, 2024

9:00 AM

### ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF FINAL AGENDA
- V. APPROVAL OF MINUTES

A. Local Planning Agency - November 12, 2024

### VI. PUBLIC COMMENT

### VII. PUBLIC HEARINGS

A. SEZ20240158, 1240 Estero Blvd, Shared Parking Lot

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240158 TO ALLOW SHARED USE PARKING LOT PER LDC SECTION 34-2011(2)a., FOR THE PROPERTY LOCATED AT 1240 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

B. DCI 20230090, Pink Shell Resort CPD

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR 6.02 ACRES OF THE PROPERTY LOCATED AT 275/322 ESTERO, 200 ESTERO, 192 ESTERO COMMON ELEMENT ONLY, 142 ESTERO, 171-191 ESTERO, 251-281 ESTERO, AND 309 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W1-0070D.028A, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.0290, 24-46-23-W1-00700.0330, 24-46-23-W1-00700.0320 , 24-46-23-W1-03700.00CE, & 24-46-23-W1-04100.00CE IN FORT MYERS BEACH, TO ALLOW EXPANSION OF THE EXISTING PINK SHELL BEACH RESORT TO INCLUDE A NEW 40 UNIT**

RESORT HOTEL, 4 ADDITIONAL HOTEL UNITS IN THE WHITE SANDS BUILDING, AND A DUPLEX; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**VIII. ADMINISTRATIVE AGENDA**

A. 2025 Calendar

Discuss and approve the monthly schedule for LPA meetings in 2025

**IX. LPA MEMBERS ITEMS/REPORTS**

**X. LPA ATTORNEY ITEMS/REPORTS**

**XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

**XII. ITEMS FOR NEXT MONTHS AGENDA**

**XIII. ADJOURNMENT**

**NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.**

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

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



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



## **Fort Myers Beach Local Planning Agency**

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

**Minutes**

**Tuesday, November 12, 2024**

**9:00 AM**

### **ORDER OF BUSINESS**

#### **DRAFT**

##### **I. CALL TO ORDER**

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

LPA Member McLean moved to allow LPA Member Sudduth to participate virtually due to unforeseen circumstances. No second.  
The motion carried unanimously.

##### **II. INVOCATION**

Chair Cereceda.

##### **III. PLEDGE OF ALLEGIANCE**

##### **IV. APPROVAL OF FINAL AGENDA**

LPA Member Dunlap moved to approve the final agenda, seconded by LPA Member Boan.  
The motion carried unanimously.

##### **V. APPROVAL OF MINUTES**

- A. Local Planning Agency - October 22, 2024  
LPA Member Boan moved to approve the amended minutes, seconded by LPA Member Dunlap.  
The motion carried unanimously.
- B. Special Local Planning Agency - October 29, 2024  
Chair Cereceda moved to approve the minutes, seconded by LPA Member Dunlap.  
The motion passed unanimously.

- C. LPA Chair and Vice Chair  
LPA Member Boan nominated Anita Cereceda as Chair, seconded by LPA Member McLean.  
The motion carried unanimously.  
LPA Member Boan nominated Jane Plummer as Vice Chair, seconded by LPA Member McLean.  
The motion carried unanimously.

## VI. PUBLIC COMMENT

No public comment.

## VII. PUBLIC HEARINGS

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

### A. Kahlua Beach Club Special Exception

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240194 TO ALLOW RESTORATION OF A POOL, POOL DECK, TWO (2) CHICKEE HUTS, SHUFFLEBOARD AREA AND FENCE IN THE EC ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 4950 AND 4952 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the yellow sheet.

James Ink of Ink Engineering Inc. represented the applicant. Mr. Ink utilized PowerPoint for his presentation. Slides included Team Members, What This Request Would do, Why Grant the Request, Area Plan, Future Land Use Plan, Master Site Plan, Pre-lan Conditions and Proposed, Conditions and Request Statement. Mr. Ink estimated that the timeline was five to six months.

Principal Planner Frankel reviewed the findings and conclusion for approval in Sec. 34-88 (b) of the Land Development Code (LDC). Staff recommended approval with conditions as noted in the staff report.

No public comment.

LPA Member Plummer moved to approve the resolution with conditions listed in the packet, seconded by LPA Member Boan.

The motion carried unanimously.



B. DCI 20230090, Pink Shell Resort CPD

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR 6.02 ACRES OF THE PROPERTY LOCATED AT 275/322 ESTERO, 200 ESTERO, 192 ESTERO COMMON ELEMENT ONLY, 142 ESTERO, 171-191 ESTERO, 251-281 ESTERO, AND 309 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W1-0070D.028A, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.0290, 24-46-23-W1-00700.0330, 24-46-23-W1-00700.0320 , 24-46-23-W1-03700.00CE, & 24-46-23-W1-04100.00CE IN FORT MYERS BEACH, TO ALLOW EXPANSION OF AN EXISTING BEACH RESORT TO INCLUDE A NEW 40 UNIT RESORT HOTEL, 4 ADDITIONAL HOTEL UNITS IN THE WHITE SANDS BUILDING, AND A DUPLEX; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Chair Cereceda read the title of the ordinance. All LPA members disclosed receipt of emails and LPA Member McLean met with the owners. Town Clerk Baker stated that the emails were provided to the applicant. The applicant confirmed receipt of the agenda and backup materials.

Town Attorney Stuparich described an intervenor as typically a neighbor or adjacent property owner. She recommended that the LPA allow them to participate in the proceeding. The baseline criteria are someone who lives next door, the risk of making a mistake or abundance of caution criteria and the probative value as far as how much the affected party will add to the conversation and the decision-making process.

Attorney Richard DeWitt explained that he represented a neighboring property and felt they met the criteria. He stated that his presentation was brief.

Attorney Amy Thibaut explained why she objected to the intervenor process. She stated that the LDC did not have a process for intervenors and provided examples from court cases. She asked that the intervenor status be denied; however, she did not object to a presentation.

LPA Member Dunlap confirmed that the LDC was not clear regarding an intervenor. Town Attorney Stuparich indicated there was a body of law that may not be codified in the town's code, but it was applicable because it was the law. LPA Member Boan preferred to allow the intervenor a say. LPA Member McLean favored increased transparency and LPA Members Sudduth and Plummer agreed. LPA Member Plummer added that they received notice and did have standing. The majority of the LPA favored a 10- minute time limit and allowing them intervenor status.

LPA Member Plummer moved to afford Mr. DeWitt and Mr. Katim intervenor status, seconded by LPA Member Boan.

The motion carried 5-1, with Chair Cereceda dissenting.

Robert Boykin from the Pink Shell described his experience in hotel development and management.

LPA Member Dunlap moved to accept Mr. Boykin as an expert in his field, seconded by LPA Member Plummer. The motion carried unanimously.

Jeff Katims, certified planner, reviewed his experience in planning.

LPA Member Boan moved to accept Mr. Katims as an expert in his field, seconded by LPA Member McLean.

The motion carried unanimously.

Community Development Planner Sarah Propst reviewed the background of the request as stated in the yellow sheet. She noted there was a change from the agenda packet. The applicant now proposed that half of the spa be removed and two units placed in half of that spot. She described the equivalency factor as a result of their changes. She read the five deviations proposed by the applicant. She noted an error in the request and the CR zoning allowed a maximum height of 30, not 40, which resulted in a deviation to add 30 feet above the allowed 30 feet for a total of a 60-foot height above base flood elevation and six stories.

Attorney Amy Thibaut from Roetzel & Andress read their request. Architect Fred Drovdlc utilized PowerPoint for his presentation. Slides included Location and History & Existing Conditions. Robert Boykin continued the presentation with his developer profile, Pink Shell Development Through the Years, Stewardship and Community Support as a Value, Pink Shell Development-Tax Benefit and Awards and Recognition. Architect Drovdlc continued with Zoning, Future Land Use, The Existing Build Environment on the Gulfside, Master Concept Plan, Development Locations, Density Transfer Exhibit, Density, Floor Area Ratio and Intensity, Density Summary, Stories and Height and Neighborhood Compatibility.

Architect Michael Sheeley continued the presentation with building renderings and Building Cross Section. Bill Waichulis continued with Public Benefits, Conceptual LA Plan for Estero Bvd. and Boardwalk and Good Neighbor/Steward to Town. Architect Drovdlc walked through the Deviations with a Deviations Exhibit, Duplex Setbacks, Hotel/Condo Setbacks, LDC Compliance, Compliance & Consistency and Path for Approval. Attorney Thibaut summarized the request.

Planner Propst stated that the equivalency factor request was a complicated issue and she would have to check the numbers. She did not think the liveboards were counted towards the density. She noted that staff recommended denial based on the density equivalency at the time the staff report was written. Planner Propst indicated that she would need to evaluate the numbers before submitting a recommendation. She clarified that there was no density transfer from the existing open parking lot.

Attorney DeWitt questioned whether the new deviation should have been noticed. Town Attorney Stuparich replied that individual deviations did not have to be published. Attorney DeWitt noted that the staff recommended denial and Mr. Drovdlc admitted that they did not have the density.

Mr. Katims did not see any mention of a deviation from the density equivalent factor in the staff report and thought it was just added today. He did not believe it was analyzed or proper and should have been part of the application. He stated it was not allowed because the maximum equivalency factor in the comprehensive plan was three. An equivalency factor of three gave them about 105 units and they already had 195. He referred to Division 19 in the LDC, which stated that the applicant could exceed the equivalency factor based on an analysis of the criteria, but it cannot exceed the allowable intensity of the comprehensive plan. He summarized that the request was not made properly because it was a last-minute addition and they were not entitled to be granted a deviation for 239 units because it exceeded the maximum intensity in the comprehensive plan (the recording skipped over his third explanation).

Planner Propst noted that intensity in the LDC referred to FAR (floor area ratio), density was dwelling units and the intensity of the equivalency factor was FAR. She acknowledged that the official request for the equivalency factor was relatively new and was not in the agenda packet. The information came in after the applicant received the staff report. LPA Member Boan commented that it was difficult for everyone to receive information at the last minute, especially since the packet had already been reviewed.

Public comment:

Cassius Upton commented on the bayside density and felt they were trying to recoup the density they gave away by building a hotel on the new lot they purchased.

Cathy Scholz, resident, reviewed the 2000 hearing to consider the variance made by Pink Shell to amend its bayside CPD. She read a portion of the minutes from Attorney Beverly Grady's presentation. She stated that Pink Shell should be held to their past commitments.

Richard Outersluys expressed concerns about allowing deviations to create a building that was never planned. He noted the building took up the entire lot and would eliminate any view of the bay. He stated Pink Shell did not lease the parking spots for Vacation Villas; they were officially deeded easement. He recommended that Pink Shell Resorts, Vacation Villas and the town create a way to get an easement on Bowditch Park for Vacation Villas to park.

Patrick Vanasse, resident, explained why he thought the applicants had the right to ask for the equivalency factor and noted there was precedent with previous projects.

Public comment closed.

Attorney Thibaut requested a continuation to December 3, 2024, at 9:00 a.m.

LPA Member Dunlap moved for a continuance to December 3, 2024, at 9:00 a.m., seconded by LPA Member Plummer.

The motion carried unanimously.

C. Neptune Inn CPD, 2310 & 2316/2320 Estero Blvd, Ordinance 24-XX

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 2310 ESTERO BLVD AND 2316/2320 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0430N.0001, 19-46-24-W3-04300.00CE AND 19-46-24-W3-0110A.0010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Chair Cereceda read the title of the ordinance. LPA Member Boan left the meeting. All LPA members disclosed conversations with The Neighborhood Group and the applicants. LPA Member Dunlap also referred a contractor to the owners; however, he did not receive a special benefit due to the referral. LPA members McLean and Plummer added they were familiar with the property.

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

Noel Davies of Davies Duke PLLC began the presentation with Introductions - Project Team and Presentation Overview. Adam Valente explained why they purchased the property. He stated that the building was still there because their lender was concerned about demolishing the building without knowing the future of it. He added that the lender should approve demolishing the building within a couple of weeks and the goal was to remove the building during the first quarter of 2025. LPA Member Dunlap explained why the lenders held off on demolitions. Chair Cereceda discussed the property's poor condition and noted it was insulting to the community.

Patrick Vanasse from The Neighborhood Group continued with Background - Moving Forward and Key Points. Ken Gallander from The Neighborhood Group continued with the Request, Neptune Location Map, Discussion & Analysis, Master Concept Plan and the Concept Parking Plan.

Chris Meyers requested to be qualified as an expert in architecture and described his experience. The recording skipped to a slide of Concept View from the Gulf of Mexico, Concept View Northwest, Aerial Concept View Northwest, Concept View Along Delmar Access & View Corridor, Concept View Eastside View Corridor, Concept View Toward Gulf of Mexico, Concept View from Southwest and the Concept View from South/Gulf of Mexico.

Mr. Gallander continued with a rendering of the zoned and overall height, Discussion & Analysis of Density/Intensity, Transportation & Parking, Parking, Traffic/Parking Mitigation, Findings & Conclusion and Deviations. Mr. Vanasse concluded with Public Benefits/Special Benefits, Proposed Conditions/Commitments, Economic Impacts, Hotel Room Update and Findings & Conclusion.

Public comment:

Susan Bonfigli, resident, supported the project design and commented that the applicant listened to the neighbors. She voiced her concerns to them regarding the noise and the public using the restrooms. She suggested adding more greenery to the east corridor and greenery to the straight path. Henry Schlichte, resident, stated that the applicant took his concerns to heart, but his house is 10 feet from their building. He hoped there was a plan to keep the noise down. His wife asked for the use of their amenities for their family in perpetuity.

Ron Fleming, resident, stated that he was treated disrespectfully because the structure was still there. He saw things he liked but wanted them to stick with the plan. They were the worst neighbors he had ever had. He would like a condition added that the project could not start until the lot was cleared and it had to be secure in the meantime.

Public comment closed.

Planner Propst explained why staff asked the applicant to measure their height slightly differently. The primary reason for denial was the height because they were not directly adjacent to other tall buildings and the multiplier was a big ask.

LPA Member Sudduth felt that the height was a reasonable request, but his biggest issue was doubling the number of units.

Mr. Vanasse confirmed that they could handle the public using the restrooms. He addressed the configuration of the 16 parking spaces.

LPA Member Dunlap thought the height was reasonable and he was in favor of the project.

Chair Cereceda stated containing the noise was extremely important. She questioned how they would handle the noise. Mr. Vanasse agreed to create limitations to contain the sound.

LPA Member Plummer described the dangerous state of their property. She did not think there was enough parking for the project. Mr. Vanasse replied that they paid an expert to determine the parking. None of the other LPA members were concerned about the parking.

LPA Member Dunlap moved to approve the ordinance with conditions that memorialize items on pages 43-48 and 18-26 of the presentation and address the outdoor entertainment, seconded by LPA Member Sudduth. The motion carried unanimously by roll call vote with LPA Members Boan and Eckmann excused.

## VIII. ADMINISTRATIVE AGENDA

### A. LPA Guidelines

**Announcement of upcoming review of guidelines in the LPA manual at the December 2024 LPA meeting with proposed changes for discussion.**

Town Attorney Stuparich suggested adding language about voting, intervenors, continuances, agenda distribution deadlines and considering a stop time. LPA Member Sudduth left the meeting.

Discussion was held regarding limiting the time of applicant presentations and the length of the LPA meetings.

Town Attorney Stuparich explained that a School Board member was included in zoning and other changes because they were an ex-officio member of the LPA.

**IX. LPA MEMBERS ITEMS/REPORTS**

No items.

**X. LPA ATTORNEY ITEMS/REPORTS**

No items.

**XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

**A. Summary of Public Benefits**

Chair Cereceda did not intend for the ideas to be specific only to a development agreement or CPD. She thought they would become definitions. LPA members agreed.

**XII. ITEMS FOR NEXT MONTHS AGENDA**

A special meeting will be held on December 3, 2024. Items coming up were the Pink Shell, the Arches CPD, Lani Kai paid parking lot, the Estero Beach Club and special exception items.

**XIII. ADJOURNMENT**

LPA Member Dunlap moved to adjourn. Second by LPA Member McLean. The motion carried unanimously.

The meeting was adjourned at 2:41 p.m.

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

Yellow Sheet Number: **2025-97**

**1. Request:**

**Meeting Date: December 3, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240158 TO ALLOW SHARED USE PARKING LOT PER LDC SECTION 34-2011(2)a., FOR THE PROPERTY LOCATED AT 1240 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

**Why the action is necessary:**

Special exceptions are reviewed by the LPA and the LPA makes a recommendation to the Town Council.

