



Fort Myers Beach Local Planning Agency

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Thursday, January 9, 2025**

Agenda

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 - December 3, 2024
- B. Local Planning Agency - December 10, 2024

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

- A. 2500 Estero Food Truck Park

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 2500, 2510 AND 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH, TO ALLOW "OPTION A" MIXED USE DEVELOPMENT INCLUDING CIVIC, RESIDENTIAL, LODGING, RETAIL, OFFICE AND CULTURAL FACILITIES OR "OPTION B" A MOBILE VENDOR/FOOD TRUCK PARK WITH SHARED PARKING; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- B. 2500 Estero CPD Expanded Boundary

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 07-28 FOR

PARCELS LOCATED AT 2500 AND 2510 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000, TO ADD PARCELS 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Lani Kai Variance

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240233, REQUESTING FOUR VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1479 ESTERO BLVD., GENERALLY REFERRED TO AS "LANI KAI" STRAP NUMBER 19-46-24-W4-0060B.0070, IN FORT MYERS BEACH 1) WAIVING REQUIRED PARKING FOR THE 25-UNIT HOTEL, REQUIREMENTS FOR 2) PARKING LOT CONFIGURATION, 3) LANDSCAPING REQUIREMENTS AND 4) DRIVEWAY WIDTH REDUCTIONS FOR ENTRANCES ON ESTERO BLVD.; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

D. SEZ20240257, 2654 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

E. VAR20240267, 63 Delmar Avenue

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20240267, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 63 DELMAR AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0100H.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. ADMINISTRATIVE AGENDA

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, December 3, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

Excused: Chair Cereceda

LPA Member McLean moved to allow LPA Member Sudduth to participate virtually, seconded by LPA Member Boan.

The motion carried unanimously.

LPA Member Eckmann moved to approve an excused absence from Chair Cereceda, seconded by LPA Member McLean.

The motion carried unanimously.

II. INVOCATION

Chair Cereceda

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member McLean moved to approve the final agenda, seconded by LPA Member Boan.

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - November 12, 2024

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

The motion carried unanimously.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

VIII. 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. 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.

Town Attorney Stuparich read the title of the resolution. Ex parte communications: Vice Chair Plummer visited the site. No disclosures from other members. The applicant confirmed receipt of the agenda and background materials.

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

Reginald Beach, applicant, noted his property was sitting vacant and he wanted to do something constructive with the land.

No public comment.

LPA Member Eckmann moved to approve the special exception with the conditions recommended by staff, seconded by LPA Member Dunlap. 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 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.

Vice Chair Plummer read the title of the ordinance. Ex parte communications: LPA Member McLean met with the owners and developers for a presentation and Vice Chair Plummer visited the site. All LPA members received emails regarding the project. Town Attorney Stuparich indicated that there was an error in the title and Planner Propst read the update: 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.

Richard DeWitt, attorney, represented the intervenors and asked LPA Member McLean questions regarding the project presentation he attended. Town Attorney Stuparich explained why the hearing was continued.

Planner Propst reviewed the background of the request and described the deviations as stated on the yellow sheet. She noted that staff recommended denial without prejudice, but conditions were included if the LPA recommended approval. She referred to the staff report when discussing reasons for denial. Vice Chair Plummer indicated that Pink Shell promised to keep the tennis court and parking lot area open in perpetuity to get their first CPD approved. Planner Propst responded that the covenant and restrictions recorded did not apply to the tennis court and parking lot but to the larger area where the parking lot and marina were. She stated that none of the density transfers ever worked and she did not know what maps they were basing them on. In her research, she could not find lot references to determine what was intended.

Attorney Amy Thibaut from Roetzel & Andress introduced the team and reviewed the request. Fred Drovdlc of RVi Planning commented that the presentation was sent to LPA members. He continued the presentation with Highlights Since Continuance. He read a letter in support of the boutique hotel from the board of Vacation Villas. The slides continued with the Master Concept Plan, Intensity and Density Summary, Intensity and Density Analysis, Equivalency Factor Comparisons, Current Hotel Rooms Open on Island, Stories and Height, Floor Area Ratio (FAR), Neighborhood Compatibility and Architectural Renderings. Bill Waichulis continued with Public Benefits as Conditions of Approval, Conceptual Landscape Plan for Estero Blvd and Boardwalk and Special Benefits as Conditions of Approval. Mr. Drovdlc continued with the monetary benefits associated with public benefits and the ten deviations.

LPA Member Eckmann asked why they needed 40 units. Mr. Drovdlc replied that the amenities were being underutilized and that 40 units would help sustain the resort economically in the long term. Robert Boykin, partner, stated that economics drove their decision to build 40 units rather than 20.

Mr. Drovdlc continued with the Path for Approval and Conclusion.

Attorney DeWitt represented the Estero Island Beach Villas and described his experience with property rights. He distributed information and summarized his findings. He indicated that this application and request were flawed and inconsistent with the comp plan. He noted the issue was density and the maximum equivalency factor was 3, but the applicant proposed an equivalency factor of 5.4. Approving the application would exceed the number of hotel units allowed within the CPD under the comp plan, violating policy 4-C-6 and future land use element 5-A-5. Attorney DeWitt stated that his clients were not against development; they were just against this project.

Public comment:

Phyllis Scroggie, resident, commented that the Pink Shell was a fabulous family resort. The boutique hotel would be a distance from the amenities at Pink Shell. She felt there was a safety issue with children crossing the street to the pool. She did not support the height.

Cathy Scholz, resident, distributed photos of the property from the bay and used props to show how large the boutique hotel was compared to Island Shores. She noted it was a building mass and purely an expansion because they were not rebuilding from Ian. She stated that the Pink Shell was not entitled to new density, height and setback variances. She asked the LPA to ask the applicant to modify their plan.

Frankie Kropacek, Operations & Compliance Director for the Town of Fort Myers Beach, described pump-out operations at the Mooring Field. He commented that the Pink Shell team had been a good partner regarding the town's operations.

Mr. Boykin, applicant, stated that it was not a perfect project, but they did their best and it was a good project.

Public comment closed.

Attorney Thibaut explained why she thought the project was consistent with the comp plan and policy 4-C-6. She noted that variances and deviations were available for a reason. She acknowledged that safety concerns were important, but they would have pushed for a crosswalk if they felt the public was at risk. She stated there was no restricted covenant on the Bayside parcel. According to Florida law, the owners who complained about the lack of a view were not legally entitled to a view.

Attorney DeWitt stated they were looking for consistency, not perfection. He read policy 4-C-6.

Town Attorney Stuparich described the role of the LPA in making a decision based on which experts they believed.

LPA Member Dunlap commented that they did not have to guess what Pink Shell would do and he supported the project.

LPA Member Dunlap moved to approve the ordinance. No second.

LPA Member McLean had concerns regarding using the single lot for such intensity.

LPA Member Boan felt that the staff's denial was objective. He discussed public benefits justifying the height and thought being a good public partner was a public benefit and justified the deviations requested.

LPA Member Sudduth agreed they were a great public partner, but it was a new development.

Vice Chair Plummer did not support the project because the density transfer numbers did not add up and it was over what the marina parking was. She stated that the density had already been transferred across the street.

LPA Member Eckmann understood why the applicants wanted to build the hotel, but he felt the building was too large for the site.

LPA Member Boan moved to approve the ordinance with the 10 deviations and conditions for approval, seconded by LPA Member Dunlap.

The motion failed 4-2, with Chair Cereceda excused and Vice Chair Plummer and LPA members McLean, Eckmann, and Sudduth dissenting.

LPA Member McLean moved to recommend denial of the ordinance without prejudice based on the recommendations of staff, findings and criteria in the staff report and Condition 4 in Resolution 00-07/07A, seconded by Vice Mayor Plummer.

The motion carried 4-2, with LPA members Boan and Dunlap dissenting.

IX. ADMINISTRATIVE AGENDA

A. 2025 Calendar

Discuss and approve the monthly schedule for LPA meetings in 2025

The January meeting was rescheduled to the 9th at 9:00 a.m.

LPA Member Sudduth moved to approve the amended 2025 calendar, seconded by LPA Member Dunlap.

The motion carried unanimously.

Town Attorney Stuparich reviewed what would be on the agenda for next week's meeting.

X. LPA MEMBERS ITEMS/REPORTS

LPA Member Dunlap asked for an update on enforcing application restrictions for applicants with fines. Town Attorney Stuparich did not have one yet.

Vice Mayor Plummer commented that she used the town's Report a Concern on the first page of the website to report a water break and it was repaired by 5:00 p.m. on Saturday.

No items from other members.

XI. LPA ATTORNEY ITEMS/REPORTS

No items.

XII. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XIII. ITEMS FOR NEXT MONTHS AGENDA

Discussed.

XIV. ADJOURNMENT

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



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, December 10, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

The motion carried unanimously.

V. APPROVAL OF MINUTES

No minutes.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

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

A. VAR20240270, 1741 Estero Boulevard

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240270, REQUESTING SIX VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0080B.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED 1)REAR SETBACK, 2)ACCESSORY STRUCTURE SETBACK, 3)LANDSCAPE BUFFER, 4) OFF-STREET PARKING, 5)SIDE STREET BUILD-TO LINE AND 6)PARKING LOT ENTRANCE WIDTH, TO ALLOW A MIXED-USE

COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND LODGING USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Community Development Planner Eli Lee reviewed the background of the request as stated on the yellow sheet.

Kara Stewart represented the applicant and noted that the property was a parallelogram, making building difficult. She explained why the variances were needed. She said the building would be elevated even though it was in a coastal A to prevent future flood damage.

Graham Belger, applicant, hoped to break ground in February or March with completion next year if approved. He commented that he had not heard anything from FEMA regarding his trailers but would move them if required. Planner Lee stated that the staff recommended approval, and he read the conditions.

No public comment.

LPA Member McLean moved to approve the resolution with the conditions as outlined, seconded by LPA Member Eckmann.

The motion carried unanimously by roll call vote.

B. SEZ20240240, 2584 Estero Blvd - Estero Beach Club Condo

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION 20240240, REQUESTING A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 2584 ESTERO BLVD., GENERALLY REFERRED TO AS "ESTERO BEACH CLUB CONDO" STRAP NUMBER 19-46-24-W3-02000.00CE, TO ALLOW FOR THE REPLACEMENT/ REPAIR OF PAVER DECKS, POOL SHELL AND COPING, CEMENT WALKWAYS, A CEMENT FOOT-WASH STATION, IRRIGATION LINES AND A FENCE ALONG AN EXISTING RETAINING WALL, LOCATED PARTIALLY AND ENTIRELY WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT; 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 resolution. No ex parte communications were disclosed.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He indicated they were repairing or replacing items destroyed by the hurricane.

Michael Muirhead, VP of the Board of Directors for the Estero Beach Club Condo, was available for questions.

No public comment.

Senior Planner Smalley noted that the request met the LDC (Land Development Code) criteria and was in compliance with the Comprehensive Plan (comp plan). He reviewed the conditions of approval. LPA Member Dunlap commended the staff and the applicant for their complete report, which was well done.

LPA Member Dunlap moved to approve the resolution with the staff criteria and conditions included, seconded by LPA Member Sudduth. The motion carried unanimously by roll call vote.

C. SEZ20240186, 1479 Estero Blvd - Lani Kai

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE 43 COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 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.

Senior Planner Smalley noted there were two requests attached. He reviewed the background of the special exception request as stated on the yellow sheet. He indicated the parcel was an annex, but they could not confirm whether they were currently used as hotel units. He said that if the special exception was approved but not the variances, the applicant would be eligible for only 13 parking spaces. Senior Planner Smalley indicated that if the staff looked at all their parking lots and came up with a total number of rental units and parking spaces in each lot, it would give them the total available across all three parking lots. He added that was not in the scope of what they were doing today.

Robert Burandt, attorney, represented the applicant and stated there were three parcels and the property in question was the hotel on the bay side. He indicated that the property had been open for public parking for 40 years.

They were here because code enforcement stated that the parking sign was a violation because it was not zoned for an open parking lot. After discussions with the town, they requested a special exception and variances to allow Lani Kai to continue operating the parking lot the way it is without additional expenses. He did not favor adding landscape because it did not last very long. He explained how the parking lot operated and indicated that, technically, they were allowed to rent out the extra spots without a special exception. Attorney Burandt noted that the 25 rooms were booked when the hotel was full and a person was on-site to manage the parking lot. He said they would happily address the issues surrounding all three parking lots.

LPA Member Dunlap confirmed they wanted to continue operating the parking lot without adding landscape and buffers. Attorney Burandt replied that they did not want to spend a million dollars on landscaping or

reconfiguring the parking lot because it had already been approved by the LDO (Limited Development Order).

Ken Conadaris, applicant, stated that the employees had been parking in the lot since they received the notice of violation. He described how they changed their operations, how much money they had spent on landscaping and how they calculated their parking daily.

Senior Planner Smalley indicated that the staff found the special exception was not warranted without the additional work. LPA Member Eckmann was okay with the exception for commercial parking but not with the variances. He would like to see a complete plan. Senior Planner Smalley stated that the special exception did not necessarily require landscaping.

Attorney Burandt agreed with the conditions of approval for the special exception.

No public comment.

LPA Member Boan moved to approve the resolution with the seven conditions in the staff report, seconded by LPA Member Dunlap.

The motion carried 6-1 by roll call vote, with LPA Member Eckmann dissenting.

D. VAR20240233, 1479 Estero Blvd - Lani Kai

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240233, REQUESTING FOUR VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1479 ESTERO BLVD., GENERALLY REFERRED TO AS "LANI KAI" STRAP NUMBER 19-46-24-W4-0060B.0070, IN FORT MYERS BEACH 1) WAIVING REQUIRED PARKING FOR THE 25-UNIT HOTEL, REQUIREMENTS FOR 2) PARKING LOT CONFIGURATION, 3) LANDSCAPING REQUIREMENTS AND 4) DRIVEWAY WIDTH REDUCTIONS FOR ENTRANCES ON ESTERO BLVD.; 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 resolution. No ex parte communications were disclosed.

Senior Planner Smalley noted this was the companion to the previous special exception. He reviewed the background of the variance requests as stated on the yellow sheet. He said the fire department would have to approve the lane widths at the fire review.

Attorney Burandt stated that the money was not there and that the fire department had approved the LDO. The parking lot could not be reconfigured because they would lose parking spots. He explained that he already told Code Enforcement and Operations & Compliance Director Frankie Kropacek that they were unwilling to spend a lot of money. Attorney Burandt stated that he was assured it was only a routine matter and the applicants wanted to be good stewards. He noted that they wanted to keep the 2023 parking plan previously approved by the town. Mr. Conadaris

stated that the parking lot already met the 2023 parking plan. Senior Planner Smalley did not think they were compliant with current lighting standards and they would have to add fixtures. Mr. Conadaris stated that they met with Environmental Projects Manager Chadd Chustz many times regarding adjusting their lights.

Community Development Principal Planner Judith Frankel explained that they were treating the parking lot as a new use and asked that they meet the current code because there was no record of a previous approval. She felt there was a miscommunication when they initially came in for the special exception.

Town Attorney Stuparich stated that this was going to be across-the-board compliance action for all the parking lots coming up and that they had to be treated equally, but it had to be on a case-by-case basis. LPA Member Dunlap felt this seemed arbitrary and unnecessary in many ways. LPA Member Sudduth stated that the special exception gave them the right to do what they did, which should have been the end. Senior Planner Smalley explained that what triggered this was that they wanted more than 13 parking spaces, which the special exception would leave them with. LPA Member Eckmann noted that the special exception gave them 13 parking spaces, but they really wanted 43 commercial parking spots, so they had to comply with the code. If they were okay with 13, they could continue doing what they were doing.

Attorney Burandt reminded the LPA that it all started with the violation because of the sign. After meeting with code enforcement, they agreed to limit the parking to Lani Kai guests and the violation was withdrawn. The town said it would help them if they got the special exception for more open parking. Attorney Burandt believed they could lease those spaces without any approval because it was ancillary to the hotel under 39.2011. LPA Member McLean reiterated that there were 43 available parking spots, and by code, 30 of them had to be assigned to the hotel so they could do whatever they wanted with the 13 spaces. If they wanted to use the 30 for open commercial parking, they had to follow the code. LPA Member Eckmann noted they would receive revenue from the parking spaces.

Chair Cereceda stated if they disagreed with the variance requirements, they should withdraw the request because all the variances pertained to the total use of the lot for open spaces. Attorney Burandt replied that they wanted the availability to use all of them legally. He stated they could continue this and the staff could tell them exactly what they needed to do. LPA Member Eckmann responded that the applicant needed to design a plan for the lot and show it to the LPA.

Attorney Burandt requested that they continue it so he could discuss what to do with the applicant.

LPA Member Dunlap moved to continue the hearing to a date uncertain, seconded by LPA Member Sudduth.

The motion carried unanimously.

VIII. ADMINISTRATIVE AGENDA**A. LPA Guidelines****Review of guidelines in the LPA manual at the December 2024 LPA meeting with proposed changes for discussion.**

Town Attorney Stuparich reviewed changes to the guidelines starting on page 248. Some changes included removing duplications, the election of officers, meeting preparation, anticipated absences, communication between the LPA and Town Council, Sunshine Laws, meeting procedures, order of agenda items, legislative hearing procedures, quasi-judicial procedures and LPA meeting output.

LPA Member Plummer moved to accept the guidelines, seconded by LPA Member Sudduth.

The motion carried unanimously.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer noted that four septic tanks were open in her neighborhood and she and the neighbors covered them with boards. She encouraged people to work with their neighbors to clean up lots.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn at 11:16 a.m., seconded by LPA Member Boan.

The motion carried unanimously.