**What the action accomplishes:**

A shared parking lot use is allowed only through special exception approval in the Downtown zoning district.

**2. Agenda:**

PUBLIC HEARINGS

**3. Requirement/Purpose:**

Resolution

**5. Background:**

The applicant is proposing a shared parking lot in the Downtown zoning district. Prior to Hurricane Ian, the subject property supported a short-term rental and a small commercial restaurant, which was completely destroyed during the hurricane. The applicant wants to convert the property into a shared parking lot adjacent to the Town's parking lot on Estero Blvd. As per LDC Section 34-2011(2)a., permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts only by special exception. Therefore, the applicant is requesting a special exception to allow a permanent shared parking lot in the Downtown zoning district.

**Attachments:**

1. Res 24-XX 1240 Estero SEZ Shared Parking
2. Staff Report SEZ20240158
3. Exhibit A: Application Documents
4. Exhibit B: Site Plan

**Financial Impact:**

unknown

**6. Alternative Action**

Approve with conditions

**7. Staff Recommendations:**

Recommend approval

**8. Recommended Approval:**

Date: November 21, 2024

\_\_\_\_\_  
Judith Frankel, Principal Planner

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Frankie Kropacek, Operations & Compliance Director

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nancy stuparich, Town Attorney

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Amy Baker, Town Clerk

Date: November 22, 2024

Date: November 24, 2024

Date: November 25, 2024



## **RESOLUTION NUMBER 24-XX**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240158 TO ALLOW SHARED USE PARKING LOT PER LDC SECTION 34-2011(2)a., FOR THE PROPERTY LOCATED AT 1240 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**, Applicant Reginald Beach on behalf of owner Ganim Properties LLC is requesting a special exception to allow a shared parking lot as per LDC 34-2011(2)a.; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-01.40A.0010; and

**WHEREAS**, the Property is located in the “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, the Property is located in the “Downtown” 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 December 3, 2024, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted \_\_\_ to \_\_\_ recommending approval/ approval with conditions/ denial of the variance; and

**WHEREAS**, on January 8, 2025 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 a shared parking lot per LDC Section 34-2011(2)a.

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

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:

- 1) 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.
- 2) The property owner must maintain all required landscaping or install new plantings as necessary.
- 3) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval 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 \_\_\_\_\_, 2025 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 \_\_\_\_\_, 2025.



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

**TYPE OF CASE:** Special Exception

**CASE NUMBER:** SEZ20240158

**CASE NAME:** Special Exception for shared parking lot (1240 Estero Blvd) in Downtown zoning.

**LPA**

**HEARING DATE:** December 3, 2024 at 9 AM

**STAFF**

**RECOMMENDATION:** Approval with Conditions

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

**I. APPLICATION SUMMARY**

Applicant/Owner: Reginald Beach / Ganim Properties, LLC

Request: Special exception for a shared parking lot use in the Downtown zoning district

Subject property: See attached site plan in Exhibit B

Physical Address: 1240 Estero Boulevard

STRAP #: 19-46-24-W4-01.40A.0010

FLU: Pedestrian Commercial

Zoning: Downtown

**Adjacent zoning and land uses:**

North: PEDESTRIAN COMMERCIAL  
Downtown

South: RECREATIONAL

Downtown and Environmental Conservation (EC)

East: PEDESTRIAN COMMERCIAL AND RECREATION  
Downtown and Environmental Conservation (EC)

West: PEDESTRIAN COMMERCIAL  
Downtown

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

The applicant is proposing a shared parking lot in the Downtown zoning district. Prior to Hurricane Ian, the subject property supported a short-term rental and small commercial restaurant, which was completely destroyed during the hurricane. The Applicant is proposing to convert the property into a shared parking lot adjacent to the Town's parking lot on Estero Blvd.

As per LDC Section 34-2011(2)a., permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts only by special exception. Therefore, the Applicant is requesting a special exception to allow a permanent shared parking lot in Downtown zoning.

### **Analysis:**

The previously existing short-term rental and commercial restaurant on this site were destroyed during Hurricane Ian in 2022. The property is currently vacant, and the Applicant is proposing a permanent shared parking use. As per LDC section 34-2011(2)a., shared parking lots may only be approved through special exception. Therefore, the applicant is requesting a special exception to operate a shared parking lot.

The applicant is proposing a shared parking lot with 24, 8.5-foot by 20-foot parking spaces and one 13-foot by 22-foot ADA space with a 5-foot access aisle, for a total of 25 parking spaces. Per section 34-2016(1) of the Town's LDC, 90° parking spaces must be a minimum of 8.5 feet wide and 18 feet long, with a minimum required drive-aisle width of twenty-two feet. Sec. 34-2016(3) requires ADA spaces to be a minimum of 12 feet by 18 feet. The code requires a twenty-two-foot-wide drive aisle for two-way traffic within 90-degree parking and the applicant is proposing a 45-foot drive aisle and intends to utilize the existing 27-foot-wide access point from Estero Blvd.

The Applicant proposes to meet or exceed the landscaping requirements of the LDC. LDC Section 10-416(c)(2)a., requires one tree to be planted per every 250 square feet of internal landscaped area or 7 trees for this site. The Applicant is proposing to preserve all 9 remaining healthy trees along the periphery of the site. LDC Section 10-

416(c)(2)b., requires at least 10% of the internal parking area to be landscaped. The Applicant is proposing 5-foot-wide landscaped areas along the East and West boundaries of the project to meet this requirement. The Applicant is also proposing a 17-foot-wide internal landscaping island on the east side of the parking lot. LDC Section 10-146(c)(2)c., requires 10-foot-wide internal landscaping islands.

The proposed special exception is compliant with the Town's Comprehensive Plan. The Comprehensive plan describes the need for additional parking within the Town and specifically encourages the development of shared parking and parking near Times Square.

Policy 7-A-2 states: "PARKING: Even though existing parking lots are not booked 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."

Policy 3-D-5 ii. states: "Encourage the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief."

Policy 7-F-1 states: "ENCOURAGE SHARED PARKING LOTS: Parking lots serving a variety of land uses require much less space than separate on-site lots for each business. Shared lots waste less land and encourage walking because businesses aren't separated by large parking lots. The town shall encourage shared parking lots when businesses are relatively small, are clustered together, and have different busy periods."

The proposed use is located less than ¼ mile from Times Square and is directly adjacent to the existing Town parking lot located immediately west of the site. The proposed use of shared parking lot is consistent with the Town's Land Development Code and Comprehensive Plan. Staff feel that this shared parking lot will provide necessary parking near Times Square, and the construction of this shared parking lot will contribute positively to the available parking in the Downtown zoning district.

**Neighborhood Compatibility:**

The adjacent lot to the west is an existing shared parking lot owned by the Town with no observed negative impact. As reflected in the Town's Comprehensive Plan, there is a substantial need for additional parking in the Town, and this shared parking lot would act as an extension of the Town's existing parking lot along Estero Blvd. The construction of a shared parking lot on this site, therefore, would not be a departure from the character of the neighborhood,

## **Findings and Conclusions:**

### **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 previously existing structure was destroyed during Hurricane Ian and the site is now vacant. Approving the shared lot would make the site usable while not obstructing the view from Estero Boulevard to the Gulf of Mexico.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

As mentioned above, the request is consistent with the Town's Comprehensive Plan.

- 3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The property was previously developed. The parking lot will be built to the Town's standards and will be available in conjunction with the Town's parking lot on the west. The request will meet all performance and locational standards for the proposed use.

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

The Applicant plans to preserve all nine healthy trees remaining on site after the hurricane and provide appropriate landscaping islands consistent with Town's LDC. At this time, the staff does not anticipate any additional negative impact on the environment and Town's natural resources through the request to operate a shared parking lot on the subject property.

- 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.*

The Town's parking lot on Estero Blvd has been operating on the adjacent property without any negative impact to surrounding properties. No negative impact or injury to surrounding properties is anticipated.

- 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.*

No variances are requested. The proposed shared parking lot will be built in compliance with the Town's Land Development Code.

### **III. RECOMMENDATION**

Staff finds that the special exception for a shared parking lot in the Downtown zoning district is in compliance with item Sec. 34-88(b)(1). Therefore, staff recommend **Approval with conditions** for SEZ20240158, a special exception request to allow a permanent shared parking lot at 1240 Estero Blvd.

### **IV. CONDITIONS OF APPROVAL**

Staff recommends the following conditions for approval.

- 1) 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.
- 2) The property owner must maintain all required landscaping or install new plantings as necessary.
- 3) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

### **V. EXHIBITS**

Exhibit A: Application Documents

Exhibit B: Space Plan



16890 Carmen Avenue  
Fort Myers  
FL 33908

June 7, 2024

Dear Ms. Rosa,

Thank you for the good news in your email to me in March about the downtown zoning district allowing a permanent shared parking lot with a special exception at the property located at 1240 Estero Boulevard, FMB. As such I am applying for the special exception which is attached with this letter.

The property qualifies for a special exception because additional parking will enhance the downtown area especially in the busy tourist season.

As you know, the Town recently installed a municipal parking lot immediately next door between my property and Margaritaville which is frequently full contributing to extra snarling to an already difficult traffic situation on our beautiful island.

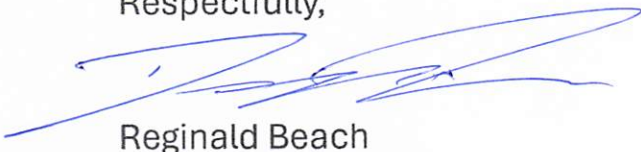
It is my understanding that my neighbor next door on the other side is in the application process of rebuilding the Cottage Restaurant and Bar which will also make that immediate area even more popular.

Since Hurricane Ian washed the Beacon Motel away at this location leaving us with a vacant lot, developing the property with something as low profile as a parking lot seems to me more preferable than erecting any kind of structure that would interfere with the view of the Gulf from Estero Boulevard.

Granting the requested special exception will not negatively impact the surrounding properties or the existing or planned uses of those properties in any way.

Please do not hesitate to contact me if further information is needed.

Respectfully,



Reginald Beach

**Town of Fort Myers Beach**

**JUN 7 2024**

Received by: \_\_\_\_\_



## 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](mailto:zoningpermits@fmbgov.com). Please do not submit the instructions at the end of the application.

Site Address: 1240 ESTERO BOULEVARD - FMB, FL 33931  
STRAP Number: 19-46-24-W4-140A-0010  
Applicant: REGINALD BEACH Phone: 857 413 6161  
Contact Name: SAME Phone: \_\_\_\_\_  
Email: REGINALD BEACH@HOTMAIL.COM Fax: \_\_\_\_\_  
Current Zoning District: \_\_\_\_\_  
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\*: REGINALD BEACH Phone: 857 413 6161  
*\*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: 16890 CARMEN AVE - FORT MYERS, FL 33908  
Email: REGINALD BEACH@HOTMAIL.COM Fax: \_\_\_\_\_  
Contact Name: REG BEACH Phone: 857 413 6161





## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- |                                                                |                                                         |                                              |
|----------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Owner*                                | <input type="checkbox"/> Land Trust*                    | <input type="checkbox"/> Partnership*        |
| <input type="checkbox"/> Corporation*                          | <input type="checkbox"/> Association*                   | <input type="checkbox"/> Condominium*        |
| <input type="checkbox"/> Subdivision*                          | <input type="checkbox"/> Timeshare Condo*               | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> 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: REG BEACH Phone: 857 413 6161  
Address: 16890 CARMEN AVE - FORT MYERS FL 33908  
Email: REGINALD.BEACH@HOTMAIL.COM Fax: \_\_\_\_\_

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

### PART II - Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 90 feet  
Depth (please provide an average width if irregular in shape) 175 feet  
Frontage on street: 90 feet. Frontage on waterbody: \_\_\_\_\_ feet  
Total land area: 15,750 ☐ acres ☒ square feet

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

BETWEEN MARGARITAVILLE AND LANI KAI  
HOTEL. ABUTS THE OLD "COTTAGE  
RESTAURANT + BAR.  
FORMERLY THE BEACON MOTEL

☐ 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):

- |                                                |                                          |
|------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Low Density           | <input type="checkbox"/> Marina          |
| <input type="checkbox"/> Mixed Residential     | <input type="checkbox"/> Recreation      |
| <input type="checkbox"/> Boulevard             | <input type="checkbox"/> Wetlands        |
| <input type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |



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:          | BEACH PARKING         |
| Authorized Applicant:  | REGINALD BEACH        |
| LEOPA STRAP Number(s): | 19-46-24-W4-140A.0010 |

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| Current Property Status:                                                                      |
| Current Zoning:                                                                               |
| Future Land Use Map (FLUM) Category:                                                          |
| Platted Overlay? <input type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range: |

#### Requested Action:

|                          |                                                                           |
|--------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> | Use of premises in the EC (Environmentally Critical) zoning district for: |
|                          |                                                                           |
|                          |                                                                           |
|                          |                                                                           |
| <input type="checkbox"/> | Use of premises in the _____ zoning district for:                         |
|                          |                                                                           |
|                          |                                                                           |
|                          |                                                                           |



## PART I

### Narrative Statements

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

|                                    |
|------------------------------------|
|                                    |
|                                    |
| UTILIZING THE NOW VACANT LOT WHERE |
| THE BEACON MOTEL USED TO BE        |
| LOCATED AT 1240 ESTERO BOULEVARD   |
| AS A PARKING LOT                   |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |
|                                    |

**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:**

|                                 |
|---------------------------------|
|                                 |
|                                 |
| THE PROPERTY IMMEDIATELY ABUTS  |
| A TOWN OWNED PARKING LOT SO NO  |
| DIFFERENT IMPACT ON SURROUNDING |
| PROPERTIES                      |
|                                 |
|                                 |
|                                 |
|                                 |
|                                 |
|                                 |
|                                 |
|                                 |
|                                 |



INCREASING PARKING CAPACITY WILL  
REDUCE TRAFFIC CONGESTION

## Page 27 of 103





Page 28 of 103



**Taxing Authorities**

Generated on 3/22/2024 11:05 AM

**Sales / Transactions**

Generated on 3/22/2024 11:05 AM

**Building / Construction Permit Data**

Generated on 3/22/2024 11:05 AM

**Parcel Numbering History**

Generated on 3/22/2024 11:05 AM

**Solid Waste (Garbage) Roll Data**

Generated on 3/22/2024 11:05 AM

**Flood and Storm Information**

Generated on 3/22/2024 11:05 AM

Generated on 3/22/2024 11:05 AM

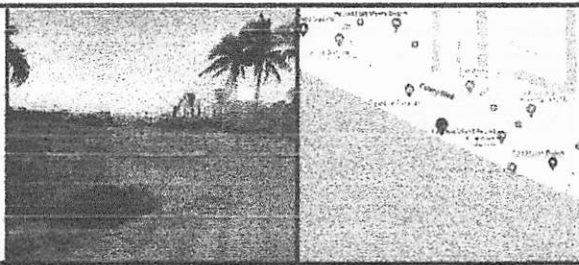
[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)