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

Yellow Sheet Number: **2025-151**

1. Request:

Meeting Date: January 9, 2025

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 2500, 2510 AND 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH, TO ALLOW "OPTION A" MIXED USE DEVELOPMENT INCLUDING CIVIC, RESIDENTIAL, LODGING, RETAIL, OFFICE AND CULTURAL FACILITIES OR "OPTION B" A MOBILE VENDOR/FOOD TRUCK PARK WITH SHARED PARKING; 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 the use of mobile/transient vendors for a food truck park.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

Applicant is requesting to amend the existing CPD RES#07-28 to provide for "Option B" -Master Concept Plan and updated Schedule of Uses to allow for development of a food truck park with outdoor seating and a commercial parking lot. This action will replace the previously approved "Option A" MCP for the CPD.

A request to expand the previously approved CPD boundaries to include 2518 Estero and 2543 Cottage Avenue is included in a separate ordinance.

Attachments:

1. Ordinance 25-xx 2500 Estero Food Trucks
2. Ordinance Exhibit A - Proposed Deviations
3. LPA Staff Report
4. Property Survey
5. Exhibit A - 07-28, Resolution and MCP Option A
6. Exhibit B - MCP and Schedule of Use for Option B
7. Exhibit C - Initial Application and Submittal
8. Exhibit D - Final Applicant Narrative
9. Exhibit E- Parking Analysis
10. Postcards

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. **Staff Recommendations:**

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: December 30, 2024

Frankie Kropacek, Operations & Compliance Director

Date: December 30, 2024

nancy stuparich, Town Attorney

Date: January 04, 2025

Amy Baker, Town Clerk

Date: January 04, 2025

ORDINANCE 25-XX

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/PROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 2500, 2510 AND 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH, TO ALLOW “OPTION B” MIXED USE DEVELOPMENT INCLUDING CIVIC, RESIDENTIAL, LODGING, RETAIL, OFFICE, CULTURAL FACILITIES, AND A MOBILE VENDOR/FOOD TRUCK PARK WITH SHARED PARKING; 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, Empire Holding Corp. an Indiana Corporation as Trustee for Ann Trust, the owner, and The Neighborhood Company, as agents for the property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Ft Myers Beach, FL 33931, parcels generally identified as STRAP numbers 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD with “Option A” adopted in Resolution 07-28 with the expanded boundaries as adopted in Ordinance 25-xx, to “Option B” with a Schedule of Uses and corresponding Master Concept Plan (MCP) with certain deviations to the Land Development Code (LDC) to include the use of Food Truck Park and Shared Parking Lot; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on January 9th, 2025; and

WHEREAS, at the January 9th, 2025 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 January 9th, 2025 public hearing the LPA found that the request **is/is not** consistent with the comprehensive plan and the requirements of the LDC and voted to recommend

approval/approval with conditions/denial; and

WHEREAS, on February ____, 2025 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 _____ 2025; and

WHEREAS, at the _____ 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 C provides the Master Concept Plan and the schedule of uses for "Option B" of this CPD to be used during the permitting process; and

WHEREAS, Exhibit D provides the conditions of approval to be used during the permitting process; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD adopted in Resolution 07-28 to CPD with "Options A" as approved by Resolution 07-28 with the expanded boundary approved in Ordinance 25-xx, to "Option B" with MCP with six deviations to the LDC in order to develop a Food Truck Park with a Shared Parking Lot; and

WHEREAS, the requested deviations from the LDC include:

Deviation #1

Relief from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local street that is maintained by the Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council APPROVES this application with a condition that the property owner voluntary donate a 5 foot easement along Estero Boulevard to

the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

Deviation #2

Relief from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of the intersection of Estero Boulevard and Chapel Street and the driveway to Pelican Watch Condominiums. This will allow the existing driveway located on Estero Boulevard to remain approximately 210 feet from the Chapel Street/Estero intersection and 150 feet from the existing driveway to Pelican Watch Condominiums.

Deviation #3

Relief from LDC Section 34-706(d) which states that existing driveway and parking spaces shall be relocated from Estero Boulevard to allow for the existing access point to remain from Estero Boulevard into the property.

Deviation #4

Relief from the LDC Section 34-706(a) which requires that off-street parking lots be placed in side or rear yards. This deviation will allow the parking lot to be located along Chapel Street between Estero Boulevard and Cottage Avenue.

Deviation #5

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

Deviation #6

Relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

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. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- b. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- e. Urban services are available and adequate to serve the proposed use.
- f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- h. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

- i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council made the following formal findings before making final decisions on the 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 25-xx which is, **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/approve with conditions/deny** 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** meet its burden of proof, that the request to approve Town of Fort Myers Beach's Ordinance 25-xx and the conditions of approval for the commercial planned development zoning, **does/does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVE/APPROVE WITH CONDITIONS/DENY** the requested application.

Section 3. Town Ordinance 25-XX is adopted and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A and the attached Master Concept Plan in Exhibit B, attached hereto and incorporated herein by this reference are approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

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

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

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

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

DULY PASSED AND ADOPTED on this ____ day of _____ 2025.

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 October 2024.

Attachments:

A – Deviation Descriptions

B – “Option A” schedule of uses and conditions as approved in Resolution 07-28

C - “Option B” Master Concept Plan (MCP) and Schedule of Use

D-Conditions of Approval

Exhibit D: Conditions of Approval

- 1) The development of "Option A", as approved and conditioned in resolution 07-28, will no longer be valid.
- 2) Deviations 2, 3, 4, 5 and 6 shall only be applied to "Option B"-MCP.
- 3) At the time of development order, the applicant must provide the following buffers:
 - a) Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row. (As approved in Resolution 07-28)
 - b) Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.
 - c) Along the southeast property lines, a minimum 10-foot-wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.
 - d) A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row.
- 4) A maximum of 5 mobile vendor/transient merchant operators, in addition to a permanent service structure (maximum of 1500 sf), is permitted. Any additional mobile vendors shall require prior Town approval.
- 5) All mobile vendors will be associated with either food or merchandise. There shall be no cannabis or smoke/vape related merchandise vendors allowed.
- 6) Consumption on the premises will be limited to beer and wine only.
- 7) Hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. The parking lot will be available for use 24 hours a day, 7 days a week.
- 8) All outdoor entertainment will be permitted until 9:00pm and located within the centralized seating/entertainment/recreation area as depicted on the proposed MCP for "Option B"
- 9) Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the Option B Master Concept Plan. Outdoor entertainment or music will be restricted to only solo and duo performers. No bands (3 or more performers) or drums/percussion unless approved through the town's special event permitting process.
- 10) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
- 11) A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will be integrated within the proposed park support structure.
- 12) Applicant will utilize a gravel/crushed shell stabilization and a grid/semi-pervious paver system to increase permeability and to aid in retaining materials on site in the parking lot area.
- 13) Mobile food vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious or semi-pervious surface.
- 14) A temporary use permit must be obtained for any special event where additional vendors of any type and/or increased visitor numbers are expected, including but not limited to: festival; political rally; holiday celebration; or carnival.
- 15) Mobile food vendors must provide evidence that all required permits, inspections, licensure, or other approvals as needed by either county, state, or federal agencies prior to operating within the town.
- 16) Liquid waste or grease must be disposed of at an approved location and may not be placed in tree pits, storm drains, or sanitary sewers, or onto sidewalks, streets, or other public or private space.
- 17) All mobile vendors shall be required to connect to onsite utilities. Generator use is only allowed when electrical service is disrupted or temporarily non-available due to designated disaster related events.
- 18) All vendors and food park facilities must comply with FEMA regulations. No temporary storage containers are

permitted. All mobile vendors will be required to evacuate the property when evacuation orders are issued by Lee County Emergency Management.

- 19) Restroom facilities must be provided based on maximum occupancy of the total seating area in conformance with the Florida Building Code.
- 20) All alcohol sales must be in conformance with state regulations.
- 21) A local development order is required prior to any development of the site, in accordance with this planned development approval and consistent with the approved MCP.
- 22) All state and local permits, including but not limited to right of way and stormwater permits must be applied for and received prior to site development.
- 23) All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

DEVIATION #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local street that is maintained by the Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntarily donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

(PRIOR APPROVED AND TO REMAIN)

DEVIATION #2 seeks relief from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of the intersection of Estero Boulevard and Chapel Street and the driveway to Pelican Watch Condominiums. This will allow the existing driveway located on Estero Boulevard to remain approximately 210 feet from the Chapel Street/Estero intersection and 150 feet from the existing driveway to Pelican Watch Condominiums.

Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. The site design maintains the existing access/curb cut from Estero Boulevard. This existing access/curb cut aligns with the entrance into the Chapel by the Sea Presbyterian Church directly to the north, across Estero Boulevard. This area of Estero Boulevard contains a turn lane allowing motorists to safely maneuver turns from both directions off of Estero Boulevard both into the subject property as well as the property to the north across Estero Boulevard.



As depicted on the Master Concept Plan Option “B”, this CPD amendment proposes to maintain the existing access from Estero Boulevard as a restricted and controlled access for mobile vendors/transient merchants delivery and removals only. All other vehicular traffic will gain access to the site from the Chapel Street location, south of the intersection of Estero Boulevard with Chapel Street. The location of the access into the parking area creates an improved traffic flow directing traffic away from Estero Boulevard.