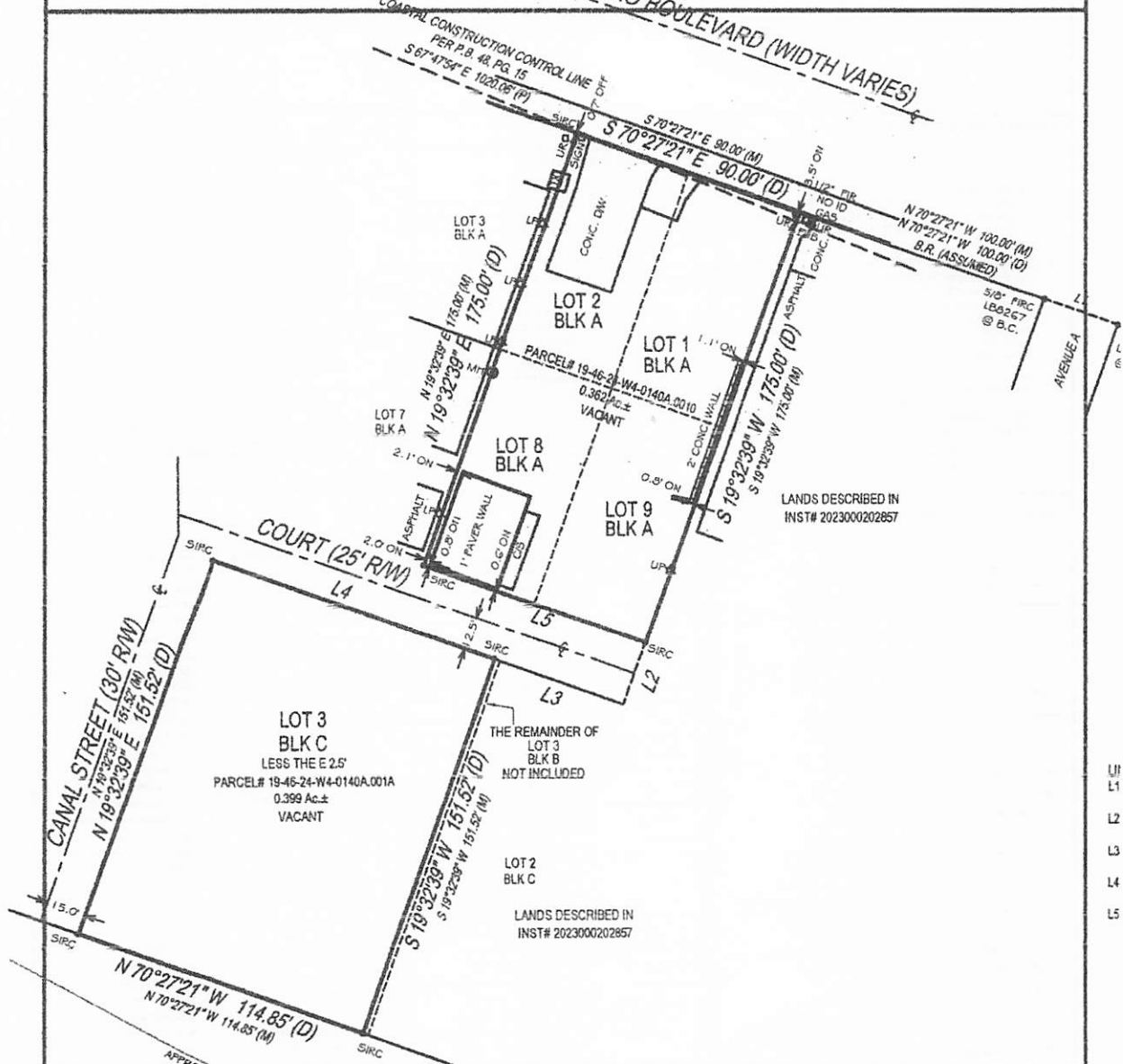




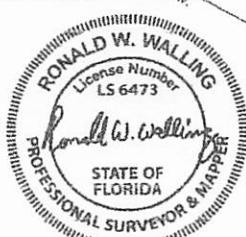
www.exactaland.com | office: 866.735.1916 | fax: 866.744.2882



PROPERTY ADDRESS: 1240 ESTERO BOULEVARD AND 200 CANAL STREET, FORT MYERS BEACH, FLORIDA 33931 SURVEY NUMBER: 2402.2300



GULF OF MEXICO



**RONALD W. WALLING**  
State of Florida Professional Surveyor and Mapper  
License Number 6473  
Exacta Land Surveyors, LLC | LB# 8291

**SURVEYORS CERTIFICATION:**

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-15.050 through 5J-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

**POINTS OF INTEREST:**  
NONE VISIBLE

50

GRA



Exacta Land Surveyors, LLC  
839 8291  
01 866.735.1916 | F: 866.744.2882  
151 West Broadway Street, Suite 2001, Orlando, FL 32765



**Florida Land  
Title Association**

**AFFILIATE  
MEMBERS**

DATE SIGNED: 02/27/24

FIELD WORK DATE: 2/21/2024

REVISION DATE(S): (REV. 2/27/2024)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

**JOB SPECIFIC SURVEYOR NOTES:**

THE ASSUMED BEARING REFERENCE OF NORTH 70 DEGREES 27 MINUTES 21 SECONDS WEST IS BASED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, LOCATED WITHIN CRESCENT PARK ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 39 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**LEGAL DESCRIPTION:**

LOTS 1, 2, 8 AND 9, BLOCK A, AND LOT 3, LESS THE EAST 2 1/2 FEET THEREOF, BLOCK C, CRESCENT PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**GENERAL SURVEYOR NOTES:**

- The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless the Title Commitment Number is referenced on this survey, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Dimensions are in feet and decimals thereof.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at [www.fema.gov](http://www.fema.gov) and may not reflect the most recent information.
- Unless otherwise noted "SIRC" indicates a Set Iron Rebar with a Cap stamped LB68291, a minimum half inch in diameter and eighteen inches long.
- If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter SJ17.062 (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.
- The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exakta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Pursuant to F.S. 558.0035, an individual employee or agent may not be held individually liable for negligence.
- Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.

**SURVEYOR'S LEGEND**

|                                                                                                                                                                                                                               |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINE TYPES</b><br>Boundary Line<br>Center Line<br>Chain Link or Wire Fence<br>Easement<br>Edge of Water<br>Iron Fence<br>Overhead Lines<br>Structure<br>Survey Tie Line<br>Vinyl Fence<br>Wall or Party Wall<br>Wood Fence | Elevation<br>Fire Hydrant<br>Find or Set Monument<br>Guywire or Anchor<br>Manhole<br>Tree<br>Utility or Light Pole<br>Well | <b>ABBREVIATIONS</b><br>(C) - Calculated<br>(D) - Deed<br>(F) - Field<br>(M) - Measured<br>(P) - Plat<br>(R) - Record<br>(S) - Survey<br>A/C - Air Conditioning<br>AE - Access Easement<br>AKE - As Shown Easement<br>ASBL - Accessory Setback Line<br>B/W - Bay/Box Window<br>BC - Block Corner<br>BFP - Backflow Preventer<br>BLDG - Building<br>BLK - Block<br>BM - Benchmark<br>BR - Bearing Reference<br>BRL - Building Restriction Line<br>BSMT - Basement<br>C - Curve<br>C/L - Center Line | C/P - Covered Porch<br>C/S - Concrete Slab<br>CATV - Cable TV Piter<br>CB - Concrete Block<br>CH - Chord Bearing<br>CHIM - Chimney<br>CLF - Chain Link Fence<br>CME - Canal Maintenance Easement<br>CO - Clean Out<br>COMC - Concrete<br>COR - Corner<br>CS/W - Concrete Sidewalk<br>CUE - Control Utility Easement<br>CVG - Concrete Valley Gutter<br>DJW - Driveway<br>DE - Drainage Easement<br>DF - Drain Field<br>DH - Drill Hole<br>DUE - Drainage & Utility Easement<br>ELEV - Elevation<br>EM - Electric Meter<br>ENCL - Enclosure<br>ENT - Entrance<br>EOP - Edge of Pavement<br>EOW - Edge of Water<br>ESMT - Easement<br>EUB - Electric Utility Box<br>F/DH - Found Drill Hole<br>FCM - Found Concrete Monument<br>FF - Finished Floor<br>FIP - Found Iron Pipe<br>FIPC - Found Iron Pipe & Cap | FIA - Found Iron Rod<br>FIRC - Found Iron Rod & Cap<br>FN - Found Nail<br>FNAD - Found Nail & Disc<br>FRSPK - Found Rail Road Spike<br>GAR - Garage<br>GM - Gas Meter<br>ID - Identification<br>IEEE - Ingress/Egress Easement<br>ILL - Illegible<br>INST - Instrument<br>INT - Intersection<br>IRIE - Irrigation Easement<br>L - Length<br>LAS - Limited Access Easement<br>LBE - License No. (Business)<br>LBE - Limited Buffer Easement<br>LE - Landscape Easement<br>LME - Lake/Landscape Maintenance Easement<br>LS# - License No. (Surveyor)<br>MB - Map Book<br>ME - Maintenance Easement<br>MES - Mitered End Section<br>MF - Metal Fence<br>MH - Manhole<br>MHWL - Mean High Water Line<br>NR - Non-Radial<br>NTS - Not to Scale<br>NAVD88 - North American Vertical Datum 1988<br>NGVD29 - National Geodetic Vertical Datum 1929<br>OG - On Ground | OEB - Official Records Book<br>ORV - Official Record Volume<br>O/A - Overall<br>O/S - Offset<br>OFF - Outside Subject Property<br>OH - Overhang<br>OHL - Overhead Utility Lines<br>OHWL - Ordinary High Water Line<br>OI - Inside Subject Property<br>P/E - Pool Equipment<br>PB - Plat Book<br>PC - Point of Curvature<br>PCC - Point of Compound Curvature<br>PCP - Permanent Control Point<br>PI - Point of Intersection<br>PLS - Professional Land Surveyor<br>LE - Landscape Easement<br>PLT - Planter<br>POB - Point of Beginning<br>POC - Point of Commencement<br>PRC - Point of Reverse Curvature<br>PRM - Permanent Reference Monument<br>PSM - Professional Surveyor & Mapper<br>PT - Point of Tangency<br>PUE - Public Utility Easement<br>R - Radius or Radial<br>R/W - Right of Way<br>RES - Residential<br>RGE - Range<br>ROE - Roof Overhang Easement<br>RP - Radius Point | S/W - Sidewalk<br>SBL - Setback Line<br>SCL - Survey Closure Line<br>SCR - Screen<br>SEC - Section<br>SEP - Septic Tank<br>SEW - Sewer<br>SIRC - Set Iron Rod & Cap<br>SMWE - Storm Water Management Easement<br>SNAD - Set Nail and Disc<br>SQFT - Square Feet<br>STL - Survey Tie Line<br>STV - Story<br>SV - Sewer Valve<br>SWE - Sidewalk Easement<br>TBM - Temporary Bench Mark<br>TEL - Telephone Facilities<br>TOB - Top of Bank<br>TUE - Technological Utility Easement<br>TWP - Township<br>TX - Transformer<br>TYP - Typical<br>UE - Utility Easement<br>UG - Underground<br>UP - Utility Pole<br>UR - Utility Riser<br>VF - Vinyl Fence<br>W/C - Witness Corner<br>WF - Water Filter<br>WP - Wood Fence<br>WM - Water Meter/Valve Box<br>WV - Water Valve |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**CERTIFIED TO:**

GANIM, GANIM & GANIM PC;

DATE SIGNED: 02/27/24

BUYER:

LENDER:

TITLE COMPANY: GANIM, GANIM & GANIM PC

COMMITMENT DATE: NOT REVIEWED

CLIENT FILE NO:

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY  
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES

**FLOOD ZONE INFORMATION:**

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR [WWW.FEMA.GOV](http://WWW.FEMA.GOV), THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE / VE (WITH A BASE FLOOD ELEVATION OF 12 / 14, 15). THIS PROPERTY WAS FOUND IN TOWN OF FORT MYERS BEACH, COMMUNITY NUMBER 120673, PANEL NUMBER 0554 DATED 11/17/2022.



Exakta Land Surveyors, LLC

Exakta Land Surveyors, LLC

IDA 8291

0: 866.735.1916 | F: 866.744.2682

131 West Broadway Street, Suite 1001, Odessa, FL 33464







## 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: \_\_\_\_\_

Town of Fort Myers Beach

JUN 20 2024

Received by: \_\_\_\_\_

### AFFIDAVIT

#### APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, [Signature] 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

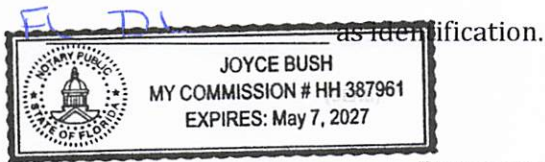
REGINALD BEACH  
Printed Name

STATE OF Florida COUNTY OF Lee

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

presence OR \_\_\_\_\_ online notarization, this 12<sup>th</sup> day of June, 2024, by

Reginald Beach, ☐ who is personally known to me OR ☒ who has produced



[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

|                      |      |
|----------------------|------|
| THOMAS GANIM         | 100% |
| 4666 MAIN STREET     |      |
| BRIDGEPORT, CT 06606 |      |

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 |
|------------|---------|
| <u>N/A</u> | _____   |
| _____      | _____   |
| _____      | _____   |
| _____      | _____   |

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

REGINALD BEACH  
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, REGINALD BEACH (name), as AUTHORIZED REPRESENTATIVE (title) of GANIM PROPERTIES 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

REGINALD BEACH - BEACH PARKING  
Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature]  
Signature

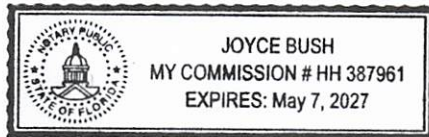
DIRECTOR  
Title

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
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 12<sup>th</sup> day of June, 2024, by Reginald Beach, ☐ who is personally known to me OR ☒ who has produced FL DL as identification.



[Signature]  
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-140A.0010

Property Address: 1240 ESTERO BOULEVARD - FMB, 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.

HARD COPY  
IS IN THE MAIL



**GANIM, GANIM & GANIM P.C.**

ATTORNEYS AT LAW

4666 MAIN STREET | BRIDGEPORT, CONNECTICUT 06606  
TELEPHONE: (203) 372-7772 | FACSIMILE: (203) 374-7199

**TOMGANIM.COM**

**GEORGE W. GANIM SR.\***

**THOMAS G. GANIM**

**ADAM D. SCHLEIN**

**MARY GANIM KOLESNIK**

6/14/65 - 10/30/08

\*ALSO ADMITTED IN MA

PARALEGAL:

**HELEN SIERANSKI**  
HELEN@TOMGANIM.COM

**JACQUELINE MORRIS**  
JACQUELINE@TOMGANIM.COM

**VIRGINIA COLON**  
10/09/73 - 12/25/20

REAL ESTATE PARALEGAL:

**CATHI KATES**  
CATHIKATES@GMAIL.COM

BOOKKEEPER:

**LAURA J. BORGER**  
LAURA@TOMGANIM.COM

June 5, 2024

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

**RE: 1240 Estero Boulevard**

Dear Sir or Madam:

I am the owner of the above-referenced property. Please be advised that the acting agent for my property is Reginald Beach who resides at 16890 Carmen Avenue in Fort Myers. I authorize Mr. Beach to apply for any permitting necessary pertaining to the use of my property as a parking lot.

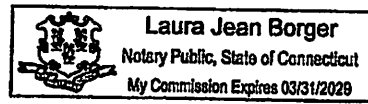
Very truly yours,

THOMAS G. GANIM

Subscribed and sworn before me this 5<sup>th</sup> day of June 2024.