The continued use of the existing Estero Boulevard access, that will be controlled and restricted to the delivery and removal of mobile vendors/transient merchants equipment, supports the intent of LDC Sec. 10-285 which is to provide as much connection separation as possible while protecting the health, safety, and welfare of island residents and visitors.

DEVIATION #3 seeks relief from LDC Section 34-706(d) which states that existing driveway and parking spaces shall be relocated from Estero Boulevard to allow for the existing access point to remain from Estero Boulevard into the property.

Justification: As shown on the proposed Master Concept Plan, Option “B”, the only access from Estero Boulevard is to be an existing access point/curb cut which is located directly across from the Chapel by the Sea Presbyterian Church access. The site was previously designed with an additional access from Estero Boulevard located on Lot 12. Through the new configuration, the traffic wanting to access the development will be directed to the entrance at Chapel Street, thereby removing one existing driveway from Estero Boulevard.

The site configuration as shown on the proposed Master Concept Plan - Option “B” allows the removal of one access from Estero Boulevard while still allowing limited access for the delivery and removal of mobile vendor/transient merchant equipment. The new proposed configuration of the site reduces conflicts on Estero Boulevard and redirects traffic along Chapel Street thus supporting the intent of LDC Section 34-706(d). The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.



DEVIATION #4 seeks relief from the LDC Section 34-706(a) which requires that off-street parking lots be placed in side or rear yards. This deviation will allow the parking lot to be located along Chapel Street between Estero Boulevard and Cottage Avenue.

Justification: The proposed CPD Amendment provides a Master Concept Plan “Option B” which is for the use of a mobile vendor/transient merchant park with additional public parking to a beach front access. The subject property has three street frontages, it is bounded by Estero Boulevard to the north, Chapel Street to the west and Cottage Avenue to the south, therefore, it is not possible to locate the proposed off-street parking in a side or rear yard. The MCP is designed with the proposed off-street parking to be located on the west side of the property with vehicular access from Chapel Street. Although the off-street parking is not located in a true side or rear yard, the configuration of the site provides access to the site from Chapel Street and removes the primary access from Estero Boulevard.

The proposed mobile vendor/transient merchant area and 10’ buffer with a 6’ high decorative fence, will provide separation from the adjacent residential multi-family property to the east. While 10’ buffers and the rights-of-way for Chapel Street and Cottage Avenue will provide separation from other residential multi-family properties to the west and south. This site design is appropriately located to provide excess off-street parking to be used by the public for access to the Chapel Street Public Beach Access #26, which can be reached via a short walk along Chapel Street. Due to the configuration of the property, the granting of this deviation will allow the applicant to develop the property in a manner that will benefit the island, its residents and visitors through providing much needed parking close to its public beach access.

DEVIATION #5 seeks relief from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface to allow for a crushed shell or lime rock surface.

Justification: The proposed use of a mobile vendor/transient merchant park with public parking is not proposed to be the “permanent” use of the property but will allow the applicant a source of income until such time as the island recovery has stabilized and the market will support the development of Option “A” on the subject property. As such, the applicant is requesting relief from LDC Sec. 34-2017 to allow a high turnover parking lot to be developed with a crushed shell or lime rock surface. The use of a crushed shell or lime rock surface will provide a stabilized area for parking with low maintenance and efficient drainage. Crushed shell and lime rock parking areas are currently used throughout Fort Myers Beach and other coastal areas as a means to provide a more natural environment. Based on the above justification, the granting of this deviation from LDC Sec. 34-2017 will not be injurious to the neighborhood or negatively impact the overall health, safety and welfare of the island or its residents.



DEVIATION #6 seeks relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

Justification: The Master Concept Plan, Option “B” proposes a minimum 10-foot-wide buffer for a portion of the property containing the parking area abutting the Estero Boulevard right-of-way. This is a minor 5-foot reduction from the required 15 feet and is consistent with the prior buffering condition under Resolution #07-28 allowing for 10 foot-wide buffers for areas abutting rights-of-way. The proposed 10-foot-wide buffer will contain a minimum of 10 trees per 100 linear feet and a minimum 3-foot-high hedge planted in a double staggered row, which is an enhancement of an additional 5 trees per 100 linear feet or a doubling of the number of trees normally required in this buffer area. The additional trees will provide and ensure a positive and appealing aesthetic along the boulevard, support the goal of framing Estero Boulevard, create a hospitable environment for pedestrians and still achieve the purpose and intent of the buffer between parking areas and the right-of-way. The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Commercial Planned Development Amendment

CASE NUMBER: DCI Rezoning 20240137.2

CASE NAME: Food Truck Park

LPA

HEARING DATE: January 9th, 2025

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP/Jason Smalley, Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Empire Holding Corp. TR for Ann Trust/Neighborhood Company

Request: Amend the existing CPD RES#07-28 with the expanded boundaries approved in Ordinance 25-xx to approve "Option B" -Master Concept Plan and updated Schedule of Uses to allow for the development of a food truck park with outdoor seating and a commercial parking lot.

Subject property: See attached Master Concept Plan – December 2024

Physical Address: 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave

STRAP #: 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A

FLU: Boulevard

Zoning: CPD/Commercial Boulevard/Residential Multi-family

Adjacent zoning and land uses:

North: INSTITUTIONAL (IN)
Boulevard

South: RESIDENTIAL MULTIFAMILY (RM)
Boulevard
East: COMMERCIAL BOULEVARD (CB)
Boulevard
West: RESIDENTIAL MULTIFAMILY (RM)
Boulevard

II. BACKGROUND AND ANALYSIS

Background:

The applicant, Neighborhood Company on behalf of the property owner Empire Holding Corp, is requesting to replan the approved "Option A" MCP with an "Option B" for development. The existing CPD consists of a 0.52+ acre parcel (at 2500 and 2510 Estero Blvd.) with a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus (3) three dwelling units developed as either 3 multi-family or 3 live/work units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories and an FAR of 1.0. The CPD approved by Resolution 07-28 allowed "Option A" as a part of the Master Concept Plan. The site was not developed.

The applicant has requested to amend the CPD to replace the prior "Option A" MCP with an "Option B" within the expanded boundaries. A separate CPD amendment is being brought to the LPA and Town Council for the expanded boundary which includes 2518 Estero Blvd. and 2543 Cottage Avenue. The proposed "Option B" MCP would include mobile vendors/transient merchants with outdoor seating/ entertainment/ recreation area, consumption on premises, and a commercial parking lot in the schedule of uses.

Historically, the property located at 2500 Estero Boulevard was home to several restaurants over time such as The Holmes House, Smitty's on the Beach and the Mucky Duck. The last restaurant use was removed in 2005 with that portion of the site remaining vacant.

Analysis:

The site is located in the designated "Civic Complex" neighborhood and with a "Boulevard" land use designation in the Comprehensive Plan. The Boulevard land use category permits a maximum 1.5 F.A.R. LDC Section 34-953, states that building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CB zoning district for CPDs that are not primarily lodging. The CB zoning district permits a maximum FAR of 1.0. The proposed redevelopment in "Option B" will be well below that maximum, which is compliant with Town regulations.

The proposed "Option B" depicts improvements to the site to provide layout containing a mobile vendor/transient merchant park with outdoor seating/entertainment/ recreation area and a commercial parking lot. The concept site is designed for five (5) improved pads with utility hookups for mobile vendors/transient merchants, and a permanent support structure with restrooms (1500 SF maximum), which will surround an outdoor seating, entertainment, and recreation area. Additional outdoor seating is also proposed along Estero Boulevard to further activate the public realm. The proposed mobile vendor/transient merchant park will provide island residents and visitors an opportunity to access a destination for socialization near the beach.

Commented [KG1]: Revised documents changed to Max 1500 SF park support structure/comfort station

The Town of Fort Myers Beach Land Development Code (LDC) does not provide specific parking requirements for a mobile vendor/transient merchant park. LDC section 34-2020(d)(2)h provided minimum parking requirements for restaurants which is the category closest to mobile vendor/food truck use. The minimum parking requirement is 8 spaces per 1,000 sf. A typical food truck is approximately 8 feet wide by 20 feet long or 160 sf. This is 800 sf of restaurant space in addition to a small beverage service structure. If the square footage of the entire outdoor space is used (estimated 15,000 sf) an unreasonable 120 parking spaces would be necessary and this does not appear to be the intent of the LDC. Staff has determined that LDC does not provide a useful measure for calculating parking in this case.

The applicant has researched neighboring jurisdiction parking regulations and found the typical parking requirement is three (3) spaces per mobile vendor/transient merchant and 1 parking space per 15 seats.

- Bonita Spring: "Parking will be provided at three spaces per mobile food vendor, plus one additional parking space per 15 seats."
- Fort Myers: "A minimum of three parking spaces per food truck is required..."