Laura Jean Borger – Notary Public  
My Commission Expires:





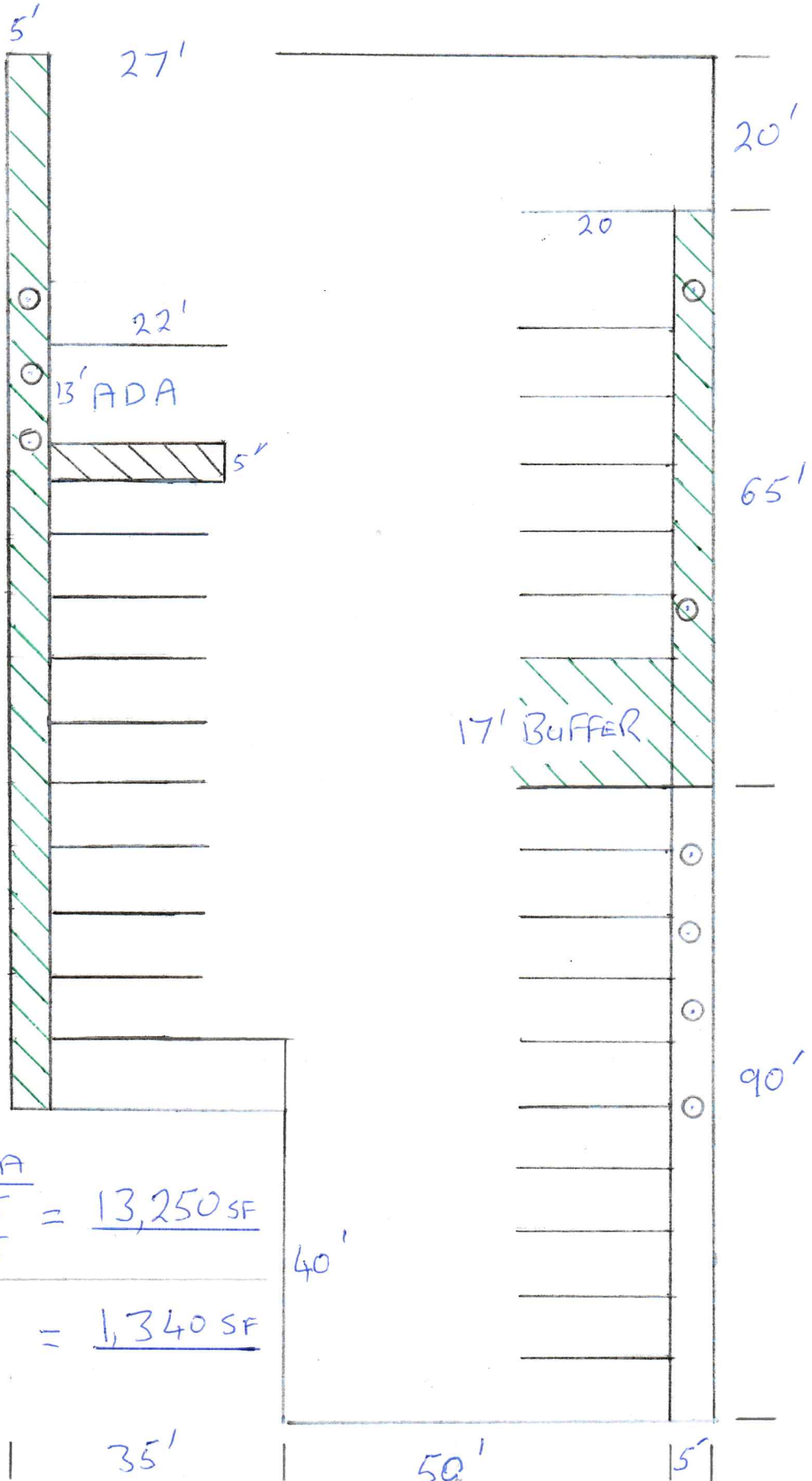
# 202 401 58

1240 ESTERO BLVD

○ - EXISTING  
MATURE  
TREES

24 x 8½' x 20'  
SPACES

|| - LANDSCAPING



PARKING AREA

$$55 \times 155 - 8,525 = 13,250 \text{ SF}$$

$$35 \times 135 - 4,725$$

LANDSCAPING

$$5 \times 200 - 1,000 = 1,340 \text{ SF}$$

$$17 \times 20 - 340$$

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

Yellow Sheet Number: **2025-34**

**1. Request:**

**Meeting Date: December 3, 2024**

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR 6.02 ACRES OF THE PROPERTY LOCATED AT 275/322 ESTERO, 200 ESTERO, 192 ESTERO COMMON ELEMENT ONLY, 142 ESTERO, 171-191 ESTERO, 251-281 ESTERO, AND 309 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W1-0070D.028A, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.0290, 24-46-23-W1-00700.0330, 24-46-23-W1-00700.0320 , 24-46-23-W1-03700.00CE, & 24-46-23-W1-04100.00CE IN FORT MYERS BEACH, TO ALLOW EXPANSION OF THE EXISTING PINK SHELL BEACH RESORT TO INCLUDE A NEW 40 UNIT RESORT HOTEL, 4 ADDITIONAL HOTEL UNITS IN THE WHITE SANDS BUILDING, AND A DUPLEX; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**Why the action is necessary:**

The LPA hears rezoning requests and makes recommendations to the Town Council

**What the action accomplishes:**

Approval of the CPD will allow amendments to the existing CPD including addition of a 40 unit hotel.

**2. Agenda:**

PUBLIC HEARINGS

**3. Requirement/Purpose:**

Ordinance

---

**5. Background:**

JABO LLC, owner or agent of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of 192 Estero Blvd, known as Pink Shell Resort, is requesting a CPD rezoning, to rezone multiple properties from CPD and CR to CPD. This rezoning will combine the existing Pink Shell CPD with two new properties for a total of 6.02 acres, all landward of the CCCL.

**Attachments:**

1. Ordinance 24-35
2. Staff Report Pink Shell Dec 3
3. Exhibit A MCP 2024-11-19 (Pink Shell)
4. Exhibit B Schedule of Uses and Development Regulations
5. Exhibit C Conditions of Approval
6. Exhibit D Historical Zoning Resolutions Summary
7. Exhibit E Renderings
8. Exhibit F Application
9. Conceptual Landscaping Plan

**Financial Impact:**

unknown

**6. Alternative Action**

Approve with conditions

7. **Staff Recommendations:**

Denial

8. **Recommended Approval:**

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Judith Frankel, Principal Planner

Date: November 21, 2024

---

Frankie Kropacek, Operations & Compliance Director

Date: November 22, 2024

---

nancy stuparich, Town Attorney

Date: November 25, 2024

---

Amy Baker, Town Clerk

Date: November 25, 2024



## ORDINANCE 24-35

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR 6.02 ACRES OF THE PROPERTY LOCATED AT 275/322 ESTERO BLVD, 200 ESTERO BLVD, 192 ESTERO BLVD COMMON ELEMENT ONLY, 142 ESTERO BLVD, 171-191 ESTERO BLVD, 251-281 ESTERO BLVD, AND 309 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-WI-0070D.028A, 24-46-23-WI- 00700.0340, 24-46-23-WI-00700.0290, 24-46-23-WI-00700.0330, 24-46-23-WI-00700.0320 , 24-46-23-WI-03700.00CE, & 24-46-23-WI-04100.00CE IN FORT MYERS BEACH, TO ALLOW EXPANSION OF THE EXISTING PINK SHELL BEACH RESORT TO INCLUDE A NEW 40 UNIT RESORT HOTEL 2 ADDITIONAL HOTEL UNITS IN THE WHITE SANDS BUILDING, AND TWO STAND-ALONE GUEST STRUCTURES; 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, JABO, LLC, the owner, and RVI, as agent for the property located at 275/322 Estero blvd., 200 Estero blvd., 192 estero blvd. common element only, 142 Estero blvd., 171-191 Estero blvd., 251-281 Estero blvd., and 309 estero blvd., generally identified as strap numbers 24-46-23-w1-0070d.028a, 24-46-23-w1-00700.0340, 24-46-23-w1-00700.0290, 24-46-23-w1-00700.0330, 24-46-23-w1-00700.0320 , 24-46-23-w1-03700.00ce, & 24-46-23-w1-04100.00ce in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD and Commercial Resort (CR) to CPD with Master Concept Plan (MCP) with certain deviations to the Land Development Code (LDC) in order to amend the approved development to allow a new 40 lodging unit hotel, two(2) new hotel rooms in the White Sands building, and one guest structure gulfside and one on 309 Estero Boulevard, in addition to the existing approve development of 195 resort units, a marina and resort accessory uses ; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on December 3, 2024; and

WHEREAS, at the December 3, 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 December 3, 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 \_\_\_\_ vote; and

WHEREAS, on December 18, 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 January 8, 2025; and

WHEREAS, at the January 6, 2025 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 is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, Exhibit B provides the approved development regulations and the schedule of uses during the development process; and

WHEREAS, Exhibit C provides the conditions of approval for this CPD; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD and CR to CPD with MCP with 10 deviations to the LDC in order to develop a resort hotel development with 40 lodging units, 2 guest units and 2 additional hotel units in the place of one floor of the White Sands spa, 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

Deviate from LDC §10-416(d)(2) Table 10-8 requiring a Type C buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a Type C buffer with no wall to allow visibility to the redesigned public boardwalk.

#### Deviation #2

Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback in CPD Area #2 for the two new homes/short-term rental units are proposed.

#### Deviation #3

Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 20 feet as a rear setback; to allow a 15-foot rear setback.

#### Deviation #4

Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback in CPD Area #4 for the new 40-unit hotel/condo building.

#### Deviation #5

Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback on the western boundary and a 7.5-foot setback on the eastern boundary in CPD Area #3 for the guest unit structure on 309 Estero Boulevard.

#### Deviation #6

Deviate from LDC §34-675(b) that requires a maximum height of 40 feet above base flood elevation and no taller than three stories; to allow a height of:

- 60 feet as measured from one foot over base flood elevation (BFE+1) or
- Five (5) stories (six (6) stories over ground level parking).

#### Deviation #7

Deviate from LDC §-34-1803(a)(1) that establishes hotel and motel guest units to be substituted for the dwelling units setting the allowable intensity by equivalency factors of up to 2.0 per density unit, in this case in the for the Mixed Residential land use category; to allow an increase in the factor to 6.7 for the entire resort property that is included in the CPD boundary.

#### Deviation #8

Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 7' Type C equivalent hedge only on the north side of the parking spaces between the spaces and the guest unit.

#### Deviation #9

Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 10' Type C Buffer with no wall on the eastern boundary abutting the neighboring multifamily building.

#### Deviation #10

Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 5' Type C equivalent hedge only on the south side of the drive isle serving the parking spaces.

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216):

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

WHEREAS, the Town Council made the following formal findings before making final decisions on the eight requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216):

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

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

WHEREAS, the Town Council finds that this application to approve Ordinance 24-35 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 24-35 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 24-35 is adopted and the approved Master Concept Plan set forth in Exhibit A and the schedule of uses found 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 January 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 January 2024.

Attachments:

- A – Master Concept Plan
- B – Schedule of Uses
- C – Conditions of Approval
- D – Historical Zoning Resolutions





# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**TYPE OF CASE:** CPD Rezoning

**CASE NUMBER:** DCI 20230090

**CASE NAME:** Rezoning of 6.02 acres landward of the 1978 Coastal Construction Control Line (CCCL), located at 275/322 Estero, 200 Estero, 192 Estero Common Element only, 142 Estero, 171-191 Estero, 251-281 Estero, and 309 Estero, from Commercial Planned Development (CPD) and Commercial Resort (CR) to CPD.

**LPA**

**HEARING DATE:** December 3, 2024 at 9:00 AM

**STAFF**

**RECOMMENDATION:** Denial

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

#### **I. APPLICATION SUMMARY**

Applicant/Owner: Fred Drovdlc, AICP/JABO LLC, Bill Waichulis

Request: To rezone 6.02 acres from CPD and CR to CPD to allow the development of a new 40-unit hotel/condominium, reconstruction of two stand-alone guest units, and conversion of the spa in White Sands to two hotel rooms.

Subject property: Exhibit A – Adopted Master Concept Plan

Physical Address: **309, 275/322, 251-281, 200, 171-191, and 142 Estero Blvd, and 192 Estero Blvd Common Element only**

STRAP #: 24-46-23-W1-0070D.028A (309 Estero Blvd),  
24-46-23-W1-00700.0340 (275/322 Estero Blvd),  
24-46-23-W1-00700.0290 (251-281 Estero Blvd),  
24-46-23-W1-00700.0330 (200 Estero Blvd),  
24-46-23-W1-00700.0320 (171-191 Estero Blvd),  
24-46-23-W1-03700.00CE (142 Estero Blvd), &  
24-46-23-W1-04100.00CE (192 Estero Blvd CE only)

FLU: Mixed Residential

Zoning: Commercial Planned Development & Commercial Resort

Adjacent zoning and land uses:

North: CPD, Mixed Residential

South: ENVIRONMENTALLY CRITICAL (EC), Recreation

East: CPD, RM, & RESIDENTIAL PLANNED DEVELOPMENT (RPD), Mixed Residential

West: RESIDENTIAL MULTIFAMILY (RM), Mixed Residential, and COMMUNITY FACILITY (CF), Recreation

## **II. BACKGROUND AND ANALYSIS**

Background:

JABO LLC, owner or agent of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of 192 Estero Blvd, known as Pink Shell Resort, is requesting a CPD rezoning, to rezone multiple properties from CPD and CR to CPD. This rezoning will combine the existing Pink Shell CPD with two new properties for a total of 6.02 acres, all landward of the CCCL.

The original Pink Shell rezoning was in 1982 (Z-82-170). Several modifications have been adopted since then. This rezoning will add 309 Estero Blvd, which previously contained a single-family residence and is zoned CR. The CPD request proposes a new 40-unit hotel/condominium on the bayside property closest to Bowditch Point Park; reconstruction of two stand-alone guest units, one on 309 Estero Boulevard and another on the easternmost property on the gulfside Pink Shell Resort property; construction of seven public parking spaces for beach access #41; and redevelopment of one level of the spa facility in the White Sands Hotel, to create two new hotel units.

An LPA hearing was held on November 12, 2024. An intervener spoke at the hearing in opposition of the proposed CPD amendment. That hearing was continued to December 3<sup>rd</sup>, 2024

Analysis:

The Pink Shell resort site currently contains several resort developments which include buildings known as White Sands, Sanibel View, and Captiva Villas. Previously there was also a duplex and a cottage which provided housing for Pink Shell staff, these were destroyed in the storm. There is also a marina with 41 wet slips with 39 allowed as live-aboard slips and a dock master building as well as parking lots for guests and employees. There are 195 hotel/motel resort rooms and prior to Ian there were 3 units in the cottage and duplex as well a single-family residence. The first rezoning for this

property was approved by Lee County in 1982 by R-82-170, with multiple amendments adopted by the County and the Town since then.

This request proposes several changes that will impact different parts of the resort. The most notable component is the proposal for an additional resort building with 40 resort units. That structure will be on the bay side of Estero Boulevard on the parcel closest to Bowditch Point Park. It is proposed to be a six-story building (5 stories over one story of at-grade parking) and 60 feet over base flood elevation. The applicant has proposed side setbacks of 10 feet and proposed front and rear setbacks of 15 feet. The previously approved CPDs included height and setback modifications on each individual building, with the tallest building at 95 feet above BFE. This CPD will include height and setback modifications for the newly proposed buildings that are discussed in the deviations section of this staff report but will not impact the existing structures.

The CPD also proposes several additional but less noticeable changes. The White Sands Resort building currently contains a spa facility on two floors, one level of which will be replaced with two resort units. Two single dwelling rental structures are also proposed, one in the same location as the previous duplex and one at 309 Estero Boulevard, on the bayside where a single-family residence was previously constructed. The applicant is also proposing setback deviations for both stand-alone guest units.

Prior to the storm the Pink Shell CPD property included a duplex and a cottage unit, east of Gulfshore Court. An additional property, 309 Estero, was purchased by JABO LLC, and is proposed to be included in the CPD. Of the two single family and one duplex, only two single-family units are proposed for reconstruction, the duplex is not. The lot that previously included the duplex and cottage will also provide seven public parking spaces to provide access to Beach Access #41. The change from pre-storm units to proposed units are shown in Table 1 and 2.

**Table 1: Gulfside Parcels Existing and Proposed Uses**

| Building                                                    | Existing Density/Intensity | Proposed Density/Intensity                                    | Parcel(s)                                                                  |
|-------------------------------------------------------------|----------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------|
| Restaurants                                                 | 5,450 sf                   | 5,450 sf                                                      | 24-46-23-W1-00700.0330                                                     |
| Conference                                                  | 1,150 sf                   | 1,150 sf                                                      |                                                                            |
| Ballroom                                                    | 2,104 sf                   | 2,104 sf                                                      |                                                                            |
| Fitness Facility                                            | 900 sf                     | 900 sf                                                        |                                                                            |
| Spa                                                         | 6,033 sf                   | <b>3,000 sf</b>                                               |                                                                            |
| Pool Bar                                                    | 1,000 sf                   | 1,000 sf                                                      |                                                                            |
| Retail (accessory)                                          | 1,400 sf                   | 1,400 sf                                                      |                                                                            |
| Rooms (White Sands, Captive Villas and Sanibel View Villas) | 195 Units                  | <b>197 Units<br/>(2 units per 3,000 sf conversion of spa)</b> | 24-46-23-W1-00700.0330<br>24-46-23-W1-00700.037A<br>24-46-23-W1-03700.00CE |
| Duplex and Cottage lot                                      | 3 Units                    | <b>1 Unit</b>                                                 | 24-46-23-W1-00700.0330                                                     |

**Table 2: Bayside Parcels Existing and Proposed Uses**

| Building | Existing Density/ Intensity | Proposed Density/ Intensity | Parcel(s) |
|----------|-----------------------------|-----------------------------|-----------|
|----------|-----------------------------|-----------------------------|-----------|



|                       |                                      |                                                   |                        |
|-----------------------|--------------------------------------|---------------------------------------------------|------------------------|
| Boutique hotel/condo  | Employee parking lot                 | <b>40 Units</b>                                   | 24-46-23-W1-00700.0340 |
| Boat Slips            | 41                                   | 41                                                | 24-46-23-W1-00700.0340 |
| Liveaboards           | 39                                   | 39                                                | 24-46-23-W1-00700.0320 |
| Dock Master Building  | 500 sf                               | 500 sf                                            | 24-46-23-W1-00700.0290 |
| Residential with dock | 1 Unit<br>(309 Estero Blvd purchase) | <b>1 Unit</b>                                     | 24-46-23-W1-0070D.028A |
|                       | Existing dock                        | <b>Existing Dock<br/>(Public water taxi slip)</b> |                        |

The proposed CPD increases the number of units on the combined CPD parcels by 38. Applying the underlying Future Land Use of Mixed Residential and using the maximum allowable equivalency factor of 2 would result in a total of 72 hotel units. The proposed total number of units on the entire CPD property with the proposed amendments is 239. However, the previous approved Pink Shell CPDs allowed the 195 hotel units, the duplex, and the single-family unit. Because the duplex units will not be rebuilt, application of the equivalency factor of 2 results in the creation of 4 units, which can account for the two new units in White Sands. Using this evaluation, the proposed development exceeds the allowed number of hotel units by 38, two less than the number of hotel units proposed for the new boutique hotel.

The previously approved, currently existing Pink Shell Resort units were not subject to the equivalency factor calculations. The by right number of units with an equivalency factor of 2 for the entire property would result in 72 units. The current number of units, 159 units, would require an equivalency factor of 5.4. The request for a 40 unit boutique hotel, would require an addition of 38 units and an equivalency factor of 6.7.

The development currently contains 241,900 square feet of floor area, including the hotel buildings and the dock master building. The proposed boutique hotel would add another 78,000 square feet. This would result in an FAR of 1.2, which is allowed in the Mixed Residential future land use.

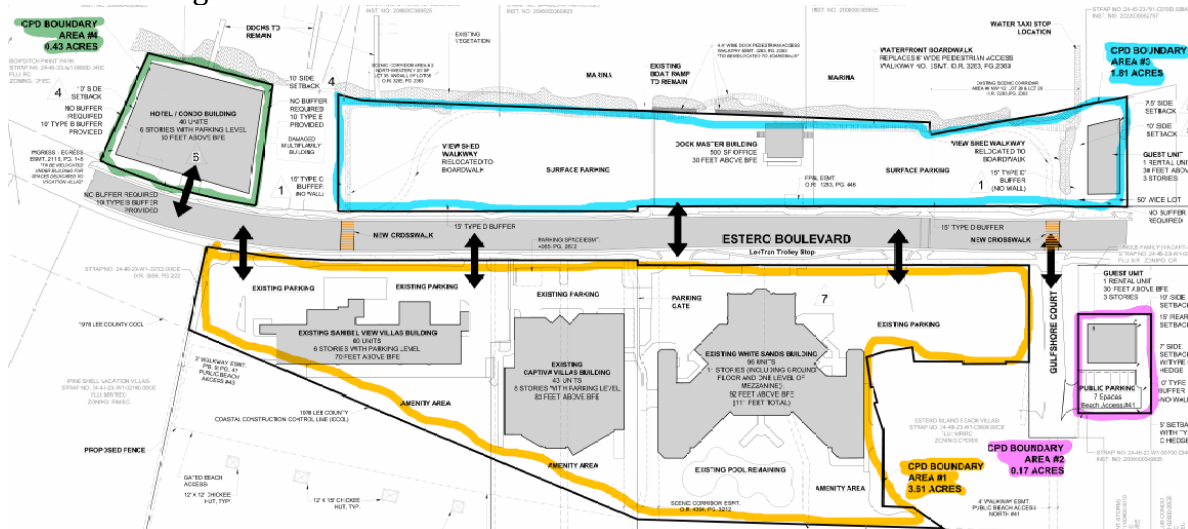
#### Neighborhood Compatibility:

The existing buildings in this portion of the Town are mostly the Pink Shell Resort buildings which are allowed a maximum height of 95 feet above BFE. The existing Pink Shell resort buildings are 11 stories, six stories, and eight stories tall.

The nearby uses that are not part of the Pink Shell CPD include Pink Shell Vacation Villas which is seven stories tall, including parking on the ground floor, and Estero Island Beach Villas which is eight stories. Adjacent to the proposed new hotel building, there is also an uninhabited triplex. There are no approved plans for that property at this time.

Uses in the neighborhood are condominium, resort, and marina, as well as the park at Bowditch Point Park.

**Requested Deviations:** Several deviations refer to numbered areas. The map below shows the areas in color for clarification. Area 1 is orange, Area 2 is pink, Area 3 is blue, and Area 4 is green:



- 1) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a Type C buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a Type C buffer with no wall to allow visibility to the redesigned public boardwalk.**

*JUSTIFICATION: Placing a wall where a public boardwalk that is to be park-like and a public fishing pier would take away from the from the public access easement that is meant to be a well landscaped, enticing walk to the boardwalk along Matanzas Pass on the back of the building. A wall would not enhance this experience but detract.*

Staff Comment: The type C buffer is 15 feet wide and requires 5 trees and 18 shrubs per 100 linear feet. If more screening is desired in this location, staff recommends requiring canopy trees in the type C buffer to create more screening between the uses than palm trees will provide.

- 2) Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback in CPD Area #2 for the two new homes/short-term rental units are proposed.**

*JUSTIFICATION: The lot in CPD area #2 is small, 0.17 acres, and historically had inadequate setbacks and buffers when it was a duplex and cottage that were less than the 10 feet proposed. According to the best we can estimate the side setbacks ranged from 0-10 feet to the north (towards Estero Blvd) and 13 feet to the south (beach). The proposed 10-foot setbacks will provide enough room for typical Type B plantings regardless of the 5-foot reduction of side setback.*

Staff Comment: The decrease in side setbacks at this location are unlikely to have an impact on the adjacent properties. It appears that the duplex structure and cottage on that parcel were located similarly prior to the storm.

- 3) Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 20 feet as a rear setback; to allow a 15-foot rear setback.**

*JUSTIFICATION: The CPD boundary Area #2 is only 0.17 acres and previously housed three units. The new request is for two units and meeting the required rear and side setbacks would make the lot unbuildable for two units. The 15-foot rear setback will provide enough room for typical Type B plantings regardless of the 5-foot reduction of side setback.*

Staff Comment: The decrease in rear setback at this location are unlikely to have an impact on the adjacent properties. It appears that the duplex structure and cottage on that parcel were located similarly prior to the storm.

- 4) Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback in CPD Area #4 for the new 40-unit hotel/condo building.**

*JUSTIFICATION: The lot in CPD area #4 does not require buffers but does require 15-foot setbacks per the LDC. We are proposing a Type B buffer along the side setbacks to offset the request to have a building with only 10-foot setbacks. The proposed 10-foot setbacks will provide enough room for typical Type B plantings regardless of the 5-foot reduction of side setback. Historically there were no setbacks or buffers for the surface parking lot where the new building is proposed. To the south is a dilapidated multi-family structure that will be razed, and new multi-family structure is proposed in a CPD that is in progress. To the north is Bowditch Point Park maintenance area and employee parking. The buffers will improve current conditions as will the 10-foot setback. The uses to the north and south will not be negatively impacted with the 5-foot reduction as offset with buffering.*

Staff Comment: The proposed decrease in side setbacks will decrease views of the bay by 5 feet on each side. A 10-foot setback is not a lot of space to fit five trees per 100 linear feet and a double hedge. In this instance only palms can fit in that space and installation of hedges may diminish views of the bay from ground level. The applicant should choose appropriate hedges to ensure visibility is not diminished.

- 5) Deviate from LDC §34-645 Table 34-2 that specifies in the CR zoning district no building or structure shall be placed closer than 15 feet as a side setback; to allow a 10-foot side setback on the western boundary and a 7.5-foot setback on the eastern boundary in CPD Area #3 for the guest unit structure on 309 Estero Boulevard.**

*JUSTIFICATION: Lots in the CR district have a minimum lot size of 100 feet wide by 100-feet deep. The lot at 309 Estero is nonconforming at 50 feet wide. Allowances for reduced setbacks have been established in the LDC for single-family and two-*

*family homes in the RM zoning district must maintain a 7.5-foot side setback for lots 50 feet wide up to 75 feet wide. The MCP shows we will meet that allowance for the eastern border and propose a wider 10-foot setback on the western border abutting the boardwalk park area and to allow room for public access easement to the dock for the potential public water taxi slip.*

Staff Comment: The proposed 7.5 foot setback is the setback that would be required on a single-family residence in SF, RC, or RM. The adjacent property may be developed as a single family residence, however it is currently vacant. If this decreased setback is approved, staff recommends a landscaping buffer with a fence along the eastern property line to assure adjacent properties are not impacted by short term guest rentals.

- 6) Deviate from LDC §34-675(b) that requires a maximum height of 40 feet above base flood elevation and no taller than three stories; to allow a height of:**
- **60 feet as measured from one foot over base flood elevation (BFE+1) or**
  - **Five (5) stories (six (6) stories over ground level parking).**

*JUSTIFICATION: The permitted height in the CR District is a maximum of 40 feet above base flood elevation. The height is significantly shorter than the condo/hotel and resort buildings across Estero Boulevard.*

Staff Comment: The current CPD has a maximum allowed height on the gulf side of the property of 95 feet and one of the existing resort buildings is approximately that tall. This proposed building is on the bayside of the Pink Shell property and will have different impacts. The neighbors across Estero, at Pink Shell Vacation Villas (seven stories) and the adjacent property at 131/133 Estero Blvd, may be impacted by this additional height.

- 7) Deviate from LDC §34-1803(a)(1) that establishes hotel and motel guest units to be substituted for the dwelling units setting the allowable intensity by equivalency factors of up to 2.0 per density unit, in this case in the for the Mixed Residential land use category; to allow an increase in the factor to 6.7 for the entire resort property that is included in the CPD boundary.**

*JUSTIFICATION: Density for the CPD area is calculated through the hotel equivalency factors in LDC Sec. 34-1803(1) and can be accomplished through the CPD by increasing the factor.*

#### *Summary*

- *Density in the Pink Shell Marina & Resort is six (6) units per acre, or 36 units over six (6) developable acres.*
- *The maximum equivalency factor for the Mixed Residential FLUC per the LDC is 2.0, or 72 units.*
- *The Resort existing resort is not subject to equivalency calculations per historical approvals but when applied the current overall equivalency factor of*

the Pink Shell is 5.4.

- The zoning seeks to calculate the entire existing and proposed guest units to arrive at an overall equivalency factor is 6.7.

#### *Justification*

*Per LDC Section 34-1803(2) guests units exceeding these equivalency factors or exceeding 1,000 square feet each may be allowed under exceptional circumstances as described in the comprehensive plan if approved as a deviation through a planned development rezoning. Before approving such a deviation, the town council must find that:*

- a. All other aspects of the development (height, traffic, intensity of use, etc.) are compatible with the surrounding area;**

*The proposed use is hotel/condo as part of the Pink Shell Rental Pool. This use as a vacation rental with ownership is common not only in the Pink Shell but similar to the other buildings across the street from Vacation Villas south to Island Shores south of Pink Shell.*

- b. The proposal clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan; and**

*Application is consistent with the Comprehensive Plan:*

*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.*

*Policy 4-B-4 "MIXED RESIDENTIAL": designed for older subdivisions with mixed housing types on smaller lots, newer high-rise building... commercial activities, such as motels, must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as de-scribed in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.*

*Policy 4-C-4 Building Heights: ...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... the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.*

*Policy 7-D-5: Hidden-path System: The town shall support the creation of a quiet network of "hidden paths" running on the Bay side parallel to Estero Boulevard. This network would provide an alternative to walking and cycling along Estero Boulevard (as described further in the Community Design Element).*

*Policy 7-J-2: Traffic impact analyses and potential design improvements that could offset traffic impacts such as employee shuttles as part of the FDOT/Lee*



*Tran – Commute Connect Program, alternatives forms of transportation, and concierge services encouraging public transportation.*

- c. In no case can equivalency factor increases exceed the maximum intensities allowed by the Fort Myers Beach Comprehensive Plan.**

*The maximum intensity allowed under the Comprehensive Plan for the Mixed Residential FLUC is 1.2 floor area ratio. This project does not exceed that intensity.*

Staff Comment: The proposed development is in compliance with the intensity allowed in the Mixed Residential FLU. The applicant has indicated several ways that the resort encourages guests to not bring a car, decreasing potential traffic impacts. The application addresses several policies of the comprehensive plan. Several of the surrounding buildings are the same height or taller than the proposed boutique hotel, however, there are no buildings currently adjacent to the boutique hotel site.

- 8) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 7' Type C equivalent hedge only on the north side of the parking spaces between the spaces and the guest unit.**
- 9) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 10' Type C Buffer with no wall on the eastern boundary abutting the neighboring multifamily building.**
- 10) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a 15' Type C Buffer with a wall when a proposed commercial parking lot is next to a multifamily residential property; to allow a 5' Type C equivalent hedge only on the south side of the drive isle serving the parking spaces.**

*JUSTIFICATION: The goal of the parking design was to balance maximizing the limited space available near the beach access for public parking while providing the greatest amount of buffering to neighboring residential uses.*

Staff Comment: The proposed public parking area will provide seven spaces for the public wishing to utilize beach access #41. The proposed buffer, while less intense than the code required buffer, is similar to what has been approved for shared parking lots in the Town.

Existing Deviations on Pink Shell Resort, approved for **Captiva Villas - Resolution 01-26:**

2. Deviation from LDC Section 34-935e(4) which requires buildings be separated a distance of one half the sum of the building heights, to allow separation of 36 feet

instead of 82 feet, and to allow a separation 44 feet instead of 59 feet.

3. Deviation from LDC Section 34-802 to allow hotel units with a maximum of 750 square feet and 1300 square feet. At least 14 of the 43 units are limited to a maximum of 750 square feet. In no case will the total area of the 43 units exceed 28,219 square feet.

4. Deviation from LDC Section 34-2175 which states buildings may not exceed 25 feet in height above base flood elevation to allow a building 83 feet in height above base flood elevation. No more than 7 floors over one ground floor of parking only will be developed.

5. Deviation from Land Development Code 34-2017(a) which requires parking lot aisles and spaces have a paved, dust free, all-weather surface, to allow an unpaved surface on parking lots with the following conditions:

(a) The alternative parking surface must be a stabilized surface of clean (washed) angular gravel or other similar porous material over a well-drained base. The surface will be continually maintained in a dust free manner. Stabilization may be accomplished by turf blocks, or proprietary cellular or modular porous paving systems installed in accordance with manufacturer's specifications.

(b) The disabled parking spaces must be provided with a smooth surface without gaps or holes which would create a danger to the user.

(c) Parking stripes will not be required on the alternative surface; however, parking bumpers

must be used to identify the required number of parking spaces.

#### 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. However, this is a CPD and the addition of the property owned by JABO LLC and its subsidiaries, is a reasonable request.*

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

*Staff response: The duplex and cottage which were part of the Pink Shell Resort and the single-family residence at 309 Estero Blvd were destroyed by Ian.*

(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 FAR, including ground floor parking, for the property will not exceed the allowed 1.2 FAR. If we were to apply density to the use, it would exceed the density. However, the applicant is requesting 40 additional resort units above the current allowed number of resort units. The new structure will be designed to current building and flood requirements which is supported by the comprehensive plan.*

*The development is consistent with several policies:*

**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.*

**POLICY 7-D-5 HIDDEN-PATH SYSTEM. HIDDEN-PATH SYSTEM:** *The town shall support the creation of a quiet network of "hidden paths" running on the Bay side parallel to Estero Boulevard. This network would provide an alternative to walking and cycling along Estero Boulevard (as described further in the Community Design Element). Initial land acquisition shall begin in 1999.*

(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 hotels.*

(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 should not have an 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 existing Pink Shell resort has operated successfully for a number of decades, without causing nuisance. The site of the single guest unit and public parking previously contained a duplex and a cottage, without known incidence. It is not expected that this use will cause hazard or nuisance.*

(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 likely to place an additional burden on the transportation network or other facilities and services. Impact fees will be required at time of development order.*

(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 resort use is appropriate in this location, it is in the Mixed Residential Future land use.*

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: The proposal is in compliance with these policies.*

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 request for additional height is proposed as part of the planned development rezoning process. The requested height appears to be similar to the surrounding uses both the Pink Shell Resort and the surrounding resort and condominium buildings. However, the proposed building is not adjacent to any buildings and therefore additional height may not be appropriate.*

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 will be required to pay impact fees at time of development. Additionally, the developer has proposed a variety of policies which will function to decrease the number of vehicles at the hotel.*

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 as requested by the applicant. It is unclear if they enhance the development.*

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 do not increase risk, hazard, or injury to the public.*

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

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

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

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

**I. RECOMMENDATION**

Staff finds that the CPD with deviations do not meet all of the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends denial of DCI20230090. If approval is recommended, the attached conditions are proposed.