Based on the plan of 5 vendor spaces, proposed permanent structure, and the assumption of approximately 75 seats, a reduction of one parking space for a four (4) bike parking rack, the applicant is proposing 26 parking spaces dedicated to the food truck park use. There are a total of 45 parking spaces provided in total. The 19 remaining parking spaces are proposed to be used as commercial parking for beach goers. The applicant has not requested a deviation for parking as the LDC does not provide requirements for this type of use. The most similar use is restaurants which requires 8 spaces per 1,000 sf. The food truck park is approximately 10,000 sf which would mean at least 80 parking spaces, which is not appropriate for this use.

Requested Schedule of Uses (new requested uses are bolded)

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- **FOOD SERVICE/RESTAURANT/ BAR**
- **MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING, ENTERTAINMENT, RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B**
- **OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B**
- **COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN – OPTION B ONLY)**

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)
- CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

Neighborhood Compatibility:

The subject property is located approximately 1.07 miles from Times Square and is southwest of the area known as the Civic Center of Fort Myers Beach. The properties front on the southside of Estero Boulevard; north of Cottage Avenue; and to the east of Chapel Street. The project is surrounded by vacant commercial properties as well as single and multifamily residential properties.

The proposed hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. Any outdoor entertainment will be permitted until 9:00 pm and located within the centralized seating/entertainment/recreation area as depicted on the proposed MCP – Opt. B. These are recommended conditions for approval of this application. These restrictions along with the significant buffer, landscape plantings and opaque fence will help to minimize sound carrying over to the surrounding properties.

III. Requested Deviations

The Applicant requests the following deviations consistent with LDC section 34-212(3) and 34-932(b).

- **DEVIATION #1** is from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local street that is maintained by the Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250-foot separation distance, therefore the Town Council APPROVED this application with a condition that the property owner voluntarily donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes. **(PRIOR APPROVED AND TO REMAIN)**
- **DEVIATION #2** seeks relief from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of the intersection of Estero Boulevard and Chapel Street and the driveway to Pelican Watch Condominiums. This will allow the existing driveway located on Estero Boulevard to remain approximately 210 feet from the Chapel Street/Estero intersection and 150 feet from the existing driveway to Pelican Watch Condominiums.

Applicant Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. The site design maintains the existing access/curb cut from Estero Boulevard. This existing access/curb cut aligns with the entrance into the Chapel by the Sea Presbyterian Church directly to the north, across Estero Boulevard. This area of Estero Boulevard contains a turn lane allowing motorists to safely maneuver turns from both directions off of Estero Boulevard both into the subject property as well as the property to the north across Estero Boulevard. As depicted on the Master Concept Plan Option "B", this CPD amendment proposes to maintain the existing access from Estero Boulevard as a restricted and controlled access for mobile vendors/transient merchants delivery and removals only. All other vehicular traffic will gain access to the site from the Chapel Street location, south of the intersection of Estero Boulevard with Chapel Street. The location of the access into the parking area creates an improved traffic flow directing traffic away from Estero Boulevard. The continued use of the existing Estero Boulevard access, that will be controlled and restricted to the delivery and removal of mobile vendors/transient merchants' equipment, supports the intent of LDC Sec. 10-285 which is to provide as much connection separation as possible while protecting the health, safety, and welfare of island residents and visitors.

Staff Response: This deviation is only applicable to the proposed "Option B". Applicant should provide site signage indicating the access location for the public. Parking lot access from Cottage Avenue would be a nuisance to the homeowners on that street. Parking lot access from Estero Blvd. would burden the flow of traffic on that road. The location of Chapel Street is the most appropriate for this site configuration.

- **DEVIATION #3** seeks relief from LDC Section 34-706(d) which states that existing driveway and parking spaces shall be relocated from Estero Boulevard to allow for the existing access point to remain from Estero Boulevard into the property.

Applicant Justification: As shown on the proposed Master Concept Plan, Option “B”, the only access from Estero Boulevard is to be an existing access point/curb cut which is located directly across from the Chapel by the Sea Presbyterian Church access. The site was previously designed with additional access from Estero Boulevard located on Lot 12. Through the new configuration, the traffic wanting to access the development will be directed to the entrance at Chapel Street, thereby removing one existing driveway from Estero Boulevard. The site configuration as shown on the proposed Master Concept Plan - Option “B” allows the removal of one access from Estero Boulevard while still allowing limited access for the delivery and removal of mobile vendor/transient merchant equipment. The new proposed configuration of the site reduces conflicts on Estero Boulevard and redirects traffic along Chapel Street thus supporting the intent of LDC Section 34- 706(d). The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.

Staff Response: This deviation is only applicable to the proposed “Option B”. This access must be restricted to use by the mobile vendors and delivery or service provider to the site, not for the general public. Applicant should provide site signage indicating the restricted use and installing gating to restrict access during operation hours. Gate should be located a minimum of 20 feet from the property boundary to avoid issue of vehicle stacking on Estero Boulevard.

- **DEVIATION #4** seeks relief from the LDC Section 34-706(a) which requires that off-street parking lots be placed in side or rear yards. This deviation will allow the parking lot to be located along Chapel Street between Estero Boulevard and Cottage Avenue.

Applicant Justification: The proposed CPD Amendment provides a Master Concept Plan “Option B” which is for the use of a mobile vendor/transient merchant park with additional public parking to a beach front access. The subject property has three street frontages, it is bounded by Estero Boulevard to the north, Chapel Street to the west and Cottage Avenue to the south, therefore, it is not possible to locate the proposed off-street parking in a side or rear yard. The MCP is designed with the proposed off-street parking to be located on the west side of the property with vehicular access from Chapel Street. Although the off-street parking is not located in a true side or rear yard, the configuration of the site provides access to the site from Chapel Street and removes the primary access from Estero Boulevard. The proposed mobile vendor/transient merchant area and 10’ buffer with a 6’ high decorative fence, will provide separation from the adjacent residential multi-family property to the east. While 10’ buffers and the rights-of-way for Chapel Street and Cottage Avenue will provide separation from other residential multifamily properties to the west and south. This site design is appropriately located to provide excess off-street parking to be used by the public for access to Chapel Street Public Beach Access #26, which can be reached via a short walk along Chapel Street. Due to the configuration of the property, the granting of this deviation will allow the applicant to develop the property in a manner that will benefit the island, its residents and visitors through providing much needed parking close to its public beach access.

Staff Response: The proposed MCP configuration with parking along Estero Blvd. is appropriate to accommodate the additional parking spaces for the commercial parking lot. However, the deviation would not be necessary if only the parking area of the food truck park was provided. The commercial parking may provide increased accessibility to Beach Access #26 although parking rates are not known at this time. It should be noted that the LPA should confirm or deny that the applicant suggested parking calculation is appropriate.

- **DEVIATION #5** seeks relief from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface to allow for a crushed shell or lime rock surface.

Applicant Justification: The proposed use of a mobile vendor/transient merchant park with public parking is not proposed to be the “permanent” use of the property but will allow the applicant a source of income until such time as the island recovery has stabilized and the market will support the development of Option “A” on the subject property. As such, the applicant is requesting relief from LDC Sec. 34-2017 to allow a high turnover parking lot to be developed with a crushed shell or lime rock surface. The use of a crushed shell or lime rock surface will provide a stabilized area for parking with low maintenance and efficient drainage. Crushed shell and lime rock parking areas are currently used throughout Fort Myers Beach and other coastal areas as a means to provide a more natural environment. Based on the above justification, the granting of this deviation from LDC Sec. 34-2017 will not be injurious to the neighborhood or negatively impact the overall health, safety and welfare of the island or its residents.

Staff Response: Staff recommends that the applicant utilize a gravel/crushed shell stabilization grid paver system to increase permeability and to aid in retaining materials on site in the parking lot area. Mobile food vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious surface.

Commented [KG2]: Propose consistent with revised condition #7 to add “or semi-pervious”

- **DEVIATION #6** seeks relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

Applicant Justification: The Master Concept Plan, Option “B” proposes a minimum 10-foot-wide buffer for a portion of the property containing the parking area abutting the Estero Boulevard right-of-way. This is a minor 5-foot reduction from the required 15 feet and is consistent with the prior buffering condition under Resolution #07-28 allowing for 10 foot-wide buffers for areas abutting rights-of-way. The proposed 10-foot-wide buffer will contain a minimum of 10 trees per 100 linear feet and a minimum 3-foot-high hedge planted in a double staggered row, which is an enhancement of an additional 5 trees per 100 linear feet or a doubling of the number of trees normally required in this buffer area. The additional trees will provide and ensure a positive and appealing aesthetic along the boulevard, support the goal of framing Estero Boulevard, create a hospitable environment for pedestrians and still achieve the purpose and intent of the buffer between parking areas and the right-of-way. The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.

Staff Response: The proposed double staggered hedges at a height of 3-feet should block headlights from parked cars from infiltrating the rights-of-way. The additional trees will provide shade for the public sidewalks as well as for the parked vehicles.

IV. 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:

LDC Sec. 34-85 (b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

Staff response: No errors or ambiguities exist.

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

Staff response: The site was vacant prior to Hurricane Ian. The redevelopment of the site makes the requests appropriate. Food Truck Parks are growing in popularity, and this use is not directly addressed in the LDC, which makes the CPD process appropriate to resolve any potential conflicts with this new use.