**II. CONDITIONS OF APPROVAL**

1. The terms and conditions of all previous resolutions shall continue in full force except as expressly altered by this amendment.
2. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of **November 6, 2024** attached as Exhibit A.
3. The approved uses are limited to those detailed on the attached Exhibit B, Schedule of Uses.
4. Architectural design of the bayside Boutique Hotel shall be substantially in

- compliance with Exhibit D, renderings.
5. The applicant must provide a landscaping plan and planting schedule that is in compliance with the approved MCP or the LDC Chapter 10, Division 6 Open Space, Buffering and Landscaping.
  6. A dune restoration plan must be submitted to the Town of Fort Myers Beach, for approval and will be subject to the following conditions:
    - a. Location of the restoration area will be generally as shown on the MCP.
    - b. Plant species will consist of a mix of sea oats, beach panic grass, railroad vine, cocoplum, seagrapes and beach sunflower in lines planted at 1.5 feet on center
    - c. To allow the plants to become established, the vegetation will be temporarily fenced with ropes and bollards or a similar fencing. Orange construction fence is prohibited.
    - d. No more than the existing dune walkover will be permitted to provide beach access.
    - e. The beach vegetation project will be coordinated with and integrated with any ongoing beach restoration or renourishing project that is underway at the time of development.
    - f. The dune plan must identify the location, behind the dune line, for chickee huts, beach furniture and rental equipment (personal watercraft, chairs etc.) as required by the Town's Sea Turtle Ordinance found in Section 32, Article V, Section 32-113.
  7. (Condition 7 of Resolution 10-06, amended as follows) Boat rentals, charter boat, and tour boat operations and all other uses of leased submerged lands are limited in accordance with the most recent submerged land lease from the State of Florida (Recorded in Official Record Book 3718, Page 2242, Public Records of Lee County, Florida). A maximum of forty-one (41) boat slips and 39 live aboards currently are allowed by the state submerged land lease. Use of submerged land must comply with all applicable local, state, and federal regulations. Cruise ships are prohibited as provided by LDC Section 34-620(f). Dock structures located upon leased submerged lands adjacent to the subject property have existed since prior to the adoption of the Fort Myers Beach Comprehensive Plan and its Future Land Use Map. This amendment shall not be interpreted as a finding as to consistency or inconsistency of these docks, and/or their uses, with the Mixed Residential Future Land Use Map category or any other provision of the Fort Myers Beach Comprehensive Plan. Any expansion to the uses of leased submerged lands adjacent to the subject property, including increase to the number of boat slips, and/or the number and/or size of charter boats and/or tour boats, will require an amendment to this planned development and its MCP through the public hearing process for zoning actions.
  8. (Condition 6 of Resolution 10-05, amended as follows) Any lawfully existing dwelling unit, guest unit, or timeshare unit within the subject property may be used as group quarters for employee housing without regard for the occupancy time limitations applicable to guests as set forth in LDC Section 34-1801(b)(4). Occupancy of group quarters is limited solely to bona fide employees of the Pink Shell Resort, including the businesses lawfully operating on the subject property



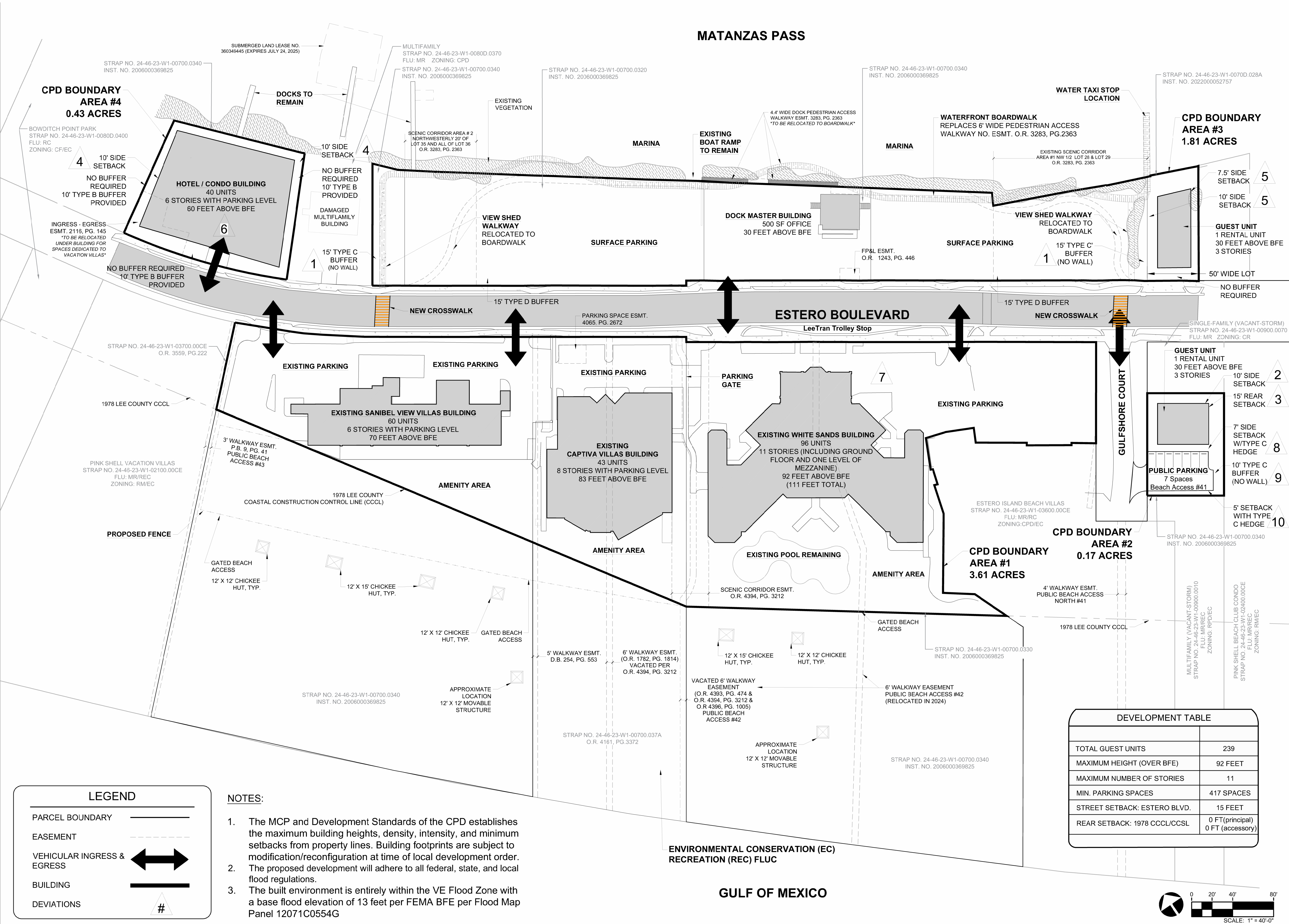
in compliance with this zoning ordinance and all other applicable regulations. Under no circumstances may occupancy of any dwelling unit, guest unit, or timeshare unit exceed the lawful occupancy established by applicable building, fire, and life-safety codes. If no building, fire, or life-safety code provisions are more restrictive, the number of occupants of any individual living unit used for group quarters must not exceed four adults, or one family, whichever is larger. The term "family" is defined in LDC Section 34-2, as may be amended from time to time.

9. (Conditions 3 and 5 of Resolution 13-23, amended as follows) The total number of commercial memberships of recreational amenities is not to exceed 350. Commercial memberships are allowed for use of resort accessory uses, subordinate commercial uses including food and beverage services, fitness facility, pools, beach access and docks.
10. Development of this project must comply with all requirements of the Town of Fort Myers Beach LDC at the time of the development order, except as may be granted by deviation as part of this planned development.

Exhibits:

- A – Master Concept Plan
- B – Schedule of Uses
- C – Deviations and Justification from applicant
- D – Renderings
- E – Applicant Narrative
- F – Application
- G – Historical Zoning Approvals







## **Pink Shell CPD Schedule of Uses and Site Development Regulations**

**1. SCHEDULE OF USES:** The approved schedule of uses for this CPD is limited to the following:

**a. RESIDENTIAL**

Principal:

- Dwelling unit, single-family (rental only)
- Dwelling unit, two-family
- Dwelling unit, multi-family
- Timeshare units (fractional ownership, vacation club)
- Group Quarters
- Sales center/office

Accessory:

- Essential services
- Essential service equipment
- Parking, surface/under building
- Recreation, private on-site and private, off-site
- Residential accessory uses

**b. LODGING**

Principal:

- Hotel/motel
- Hotel/condo
- Timeshare units (fractional ownership, vacation club)
- Resort
- Rental of any permitted dwelling unit for periods of one day or longer
- Recreational facilities – commercial and private on-site, off-site

Accessory:

- Mini bars (in the hotel rooms)
- Parking: Surface/under building
- Rental of beach furniture and cabanas
- Rental of boats, bicycles, electric scooters, e-bikes and golf carts
- Charter and tour boats
- Personal watercraft operations office
- Parasailing operations office
- Sailing office
- Docks for use by water taxi or water shuttle
- Meeting space
- Conference center
- Business center
- Kids camp and crafts

- Signs
  - Sales center/office
  - Subordinate commercial uses
- c. RETAIL
- Principal:
- Recreational facilities - commercial. in conjunction with a membership
  - Commercial uses including restaurant, café, personal services, retail store
  - Rental of bicycles, electric scooters, e-bikes and golf carts
  - Bait and Tackle Shop
- Accessory:
- ATM
  - On-premises and package sale for off-premises consumption of alcoholic beverage
- d. OFFICE
- Principal:
- Administrative offices
- Accessory:
- Home occupation (no outside help)
  - Commercial accessory use
- e. MARINE
- Principal:
- Administrative
  - Bait and Tackle Shop
- Accessory:
- Dock (for lease to non-occupants of the principal use)
  - Dock (for use by resort occupants)
  - Liveaboard vessel mooring slips (in compliance with submerged land lease)
  - Bathrooms, showers and laundry facilities
- f. CIVIC
- Principal:
- Public beach access
  - Park, neighborhood
  - Essential services and essential service equipment
  - Licensed fishing pier
- g. COMMERCIAL PARKING
- Principal:
- Public parking, surface/underbuilding

- 2. PROPERTY DEVELOPMENT REGULATIONS:** The approved property development regulations for this CPD will take precedence over and supersede the property development regulations in the Town of Fort Myers Beach LDC that would otherwise apply:

|                                 |                         |
|---------------------------------|-------------------------|
| Maximum Floor Area Ratio (FAR): | 1.2                     |
| Maximum Intensity:              | 239 guest units         |
| • Short-term rental             | • 2 guest units         |
| • Lodging/Hotel/Hotel-Condo     | • 237 rooms             |
| Maximum Commercial Intensity:   | 7,500 square feet total |
| • Administrative                | • 2,500 square feet     |
| • Retail                        | • 5,000 square feet     |
| Parking:                        | 417 spaces              |

## Conditions of Approval for Ordinance 24-35

1. The terms and conditions of all previous resolutions shall continue in full force except as expressly altered by this amendment.
2. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of **November 6, 2024** attached as Exhibit A.
3. The approved uses are limited to those detailed on the attached Exhibit B, Schedule of Uses.
4. Architectural design of the bayside Boutique Hotel shall be substantially in compliance with Exhibit D, renderings.
5. The applicant must provide a landscaping plan and planting schedule that is in compliance with the approved MCP or the LDC Chapter 10, Division 6 Open Space, Buffering and Landscaping.
6. A dune restoration plan must be submitted to the Town of Fort Myers Beach, for approval and will be subject to the following conditions:
  - a. Location of the restoration area will be generally as shown on the MCP.
  - b. Plant species will consist of a mix of sea oats, beach panic grass, railroad vine, cocoplum, seagrapes and beach sunflower in lines planted at 1.5 feet on center
  - c. To allow the plants to become established, the vegetation will be temporarily fenced with ropes and bollards or a similar fencing. Orange construction fence is prohibited.
  - d. No more than the existing dune walkover will be permitted to provide beach access.
  - e. The beach vegetation project will be coordinated with and integrated with any ongoing beach restoration or renourishing project that is underway at the time of development.
  - f. The dune plan must identify the location, behind the dune line, for chickee huts, beach furniture and rental equipment (personal watercraft, chairs etc.) as required by the Town's Sea Turtle Ordinance found in Section 32, Article V, Section 32-113.
7. (Condition 7 of Resolution 10-06, amended as follows) Boat rentals, charter boat, and tour boat operations and all other uses of leased submerged lands are limited in accordance with the most recent submerged land lease from the State of Florida (Recorded in Official Record Book 3718, Page 2242, Public Records of Lee County, Florida). A maximum of forty-one (41) boat slips and 39 live aboards currently are allowed by the state submerged land lease. Use of submerged land must comply with all applicable local, state, and federal regulations. Cruise ships are prohibited as provided by LDC Section 34-620(f). Dock structures located upon leased submerged lands adjacent to the subject property have existed since prior to the adoption of the Fort Myers Beach Comprehensive Plan and its Future Land Use Map. This amendment shall not be interpreted as a finding as to consistency or inconsistency of these docks, and/or their uses, with the Mixed Residential Future Land Use Map category or any other provision of the Fort Myers Beach Comprehensive Plan. Any



expansion to the uses of leased submerged lands adjacent to the subject property, including increase to the number of boat slips, and/or the number and/or size of charter boats and/or tour boats, will require an amendment to this planned development and its MCP through the public hearing process for zoning actions.

8. (Condition 6 of Resolution 10-05, amended as follows) Any lawfully existing dwelling unit, guest unit, or timeshare unit within the subject property may be used as group quarters for employee housing without regard for the occupancy time limitations applicable to guests as set forth in LDC Section 34-1801(b)(4). Occupancy of group quarters is limited solely to bona fide employees of the Pink Shell Resort, including the businesses lawfully operating on the subject property in compliance with this zoning ordinance and all other applicable regulations. Under no circumstances may occupancy of any dwelling unit, guest unit, or timeshare unit exceed the lawful occupancy established by applicable building, fire, and life-safety codes. If no building, fire, or life-safety code provisions are more restrictive, the number of occupants of any individual living unit used for group quarters must not exceed four adults, or one family, whichever is larger. The term "family" is defined in LDC Section 34-2, as may be amended from time to time.
9. (Conditions 3 and 5 of Resolution 13-23, amended as follows) The total number of commercial memberships of recreational amenities is not to exceed 350. Commercial memberships are allowed for use of resort accessory uses, subordinate commercial uses including food and beverage services, fitness facility, pools, beach access and docks.
10. Development of this project must comply with all requirements of the Town of Fort Myers Beach LDC at the time of the development order, except as may be granted by deviation as part of this planned development.

PINK SHELL RESORT MARINA CPD HISTORIC ZONING RESOLUTIONS SUMMARY

|                   | Document                                 | Date                      | What it Does                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Property Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Notes |
|-------------------|------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>LEE COUNTY</b> |                                          |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |
| 1                 | Resolution Z-82-170                      | 6/21/1982                 | Rezoning from RM-2 to PUD as shown on the PUD plan with the removal of the cul-de-sac and parking area and to continue the bike path for a total of \$6,000 donation towards construction together with the following conditions:<br>1. 17.1 du/acre for a total of 182 units<br>2. Phased over a minimum of 10 years<br>3. Maximum height of 6 stories over parking<br>4. Construction of .25 mile/1350 feet of bike path<br>5. 3 beach access points, public and semi-public<br>6. \$8,100 contribution towards curbing or widening of Estero<br>7. Streetscaping plan<br>8. 6 additional parking spaces for condominium owners at the end of the resort property | <u>Phase I</u> - Lots 29 and 30, Unit No. 4, Island Shores (PB 9, PG 37)<br><br><u>Phase II</u> - The northwesterly 6.5 feet of Lot 40 and Lots 41 & 42 Island Shores Club Section and Lots 38 & 39, Block "D", Island Shores Club Section (PB 9, PG 41).<br><br><u>Phase III</u> - The westerly 25 feet of Lot 33 and all of Lots 34 through 36, Island Shores Unit 4, together with Lots 2 through 4 & Lots 8 through 10, Gulf Shore, (PB 9 PG 88).<br><br><u>Phase IV</u> - Lot 40 less Northwesterly 6.5 feet and all of Lot 39, Island Shores Club Section.<br><br><u>Phase V</u> - The west 1/2 of Lot 29 and all of Lots 30 through 32, Block "D", Island Shores Unit 4, together with Lots 33 & 34 Block "D", Island Shores Club Section. |       |
| 2                 | Resolution ZAB-83-353                    | 11/14/1983                | Approval of Final PUD Site Plan for Phase 1 (Island Shores per AA PUD-91-010) - 42 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Phase I (identified as 394 Estero Boulevard)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |
| 3                 | Resolutions ZAB-84-196(A) and ZAB-84-196 | 04/25/1988 and 11/19/1984 | Approval of Final PUD Site Plan for Phases II through V with conditions<br>(A) corrects scrivener's error                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Phase II, III, IV, and V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |
| 4                 | Resolution Z-87-076                      | 5/11/1987                 | Temporary (5 year) approval of consumption on premises, restricted to Pink Shell residents and their guests, limited to 350 sq. ft. recreation room of existing office and model center building located in Phase V until restaurant and minimarket are constructed, at which time the COP can be transferred                                                                                                                                                                                                                                                                                                                                                       | Phase V LESS Lots 33 & 34 Block "D", Island Shores Club Section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |

PINK SHELL RESORT MARINA CPD HISTORIC ZONING RESOLUTIONS SUMMARY

|   |                                                                |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                   |
|---|----------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | Administrative Approval Amendment PUD-91-010(A) and PUD-91-010 | 1/29/1992 and 11/15/1991 | Administrative amendment approving/confirming the following:<br>1. Total of 147 units (excluding Phase I and including 7 motel units in Phase V)<br>2. 42 unit, 6-story (over parking) building in Phase III.<br>3. Parking deviations for approved building only<br>4. Conversion of quadraplex (112, 113, 114, and 115) to duplex, with two units being transferred to new building<br>5. Removal of 6 units (102, 103, 104, 106, 107, and 108) to be transferred to new building<br>6. Transfer of 7 motel units in Phase V, but for use as administrative offices only | Phase I, Phase II, Phase III, Phase IV, and Phase V LESS Lots 33 & 34 Block "D", Island Shores Club Section                                                                                                                                                                                              | Phase I (42 dwelling units) has been sold and is no longer part of the Pink Shell Resort. Any future development SHALL NOT INCLUDE that portion of the PUD.<br><br>WHEREAS clauses refer to 2 administrative approvals with no resolution number. |
| 6 | Administrative Approval Amendment PUD-93-014A and PUD-93-014   | 7/9/1993                 | Relocation of swimming pool and spa previously approved to be located in Phases II and IV to Phase III<br>Confirmation of the following:<br>1. Parking requirement for residential/hotel/motel units = 1.5/unit<br>2. Setback between proposed building in Phase III and any other building = 25'<br>3. Required 5' buffer at south end of property in Phase III                                                                                                                                                                                                           | Phase II, III, IV, and V and Lots 5 & 6, Gulfshore                                                                                                                                                                                                                                                       | Missing second page of original amendment                                                                                                                                                                                                         |
| 7 | Z-93-057                                                       | 10/4/1993                | Amends PUD site plan and the following:<br>1. Maximum height of 42 unit Phase III building increased from 6 to 7 stories with minimum 42' street setback (deviation from 47') from Gulf Shore Court<br>2. Remaining 6 motel units to be converted to administrative office use<br>3. Existing quadraplex (112, 113, 114, and 115) to be converted to duplex<br>4. 7 (instead of previous 6) cottages/units (106-109 and 118-120) to be removed                                                                                                                             | STRAP Number 24-46-23-07-00000.0350<br><br>All of Lots 2, 3, 4 and 8, Gulfshore<br>Lot 33 LESS the Easterly 100 feet thereof and Lot 34 LESS the Northerly 50 feet thereof and the Easterly 100 feet thereof, Island Shores, Unit 4                                                                      |                                                                                                                                                                                                                                                   |
| 8 | Z-95-017                                                       | 11/6/1995                | Approval of rezoning from RM-2 and PUD to CPD including creation of 59 hotel/motel units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | STRAP Number 24-46-23-07-00000.0350 (portion) and 24-46-23-08-0000D.0370<br><br>NW 1/2 of Lots 29 through 32, Block "D", Island Shores Unit 4 (this appears to be a typo and the NW 1/2 should only apply to Lot 29)<br>Lots 33 through 36 and Lots 37 through 39, Block "D", Island Shores Club Section |                                                                                                                                                                                                                                                   |

|                                 |                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |
|---------------------------------|-----------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 9                               | PUD-95-041      | 12/22/1995 | Removal of Bayside portion of project rezoned to CPD by Z-95-017; applies to Gulfside PUD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Phase I, II, III, IV, and V <b>minus Bayside property</b> as described in Z-95-017                                                                                                                                                                                                                                                                                                                                                            | Bayside property rezoned to CPD and removed from PUD                              |
| 10                              | PUD-98-029      | 8/4/1998   | Clarification amendment following partial acquisition by Boykin - <b>144 units built, leaving 15 to be constructed</b><br><u>Island Shores Condominium</u> - Phase I, 42 units (no longer a part of PUD)<br><u>Sanibel View</u> - Lots 39 through 42, Island Shores Club Section, 60 units (5 story over parking)<br><u>Estero Island Beach Villas</u> - Lots 2 through 4 and Lots 8 through 10, Gulfshore together with a portion of the westerly 25 feet of Lot 33 and part of Lot 34, Unit 4 Island Shores; 42 units (7 story over parking)<br><u>Cottage Units</u> - Remaining portion of Lots 34 through 36 and westerly 25 feet of Lot 33, Unit 4 Island shores; 30 units<br><u>Duplexes</u> - Lots 9 and 10, Gulfshore; 2 duplexes/4 units total<br>Single Cottage/Duplex Cottage - Lots 5 and 6 Gulfshore<br><b>NOT PART OF PUD</b> (per ordinance)<br><b>NEW APPROVAL</b> : Deletion of 2 5-story buildings, allowing for construction of 6-story over parking building with 45 units, the first 15 of which are already permitted and additional 30 only with removal of existing cottages on 1-to-1 basis; proposed pool and 63 parking spaces; recognized existence of existing swimming pool, 4 existin | Lots 2, 3, 4, 5, 6, 8, 9 and 10, Gulfshore<br>Lots 34, 35 and 36 and Northwesterly 25 feet of Lot 33, Unit No. 4 Island Shores<br>Lots 39, 40, 41 and 42, Island Shores Club Section<br><b>LESS AND EXEPT legal description</b><br>New building and improvements mentioned under "NEW APPROVAL" to be built on remaining portion of Lots 34 through 36 and the westerly 25 feet of Lot 33, Unit 4 Island Shores, and Lots 9 and 10, Gulfshore |                                                                                   |
| <b>TOWN OF FORT MYERS BEACH</b> |                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |
| 11                              | Resolution 99-7 | 2/22/1999  | Amend CPD ( <b>Bayside</b> ) to reduce permitted hotel units from 12 to 5, allowing only 52 units on the Bayside                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | STRAP Number 24-46-23-W1-0080D.0370                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                   |
| 12                              | Resolution 99-8 | 2/22/1999  | Amend CPD to permit 7 additional units within existing 2 unit, 7 story Hotel Casa Playa - Abaco Beach CPD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | STRAP Number 24-46-23-W1-0060D.020A                                                                                                                                                                                                                                                                                                                                                                                                           | Transfers 7 units taken from Pink Shell Bayside to different project (Casa Playa) |

PINK SHELL RESORT MARINA CPD HISTORIC ZONING RESOLUTIONS SUMMARY

|    |                                        |                          |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
|----|----------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 13 | Resolution 00-07A and Resolution 00-07 | 1/10/2000 and 06/29/2000 | Amend CPD ( <b>Bayside</b> ) to remove 47 units and amend PUD (Gulfside) to add 47 units to a 45 unit building increasing the height from 6 stories over parking to 9 stories over recreation area and lobby/administration area                                                                                                                                       | <p>STRAP Number 24-46-23-W1-0070.0350</p> <p>Lots 2, 3, 4, 5, 6, 8, 9, and 10, Gulfshore</p> <p>Lots 34, 35, and 36 and Northwesterly 25 feet of Lot 33, Unit 4 Island Shores</p> <p>Lots 29 through 32 and the Northwest 1/2 of Lot 28, Block D, Unit 4 Island Shores</p> <p>Lots 33-36, Block D, Island Shores Club Section</p> <p>Lot 29, Block D, Unit 4 Island Shores</p> <p>LESS AND EXCEPT legal description</p> |  |
| 14 | Resolution 01-21                       | 6/25/2001                | Amend with conditions to <b>White Sands Villas</b> portion of PUD to change the orientation of 9-story building, revise project units from 77 units at 1000 square feet each, and from the approved 15 units at 550 square feet each, to allow 46 2-bedroom units at 1246 square feet each and 46 1-bedroom units at 761 square feet each, and allow shell parking lot | Same as Resolution 00-07A                                                                                                                                                                                                                                                                                                                                                                                               |  |

PINK SHELL RESORT MARINA CPD HISTORIC ZONING RESOLUTIONS SUMMARY

|    |                                           |           |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 | Resolution 01-26                          | 8/27/2001 | Approval of rezoning of <b>Captiva Villas</b> from RM-2 to MPD with conditions to permit a maximum of 43 hotel units in 28,219 square feet, accessory uses, and 12,000 square feet of commercial uses (to be transferred from Bayside) with consumption on premises, not to exceed 7 stories over one ground floor of parking (hotel rooms on Floors 2-7)/83 feet in height above based flood elevation | STRAP Number 24-46-23-W1-0070.0350 (referred to as being 1.84 total acres)<br><br>(nothing more provided)                                                                                                                                                                                                            | 12,000 square feet of commercial broken down as follows:<br>1,300 Administrative/Offices<br>6,000 Restaurant/Deli/Retail<br>2,500 Guest Services<br>2,200 Conference/Meeting/Limited Food & Beverage Service<br><br>Only permitted uses on Bayside accessory parking and uses related to the operation of the boat slips and dockage; existing commercial building to be demolished |
| 16 | Administrative Amendment<br>ADD2003-00160 | 4/5/2004  | Amend CPD ( <b>Bayside</b> ) to eliminate 12,000 sqft of commercial uses transferred to Captiva Villas CPD                                                                                                                                                                                                                                                                                              | Lots 29 through 32 and the Northwest 1/2 of Lot 28, Block D, Unit 4 Island Shores<br><br>Lots 33-36, Block D, Island Shores Club Section<br><br>Lots 38 and 39, Block D, Island Shores Club Section<br><br>(referred to as containing 2.12 acres)                                                                    | Moves 12,000 square feet as required by Resolution 01-26                                                                                                                                                                                                                                                                                                                            |
| 17 | Resolution 10-05                          | 1/19/2010 |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                     |
| 18 | Resolution 10-06                          | 1/20/2010 | Amend CPD ( <b>Bayside</b> ) with conditions to replace tennis courts on Lots 38 and 39, Block D, Island Shores Club Section with an accessory parking lot for employee parking only and trash compactor while allowing existing boat ramp to remain with rerouted pedestrian walkway                                                                                                                   | STRAP Number 24-46-23-W1-0070.0340, 24-46-23-W1-0070.0320, and 24-46-23-W1-0070.0290<br><br>NW 1/2 of Lots 29 through 32, Block "D", Island Shores Unit 4 (this appears to be a typo and the NW 1/2 should only apply to Lot 29)<br>Lots 33 through 36 and Lots 38 through 39, Block "D", Island Shores Club Section | Legal description is the same as Z-95-017 except Lot 37 is excluded                                                                                                                                                                                                                                                                                                                 |



PINK SHELL RESORT MARINA CPD HISTORIC ZONING RESOLUTIONS SUMMARY

|    |                  |            |                                                                                                                                                                                                                |                                                                                                                                                                                                       |                                                                                 |
|----|------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 19 | Resolution 13-23 | 10/21/2013 | Amend CPD with conditions to add "Recreation, Commercial with membership" to approved schedule of uses and allow the use of the parking areas on Lots 38 and 39 for parking for employees, guests, and members | STRAP Number 24-46-23-W1-0070.0320, 24-46-23-W1-0070.0330, 24-46-23-W1-0070.0290 and 24-46-23-W1-0070.037A<br><br>Same as Resolution 00-07A LESS AND EXCEPT Sanibel View Villas and White Sand Villas |                                                                                 |
| 20 | Ordinance 23-04  | 3/6/2023   | Amends CPD ( <b>Bayside</b> ) to remove restriction against liveaboards                                                                                                                                        | 200 and 275 Estero<br><br>STRAP Number 24-46-23-W1-0070.0330, 24-46-23-W1-0070.0340, and 24-46-23-W1-0070.037A<br><br>(nothing more provided)                                                         | Includes condition to clarify existing CPD ownership, addresses, and parcel IDs |

















## 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](mailto:zoningpermits@fmbgov.com). Please do not submit the instructions at the end of the application.

Site Address: Various, See attached List of Owners-STRAPS-Address document

STRAP Number: Various, See attached List of Owners-STRAPS-Address document

Applicant: JABO, LLC Phone: \_\_\_\_\_

Contact Name: Bill Waichulis Phone: (239) 463-8601

Email: bwaichulis@boykin.com Fax: \_\_\_\_\_

Current Zoning District: CPD, CR and EC

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

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

\*Companion CPA submitted to amend FLUM to Pink Shell Mixed Use District

### ACTION REQUESTED

### SUPPLEMENTAL FORM REQUIRED

☐ Special Exception

PH-A

☐ Variance

PH-B

☐ Conventional Rezoning

PH-C

☒ Planned Development ☒ Commercial ☐ Residential

PH-D

☐ Master Concept Plan Extension

PH-E

☐ Appeal of Administrative Action

PH-F

☐ Vacation of Platted Right-of-way and Easement

PH-G

☐ Other – cite LDC Section: \_\_\_\_\_

attach on separate sheet

### PART I – General Information

A. Applicant\*: JABO, 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 33901

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:

- |                                                                                                                        |                                           |                                              |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Owner*                                                                             | <input type="checkbox"/> Land Trust*      | <input type="checkbox"/> Partnership*        |
| <input checked="" type="checkbox"/> Corporation*                                                                       | <input type="checkbox"/> Association*     | <input type="checkbox"/> Condominium*        |
| <input type="checkbox"/> Subdivision*                                                                                  | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* <input type="checkbox"/> Other* (please indicate) _____ |                                           |                                              |

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

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

Name: Fred Drovdlc, AICP, RVI Planning + Landscape Architecture Phone: (239) 318-6707  
Address: 1514 Broadway, Suite 201, Fort Myers, FL 33901  
Email: fdrovdlc@rviplanning.com Fax: \_\_\_\_\_

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

Name: Amy Thibaut, Esq., Roetzel & Andress, LPA Phone: (239)338-4213  
Address: 2320 First Street, Suite 1000  
Email: sspector@ralaw.com Fax: (239)337-0970

Name: Ted Treesh, TR Transportation Consultants, Inc. Phone: (239)278-3090  
Address: 2726 Oak Ridge Court, Suite 503, Fort Myers, FL 33901  
Email: TBT@trtrans.net Fax: (239)278-1906

### 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, EC and CR to ☒ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: See request Request Narrative & Comp Plan Compliance
- ☐ 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: Rezoning from CPD, EC and CR to CPD and EC
- \_\_\_\_\_
- \_\_\_\_\_

### 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: NA Description: \_\_\_\_\_

\_\_\_\_\_

Code Section: NA Description: \_\_\_\_\_

\_\_\_\_\_

Code Section: NA Description: \_\_\_\_\_

\_\_\_\_\_

### PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: NA 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

Robert Boykin and John Boykin

100%

275 Estero Boulevard, Fort Myers Beach, FL 33901

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

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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

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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

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## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

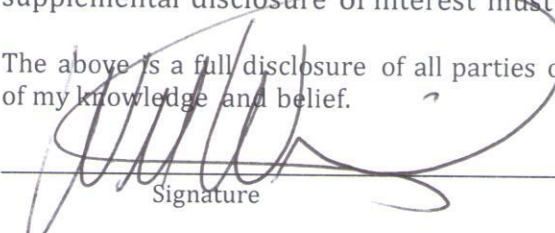
Date of Contract: \_\_\_\_\_

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 General Manager of Pink Shell (title) of JABO, 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

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

JABO, LLC

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

Signature

WILLIAM WAICHULIS, GENERAL MANAGER

Typed or Printed Name

Manager

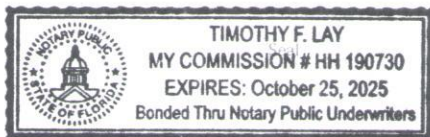
Title

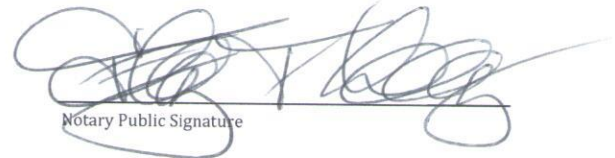
5/12/23

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 12<sup>th</sup> day of May, 2023, by William Waichulis ☒ who is personally known to me OR ☐ who has produced \_\_\_\_\_ as identification.