(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, although the LPA may desire to consider additional regulation to govern this use in the future.

(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 density and intensity request are consistent with the Town of Fort Myers Beach Comprehensive Plan. The proposed food truck park will program a space that has been vacant for many years preceding Hurricane Ian. It is, by its scale, pedestrian-oriented for the existing neighbors and the several newly approved development projects in nearby locations as addressed in Goal 7. Also, the location is accessible from LeeTran service and a reasonable distance from the downtown zoning district on bicycle. Food truck operators, in general, are small business owners who may add to Fort Myers Beach "small-town" character as addressed in Goal 4. The outdoor nature of the proposed development lends itself to integration with the public realm as addressed in Policy 4-A-2. The following policies are addressed by the applicant in the project narrative:

1. Policy 4-C-3:
2. Policies 4-B-5 and 4-C-3
3. Policy 4-C-4:
4. Policy 4-C-8:
5. Policy 4-E-1: The proposed redevelopment of the property will be well below the allowed intensity (FAR 1.0) as approved in Resolution 07-28 prior to the natural disaster (Hurricane Ian).
6. Policy 7-D-3 Alternate Travel Mode

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

Staff response: The proposed development will be required to meet performance standards set forth in 34-2031 and 34-2032.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on designated environmentally critical areas and natural resources. The request does not include any revision to the environmentally critical areas.

(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 request in "Option B" is compatible with the surrounding land uses. The potential for nuisance is minimized through provided buffers as well as several staff recommended conditions for approval. These suggested conditions include limited hours of operation to reduce the potential for noise nuisance to surrounding properties.

(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: The "Option B" request is less intense than the currently approved "Option A" and should not place an undue burden on transportation services.

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

LDC Sec. 34-85 (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 regards 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

LDC Sec. 34-216(b)(2) The recommendation made to the town council must be supported by the guidelines set forth in [§ 34-85](#) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

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

Staff response: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use. The expanded boundary area, additions to the Schedule of Uses and the "Option B"-MCP are appropriate. The Food Truck Park concept with commercial parking area is not directly anticipated in the Comprehensive Plan or LDC but is not in conflict with either regulation.

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 through required buffering at the property boundaries. Additionally, staff have suggested several conditions to further safeguard the public.

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

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

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

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

Staff response: Not applicable.

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

Staff response: The food truck park contributes to the pedestrian character of the town and the "Boulevard" future land use category. The proposal is sensitive to the surrounding residential uses.

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

Staff response: No additional height is requested.

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: There are no anticipated adverse traffic impacts

Findings for Deviation Requests:

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

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

Staff response: The requested deviations are related to an efficient functioning of the "Option B" MCP.

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

Staff response: The proposed deviations preserve public health.

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

Staff response: The deviations are not a detriment to the public interest. Additional conditions are recommended for "Option B" MCP.

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

Staff response: The deviations are consistent with the comprehensive plan

V. RECOMMENDATION

Staff finds that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC. If the LPA finds that the applicant proposed parking calculations, based on other local regulations, is appropriate, staff recommends **approval with conditions** of DCI20240137.2. The recommended conditions are listed below and are intended to reduce the potential for nuisance to the neighboring residential parcels. Staff also suggest that the LPA review the provided regulations from the municipalities of Fort Myers, Cape Coral and Bonita Springs to determine if other conditions are desirable at this time.

Recommended Conditions

1) The development of "Option A", as approved and conditioned in resolution 07-28, will no longer be valid.

- 2) Deviations 2, 3, 4, 5 and 6 shall only be applied to "Option B"-MCP.
- 3) At the time of development order, the applicant must provide the following buffers:
 - a) Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row. (As approved in Resolution 07-28)
 - b) Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.
 - c) Along the southeast property lines, a minimum 10 foot wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.
 - d) A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row.
- 4) A maximum of 5 mobile vendor/transient merchant operators, in addition to a permanent service structure (maximum of 1500 sf), is permitted. Any additional mobile vendors shall require prior Town approval.
- 5) All mobile vendors will be associated with either food or merchandise. There shall be no cannabis or smoke/vape related merchandise vendors allowed.
- 6) Consumption on premises will be limited to beer and wine only.
- 7) Hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. Parking lot will be available for use 24 hours a day, 7 days a week.
- 8) All outdoor entertainment will be permitted until 9:00pm and located within the centralized seating/entertainment/recreation area as depicted on the proposed MCP for "Option B"
- 9) Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the Option B Master Concept Plan. Outdoor entertainment or music will be restricted to only solo and duo performers. No bands (3 or more performers) or drums/percussion unless approved through the town's special event permitting process.
- 10) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
- 11) A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will be integrated within the proposed park support structure.
- 12) Applicant will utilize a gravel/crushed shell stabilization and a grid/semi-pervious paver system to increase permeability and to aid in retaining materials on site in the parking lot area.
- 13) Mobile food vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious or semi-pervious surface.
- 14) A temporary use permit must be obtained for any special event where additional vendors of any type and/or increased visitor numbers are expected, including but not limited to: festival; political rally; holiday celebration; or carnival.
- 15) Mobile food vendors must provide evidence that all required permits, inspections, licensure, or other approvals as needed by either county, state, or federal agencies prior to operating within the town.
- 16) Liquid waste or grease must be disposed of at an approved location and may not be placed in tree pits, storm drains, or sanitary sewers, or onto sidewalks, streets, or other public or private space.

- 17) All mobile vendors shall be required to connect to onsite utilities. Generator use is only allowed when electrical service is disrupted or temporarily non-available due to designated disaster related events.
- 18) All vendors and food park facilities must comply with FEMA regulations. No temporary storage containers are permitted. All mobile vendors will be required to evacuate the property when evacuation orders are issued by Lee County Emergency Management.
- 19) Restroom facilities must be provided based on maximum occupancy of the total seating area in conformance with the Florida Building Code.
- 20) All alcohol sales must be in conformance with state regulations.
- 21) A local development order is required prior to any development of the site, in accordance with this planned development approval and consistent with the approved MCP.
- 22) All state and local permits, including but not limited to right of way and stormwater permits must be applied for and received prior to site development.
- 23) All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131

V. EXHIBITS

Staff Report Exhibits:

- A – Resolution 07-28 and MCP “Option A”
- B – Food Truck MCP – “Option B” – December 2024
- C – Initial Application and Submittal
- D– Final Applicant Narrative – Revised 12-10-24
- E – Parking Analysis – Revised 12-10-24
- F - Postcards

EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

DRAINAGE/UTILITY EXHAUST	
IRRIGATION	
WOOD POWER POLE	
GUY ANCHOR WITH CABLE	
OVERHEAD POWER	
MAIL BOX	
LIGHT POLE	
CATCH BASIN	
CONCRETE	
MONUMENT	

03/01/2000

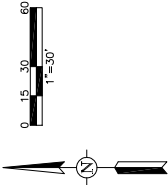
MILLER GEOSPATIAL, LLC
YOUR LAND SURVEYING PARTNER

SUPERVISOR	DGM
DRAWING BY	DGM
APPLICATION	CAPE CORAL
DATE	10/24/2023
SHEET NO.	

BOUNDARY SURVEY

PROJECTS

19-46-24-WB-01250-0100 2500 ESTERO BLVD. LOTS 10, 11, 12 & PART 13 SEAGRAPE SUBDIVISION	19-46-24-WB-01230-013A 2443 COTTAGE AVE. PART LOT 13 SEAGRAPE SUBDIVISION	19-46-24-WB-01322-000 2510 ESTERO BLVD LOT 2, BLAKE'S SUBDIVISION	19-46-24-WB-01361-0000 2518 ESTERO BLVD. LOT 1, BLAKE'S SUBDIVISION
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LEGAL DESCRIPTION:

LOTS 10-13, SEAGRAPE SUBDIVISION (PLAT BOOK 4, PAGE 17) AND LOTS 1 & 2, BLAKES SUBDIVISION (PLAT BOOK 4, PAGE 44), ALL INFORMATION PER THE OFFICIAL RECORDS OFFICE OF THE CLERK OF CIRCUIT COURT OF LEE COUNTY, FLORIDA.

SURVEYOR NOTES:

- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983. 1990 ADJUSTMENT (NAD83/90) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON DEPARTMENT OF NATURAL RESOURCES CONTROL MONUMENTS 84-74-026 AND 84-74-027 HAVING NAD83/90 GRID COORDINATES AS SHOWN.
- NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.

THE FOLLOWING SHOWINGS ARE REFERENCED TO THE NORTH MAGNETIC VECTOR AT DATE 08/01/2009. ALL ELEVATIONS ARE BASED UPON TESTS TO THE TRIANGLE LEVEL, THE MEANING OF THE POSITIONING SYSTEM (GPS) CONTROLS, NETWORKS, ELEVATION, AND THE TRIANGLE LEVEL.

- THIS PARCEL LIES IN FLOOD ZONES AS SHOWN. ZONES ARE BASED ON FEMA FLOOD INSURANCE RATE MAP PANEL, DATE NOVEMBER 7, 2002. FLOOD ZONE SHOWS HOWSEBURN WERE SCALED FROM THE INDICATED F.F.M. MAP AREA.

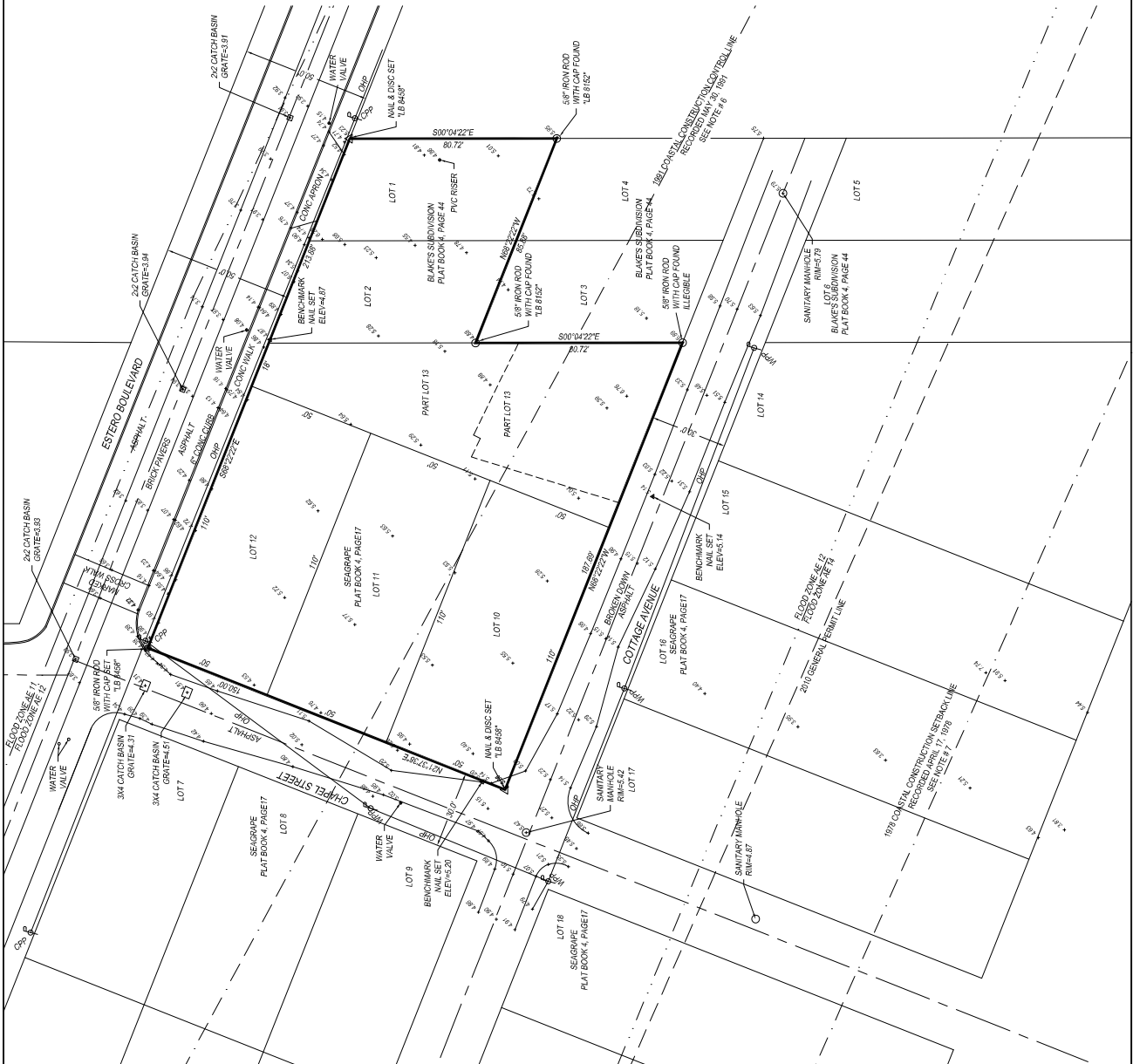
BOUNDARY INFORMATION SHOWINGS ARE BASED UPON THE RECORD AS OF 1/1/2009. ALL LEGAL REQUIREMENTS FOR THE PUBLIC RECORD WAS PERFORMED IN THIS SURVEY. THERE MAY BE OTHER SETBACKS AND/OR EASEMENTS NOT MENTIONED IN THIS SURVEY.

- THE 1991 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN PLAT BOOK 48, PAGE 30, AND FILED IN OFFICIAL RECORDS BOOK 2224, PAGES 1010 THROUGH 1041 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON MAY 30, 1991.

- THE 1978 COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREON IS AS RECORDED BY ORDINANCE 76-3 RECORDED APRIL 17, 1978 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
- MEAN HIGH WATER ELEVATION OF 0.26 (NAVD 1988) IS BASED ON A DETERMINATION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL AGENCY.

. THIS TITLE WATER SURVEY COMPLETES WITH CHAPTER 177 PART II FLORIDA STATUTES.

THIS PARCEL CONTAINS 0.604 ACRES. ON 10/11/80, IT MORE OR LESS



HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HERON DISCLOSED LANDS IS A TRUE REPRESENTATION OF THE FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF SURVEYING FOR GOVERNMENTAL SURVEYING PURPOSES AS SET FORTH IN

CERTIFIED TO:
EMERSE HOLDING CORPORATION



DONALD G. MILLER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6674

2500 Estero Blvd. Property Location Map



March 8, 2024

Air Photos: 2023 Hi-Res (3 inch)

HospitalLocations

Library Locations

School Locations

CCC_Parks

County Boundary

Major Roads

Medium Roads

I - 75

US 41

Other Highways

Other Roads

Parcels Near

1:1,600

0 75 150 300 ft

0 20 40 80 m

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

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-28

WHEREAS, McHarris Planning and Design (Applicant) has requested the Town Council rezone an approximately .52+/- acres from Commercial Boulevard (CB) to Commercial Planned Development (CPD) to allow the development of commercial, offices and residential multi-family units at 2500 Estero Boulevard; and

WHEREAS, Applicant has proposed two (2) options to the Town of Fort Myers Beach for consideration in the aforesaid application; and

WHEREAS, Option "A" as presented by Applicant offers a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus three (3) residential units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories; and

WHEREAS, Option "B" as presented by Applicant offers a maximum of 22,990 square feet that consists of 6,795 square feet of commercial and office and four (4) residential units with a total of 16,195 square feet in two (2) buildings not to exceed a height of 35 feet above base flood elevation/3 stories; and

WHEREAS, the subject property is located at 2500 Estero Blvd, Fort Myers Beach, FL 33931(follow Estero Blvd South to 2500), in S19-T46S-R24E, in Fort Myers Beach, Lee County, FL; and

WHEREAS, Applicant has indicated the property's current STRAP numbers are 19-46-24-W3-0120A.0100 and 19-46-24-W3-01302.0000 with the legal description set forth on Exhibit "A" which is attached hereto and hereby incorporated by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on June 19, 2007, at which time the LPA recommended that the Town Council approve the Applicant's request, with three (3) members recommending Option A and three (3) members recommending Option B, with the approval subject to various conditions as set forth more fully in the LPA Resolution 2007-13; and

WHEREAS, the Town Council gave full and complete consideration to recommendations of staff, the LPA resolution, the documents in the file, and the testimony of all interested persons.

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

The Town Council hereby **APPROVES Option A and DISAPPROVES Option B** to rezone the subject property from CB and RC to CPD, subject to the nine (9) conditions and one deviation set forth with specificity below.

A. CONDITIONS AND DEVIATIONS

A. CONDITIONS

1. The development of this project must be consistent with the six (6) page Master Concept Plan entitled "2500 Estero," stamped received October 6, 2006, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

The project is limited to a maximum of 23,067 square feet and a maximum of 3 dwelling units of 13,115 square feet

- a. **Schedule of Uses**

Residential

Dwelling Unit:

Multi-family - maximum of 3 units

Live/work pursuant to LDC Section 34-1773 - maximum of 3 units

Lodging

Rental of any permitted dwelling unit to a single family for periods of one week or longer pursuant to Section LDC 34-2391 through 34-2410

Office

Administrative Offices

Retail

Retail Store, small (less than 5,000 square feet)

Civic

Essential Services

Daycare center, adult or child (by Administrative Approval)

Cultural Facilities (by Administrative Approval)

- b. **Site Development Regulations**

Minimum Lot Size: 23,067.00± Square Feet or 0.52 ± acres

Minimum Lot Width: 160 feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: 119± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)

10 feet (Chapel Street)

10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

Maximum Height: 40 feet above base flood elevation /3 stories

3. At the time of Development Order, the applicant must provide the following buffers:

Along Chapel Street (the west property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3 foot high hedge planted in a double staggered row.

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row.

Along the southeast property lines that depicts a 6 foot high wall, a 3 foot high hedge planted in a double staggered row to be planted on the outside of the wall.