  
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: Various, See attached Exhibit A

Property Address: Various, See attached Exhibit A

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) varies feet  
Depth (please provide an average width if irregular in shape) 200 to 450 feet  
Frontage on street: 1,050 (Estero Blvd) feet. Frontage on waterbody: 1,000+ feet  
Total land area: 11 ☒ 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.

☒ 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):

- |                                                       |                                                |
|-------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Low Density                  | <input type="checkbox"/> Marina                |
| <input checked="" type="checkbox"/> Mixed Residential | <input checked="" type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard                    | <input type="checkbox"/> Wetlands              |
| <input type="checkbox"/> Pedestrian Commercial        | <input type="checkbox"/> 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](mailto:zoningpermits@fmbgov.com).

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

#### Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

#### Explanatory Notes – Part II

Indicate the requested action.

#### Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

#### Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

### Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

### Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

### Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

### Supplement PH-D

### Additional Required Information for a Planned Development Application

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre  
 \$2000.00 PD Amendment minor (< acre total property area)  
 \$4000.00 PD Reinstatement or \$6500.00 PD Amendment

|                                                                           |
|---------------------------------------------------------------------------|
| <b>Project Name:</b> Pink Shell CPD                                       |
| <b>Authorized Applicant:</b> Bill Waichulis, JABO, LLC                    |
| <b>STRAP Number(s):</b> See attached List of Owners, Addresses and STRAPS |
|                                                                           |

|                                                                                                              |
|--------------------------------------------------------------------------------------------------------------|
| <b>Current Property Status:</b> Pink Shell Resort and amenities, surface parking, marina                     |
| <b>Current Zoning:</b> Various CPD's, CR and EC                                                              |
| <b>Future Land Use Map (FLUM) Category:</b> Mixed Residential and Recreation*                                |
| <b>Platted Overlay?</b> <input type="checkbox"/> yes, <input type="checkbox"/> no <b>FLUM Density Range:</b> |

**Requested Action:**

|                                     |                                                          |
|-------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/>            | DRI (with rezoning)                                      |
| <input checked="" type="checkbox"/> | Planned Development (also check below)                   |
| <input type="checkbox"/>            | Rezoning from: CPD, CR and EC to: CPD and EC             |
| <input type="checkbox"/>            | Amendment to Master Concept Plan/attendant documentation |

## PART I Narrative Statements

### A. Comprehensive Plan Amendments (check one)

|                                     |                                                                                                                                                                                   |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.                                                                             |
| <input type="checkbox"/>            | 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) |
|                                     | from the Mixed Residential and Recreation to Mixed Residential and Recreation to the                                                                                              |
|                                     | Pink Shell Mixed Use District and Recreation Future Land Use Category                                                                                                             |
|                                     |                                                                                                                                                                                   |
|                                     |                                                                                                                                                                                   |
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|                                     |                                                                                                                                                                                   |

### B. Phasing of Construction

|                                     |                                                                                               |
|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | The development is to be constructed in a single phase.                                       |
| <input checked="" type="checkbox"/> | The development is to be constructed in phases as follows: (describe proposed phasing below)  |
|                                     | Phase 1 - Bayside parking gagarge and multifamily units, Estero landscaping, Resort amenities |
|                                     | Phase 2 - Workforce Housing building                                                          |
|                                     |                                                                                               |
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|                                     |                                                                                               |

### C. Comprehensive Plan Compliance.

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

|                                                                  |
|------------------------------------------------------------------|
| See request narrative and comprehensive plan compliance document |
|                                                                  |
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### 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.

|                                                                  |
|------------------------------------------------------------------|
| See request narrative and comprehensive plan compliance document |
|                                                                  |
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Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

from Sky Bridge go north on Estero Boulevard 1+/- mile. Pink Shell Resort is located on both sides of Estero Boulevard.

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]

### G. Administrative amendments to approved Master Concept Plan

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

|    |
|----|
| NA |
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### PART 2 Submittal Requirements

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

#### Required Items

- Public Hearing Request Form
- Supplement Form PH-D
- Master Concept Plan
- Traffic Impact Statement
- Architectural Elevations
- Schedule of Uses
- Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre
- \$2000.00 PD Amendment minor (< acre total property area)
- \$4000.00 PD Reinstatement or \$6500.00 PD Amendment

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

## Guide to Filing Supplement PH-D for Planned Developments

**Amendments** Applications for amendments to an approved Master Concept Plan or its attendant documentation will require as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in surrounding land uses that have occurred since the original application. Some amendments can be approved administratively as provided in LDC Section 34-219, but all other amendments must proceed through the public hearing process.

Through a pre-application meeting with Community Development staff, prospective applicants can determine whether proposed amendments will require a public hearing, and can request waivers from any submittal requirements that are not necessary to specify the changes requested.

**All other planned developments** All other applications must complete and submit the Request for Public Hearing and Supplement PH-D, along with all required documents. Refer also to the instructions for the Request for Public Hearing form.

**Case Number** will be inserted by Community Development staff.

**Project Name** must be the same as the name used on the Request for Public Hearing form.

**Authorized Applicant** must be the same as on the Request for Public Hearing form.

**STRAP numbers** must be the same as on the Request for Public Hearing form.

**Current status of property** must be the same as on the Request for Public Hearing form.

**Requested Action:** Indicate whether the request is a DRI (Development of Regional Impact) that requires rezoning, a Planned Development, or an amendment to a Planned Development.

### Part 1 Narrative Statements:

#### Comprehensive Plan Amendments

If Comprehensive Plan Amendments are pending that might affect the future use of the property, explain the amendments' possible effects.

### **Construction Phasing**

If the project is to be constructed in multiple phases, describe the ordering and timing of the proposed phasing. In the absence of a phasing plan, phasing of development would be governed by the limitations of LDC Section 34-220.

### **Comprehensive Plan Compliance**

Explain how the proposed development complies with the Fort Myers Beach Comprehensive Plan. Address the Future Land Use Map category or categories applicable to the subject property and any other relevant policies.

### **Design Standards Compliance**

For properties and/or projects as described in LDC Section 34-992, explain how the proposed development will comply with the standards in LDC Sections 34-991 through 34-997.

### **Decision-making compliance**

Explain how the proposed development will comply with the standards for decision-making in LDC Section 34-85.

### **Schedule of deviations and written justification**

Identify the deviations from the requirements of the Land Development Code that are requested for the proposed development and justify them in relation to the guidance in LDC Section 34-932(b).

### **Administrative amendments**

If the request is for an amendment to a planned development, indicate which of the requested changes could not be approved administratively as allowed by LDC Section 34-219.

## **Part 2 Submittal Requirements**

**Public Hearing Application Form.** Applications for rezoning, including Planned Developments and Planned Development amendments for which public hearing is required, consist of the Public Hearing form and the supplemental form PH-D. Both parts of the application form must be completed and submitted.

**Master Concept Plan.** The master concept plan consists of maps, graphic illustrations, and written statements concerning the development. Space has



been provided on this form for many of the required narrative statements, though they can be attached on separate sheets. A master concept plan must include the following required information:

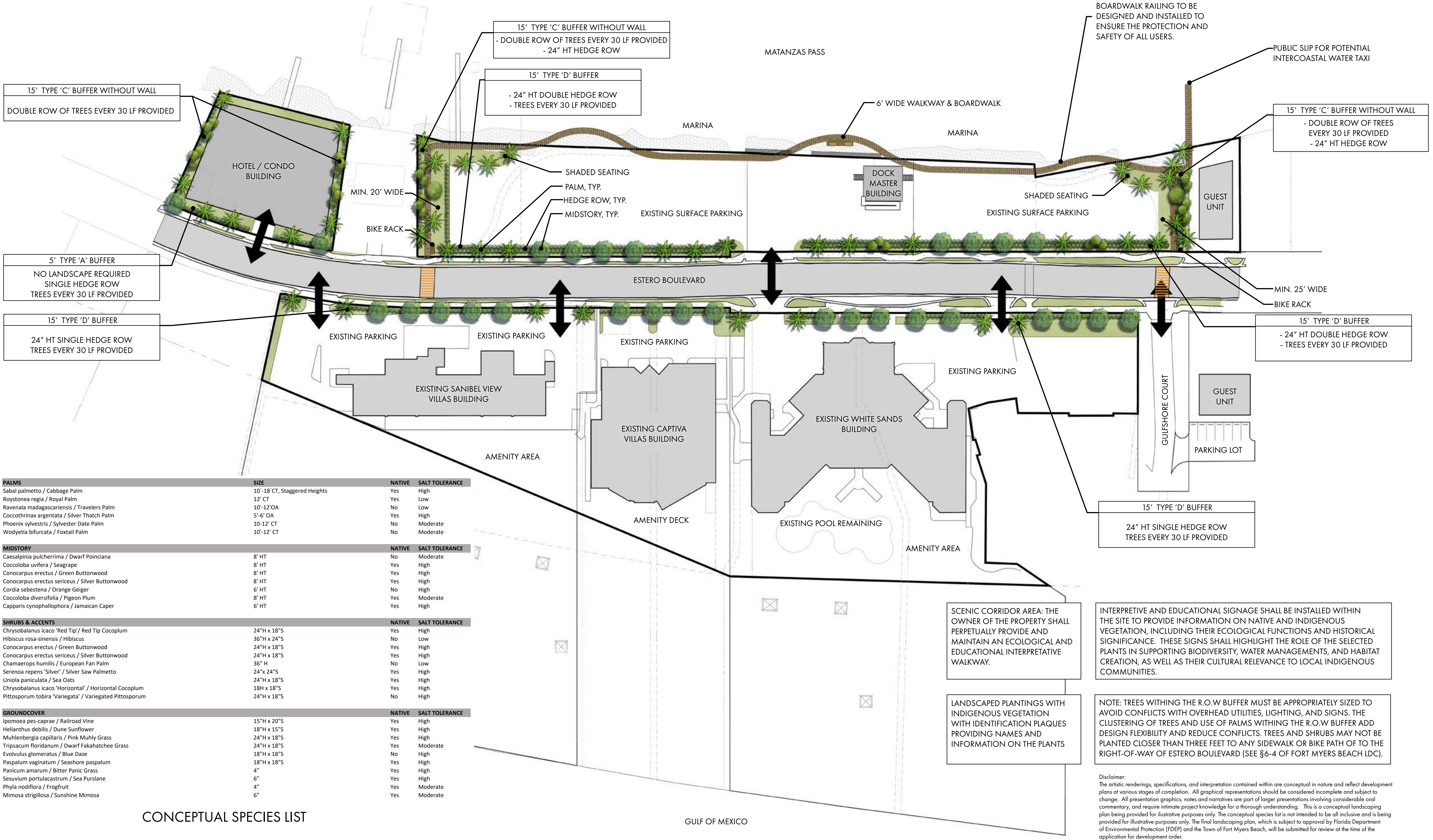
- a. The general size, configuration, and location of each development phase, and a description of the phasing of construction, unless the development is to be constructed in a single phase.
- b. The maximum height of any proposed buildings or structures, using the Land Development Code's method of measuring building height (see LDC Section 34-631).
- c. Proposed principal and accessory uses, identified using the terminology employed in the Land Development Code. Employ the groupings of uses in Tables 34-1 and 34-2 of the Land Development Code, or specify individual uses if necessary.
- d. The density and intensity of the proposed uses, in terms of dwelling units by type, or through conversion factors for hotel/motel units. Provide gross square footages for types of commercial uses, and maximum Floor-Area Ratio.
- e. The minimum width and composition of proposed buffers along the perimeter of the property. References to the types of buffers required by LDC chapter 10 are acceptable.
- f. The location of any environmentally sensitive land and water, based on standard environmental data capable of verification by Town staff. Developments larger than one acre in size may require a protected species survey under LDC Section 10-473.
- g. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development, with distances from other existing or planned rights-of-way or access points.
- h. Access and facilities for public transit, if applicable.
- i. The general location of stormwater management areas.
- j. The specific locations of requested deviations, including sample detail drawings illustrating their effects if applicable.
- k. The exact location of existing rights-of-way and easements, whether or not those easements are recorded.
- l. Proposed dedications, if any, including beach access, boat ramps, park or recreation areas, open space, or other easements.

**Traffic Impact Statement.** A traffic impact statement in the same format and to the same degree of detail required for development orders (LDC Section 10-286).

**Architectural Elevations.** Architectural elevations or three-dimensional renderings that show at minimum all building façades adjoining public streets. These drawings will serve for the sketch requirement of LDC Section 34-202(b)(5) as well. If aspects of the proposed design will not comply with the commercial design standards of LDC Sections 34-991 through 34-997 (if required), the applicant may request deviations from those standards.

**Schedule of uses.** A list of all proposed principal and accessory uses. Identify these uses by reference to the groups of uses in Tables 34-1 and 34-2 of the Land Development Code unless greater specificity is necessary. For amendments to planned developments that were approved under different regulations, the enumeration of uses in the schedule of uses supplied for the amendment must be specific enough to explain what uses were previously approved without future reference to prior regulations or approvals.





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## PINK SHELL RESORT • CONCEPTUAL LANDSCAPE PLAN

Fort Myers Beach, FL

11/11/2024

# 24007635



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

Yellow Sheet Number: **2025-80**

**1. Request:**

**Meeting Date: December 3, 2024**

Discuss and approve the monthly schedule for LPA meetings in 2025

**Why the action is necessary:**

Assists to prepare the calendar for the upcoming months

**What the action accomplishes:**

An approved calendar provides prospective applicants with the ability to plan their submissions to Town Staff.

**2. Agenda:**

ADMINISTRATIVE AGENDA

**3. Requirement/Purpose:**

Other

**5. Background:**

LPA will establish the meeting schedule for 2025

**Attachments:**

1. Proposed LPA Schedule

**Financial Impact:**

None

**6. Alternative Action**

Select alternative dates.

**7. Staff Recommendations:**

**8. Recommended Approval:**

\_\_\_\_\_  
Judith Frankel, Principal Planner

Date: November 18, 2024

\_\_\_\_\_  
Frankie Kropacek, Operations & Compliance Director

Date: November 18, 2024

\_\_\_\_\_  
nancy stuparich, Town Attorney

Date: November 21, 2024

\_\_\_\_\_  
Amy Baker, Town Clerk

Date: November 22, 2024





## 2025 PROPOSED Local Planning Agency (LPA) Meeting

### Schedule

| <b>LPA Meeting Date</b>      | <b>Complete Application Deadline*</b> |
|------------------------------|---------------------------------------|
| January 14 <sup>th</sup>     | December 6 <sup>th</sup>              |
| February 11 <sup>th</sup>    | January 10 <sup>th</sup>              |
| March 11 <sup>th</sup>       | February 10 <sup>th</sup>             |
| April 8 <sup>th</sup>        | March 7 <sup>th</sup>                 |
| May 13 <sup>th</sup>         | April 11 <sup>th</sup>                |
| June 10 <sup>th</sup>        | May 9 <sup>th</sup>                   |
| No meeting in July           |                                       |
| August 12 <sup>th</sup>      | July 11 <sup>th</sup>                 |
| September 9 <sup>th</sup> ** | August 8 <sup>th</sup>                |
| October 14 <sup>th</sup>     | September 12 <sup>th</sup>            |
| November 12 <sup>th</sup>    | October 10 <sup>th</sup>              |
| December 9 <sup>th</sup>     | November 7 <sup>th</sup>              |

\*Planning staff must determine the application submittal is complete and materials meet the Land Development Code regulations by this date for the item to be placed on the agenda for the corresponding meeting. Please contact the Planning and Zoning division at [zoningpermits@fmbgov.com](mailto:zoningpermits@fmbgov.com) with any questions about this deadline.

\*\* September's meeting date is tentative. Please contact Town staff in August to confirm the date.

Dates may change due to the ability to reach quorum. Please confirm meeting dates with the Town Clerk at 239-765-0202 for the latest information.