Along Cottage Avenue,(the south property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row to be planted in between the driveways to the residential units.

4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
5. The local development order must be in compliance with LDC Section 14-71 through 14-79 regarding sea turtle lighting.
6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").
7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
8. Prior to local development order approval, the construction plans must indicate that pervious pavement and exfiltration will be incorporated throughout the project to maximize the overall stormwater management capacity.
9. Prior to local development order approval, the project developer will partner with the Town to coordinate survey, site preparation, and infrastructure improvements for the project with the Town's plans for work in the adjacent public rights-of-way.

B. DEVIATION

Deviation #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local

street that is maintained by Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntary donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

FINDINGS AND CONCLUSIONS

Based upon the presentations by Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for planned development zoning approval, the Town Council makes the following findings and conclusions:

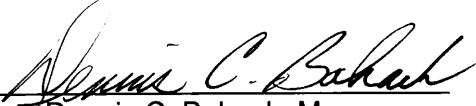
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests:
 - i. Policies 4-B-5 and 4-C-3 on commercial and residential uses in the "Boulevard" future land use category; and
 - ii. Policy 4-C-5 on maximum residential densities for properties; and
 - iii. Policy 4-C-4 on maximum height limitations; and
 - iv. Policy 4-E-4 on flood proofing of commercial buildings.
2. The proposed use or mix of uses, as conditioned above, **IS** appropriate at the subject location.
3. Sufficient safeguards to the public interest **ARE** provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions **ARE** reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviation, as conditioned:
 - a. Each item **DOES** enhance the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **WILL** be preserved and promoted; and
 - c. Each deviation **DOES** operate 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.

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

Dennis C. Boback, Mayor	<u>aye</u>
Larry Kiker, Vice Mayor	<u>aye</u>
Herb Acken	<u>aye</u>
Charles Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>

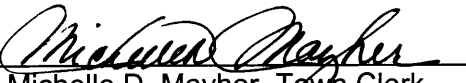
DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

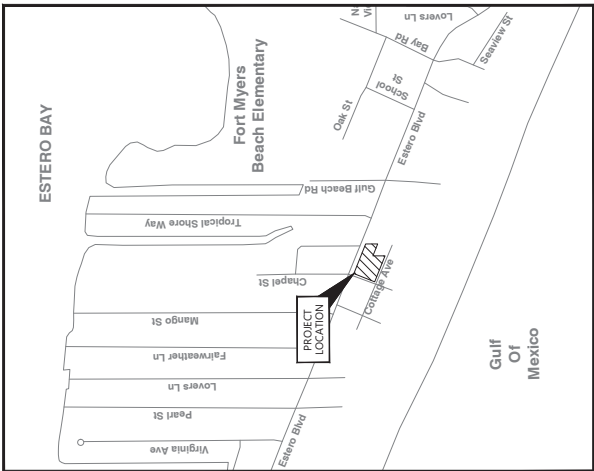
By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle D. Mayher, Town Clerk

MASTER CONCEPT PLAN FOR

2500 ESTERO CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS BEACH, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



THE NEIGHBORHOOD
COMPANY

5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

EMPIRE HOLDING CORPORATION

6104 E. 21ST STREET
INDIANAPOLIS, IN 46219

CONTENTS	
SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	NOTES
DATE December, 2024	
PROJECT No. 230035.01.01	
SHEET No. 1 of 3	

THIS MASTER CONCEPT PLAN (MCP) - OPTION B IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.

WATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.

1. TOTAL CPD AREA: 0.691 +/- ACRES
2. FUTURE LAND USE MAP DESIGNATION: BOULEVARD
3. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
4. THE PROJECT OPTION WILL BE DEVELOPED IN ONE PHASE.
5. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON THE SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
6. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS
- LODGING:
 - RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE YEAR OR LONGER PURSUANT TO SECTION LDC 34-2391 THROUGH 34-2410.

- ADMINISTRATIVE OFFICES

- RETAIL:

- o RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- o FOOD SERVICE/RESTAURANT/BAR
- o MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING, ENTERTAINMENT, AND RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION A
- o OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN - OPTION B
- o COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN - OPTION B ONLY)

- ESSENTIAL SERVICES

- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)
- CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

- REMAIN CONSISTENT WITH RESOLUTION 07-28

DEVIATION FROM SECTION 10-285 THAT REQUIRES DRIVEWAYS TO BE LOCATED AT LEAST 250 FEET FROM THE CENTERLINE OF A LOCAL STREET SUCH AS CHAPEL STREET, TO ALLOW A DISTANCE OF 100 FEET FROM ESTERO BOULEVARD. CHAPEL STREET IS A LOCAL STREET THAT IS MAINTAINED BY THE TOWN OF FORT MYERS BEACH. THE PREVIOUS DEVELOPMENT ON THE SITE USED THIS DRIVEWAY AS AN ACCESS POINT AND THE PROPOSED DEVELOPMENT WILL CONTINUE TO USE THIS DRIVEWAY. THE APPLICANT IS UNABLE TO MEET THE 250 FOOT SEPARATION DISTANCE. THEREFORE, THE TOWN COUNCIL APPROVES THIS APPLICATION WITH A CONDITION THAT THE PROPERTY OWNER VOLUNTARILY DONATE A 5' FOOT EASEMENT ALONG ESTERO BOULEVARD TO THE TOWN OF FORT MYERS BEACH FOR ROADWAY UTILITY, DRAINAGE AND REASONABLY RELATED PURPOSES.

DEVIATION FROM LDC SECTION 10-285 THAT REQUIRES DRIVEWAYS TO BE LOCATED AT LEAST 250 FEET FROM THE CENTERLINE OF THE INTERSECTION OF ESTERO BOULEVARD AND CHAPEL STREET AND THE DRIVEWAY TO PELICAN WATCH CONDOMINIUMS. THIS WILL ALLOW THE EXISTING DRIVEWAY LOCATED ON ESTERO BOULEVARD TO REMAIN APPROXIMATELY 210 FEET FROM THE CHAPEL STREET/ESTERO INTERSECTION AND 150 FEET FROM THE EXISTING DRIVEWAY TO PELICAN WATCH CONDOMINIUMS.

DEVIATION FROM LDC SECTION 34-706(d) WHICH STATES THAT EXISTING DRIVEWAY AND PARKING SPACES SHALL BE RELOCATED FROM ESTERO BOULEVARD TO ALLOW FOR THE EXISTING ACCESS POINT TO REMAIN FROM ESTERO BOULEVARD INTO THE PROPERTY.

DEVIATION FROM THE LDC SECTION 34-706(i) WHICH REQUIRES THAT OFF-STREET PARKING LOTS BE PLACED IN SIDE OR REAR YARDS. THIS DEVATION WILL ALLOW THE PARKING LOT TO BE LOCATED ALONG CHAPEL STREET BETWEEN ESTERO BOULEVARD AND COTTAGE AVENUE.

DEVIATION FROM LDC SECTION 34-2017, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE TO ALLOW FOR A CRUSHED SHELL OR LIME ROCK SURFACE.

DEVIATION FROM LDC SECTION 10-416(d)(2) TABLE 10-3, WHICH REQUIRES A 15-FOOT-WIDE TYPE D BUFFER WHEN THE PROPOSED PARKING AND VEHICLE USE AREA ABUTS A RIGHT-OF-WAY OR ROAD EASEMENT TO ALLOW FOR A MINIMUM 10-FOOT-WIDE BUFFER.

REQUIRED:

- 3 SPACES PER MOBILE VENDOR/TRANSIENT MERCHANT AND 1 SPACE PER 15 SEATS
- 5 MOBILE VENDOR/TRANSIENT MERCHANTS X 3 = 15 SPACES
- 75 SEAT/15 = 5 SPACES
- PARK SUPPORT STRUCTURE
 - OFFICE AREA - 2 SPACES/1,000 SF.
 - 1500' SF = 3.3 SPACES
 - STORAGE AREA, 400'x SF = N/A
 - RESTROOM AREA, 120'x SF = N/A
 - BEVERAGE SERVICE AREA - 8 SPACES/1,000 SF.
 - 400'x SF = 3.2 SPACES

SUBTOTAL 26.5 (27) SPACES

PARKING REDUCTION:

- MIN. 4 BICYCLE SPACES PROVIDED = 1 VEHICLE SPACE REDUCED

TOTAL REQUIRED: 26 SPACES

TOTAL PROVIDED: 45 SPACES (INCLUDING 2 ADA SPACES)

MINIMUM LOT SIZE: 30.099.96+/ SQUARE FEET OR 0.691+/- ACRES

MINIMUM LOT SIZE: 30.099.96+/ SQUARE FEET OR 0.691+/- ACRES

MINIMUM LOT WIDTH: 213 +/- FEET ALONG ESTERO BOULEVARD

MINIMUM LOT DEPTH: 150 +/- FEET ALONG CHAPEL STREET

MINIMUM LOT WIDTH: 187 +/- FEET ALONG COTTAGE AVENUE

MINIMUM SETBACKS:

STREET: 5 FEET (ESTERO BOULEVARD)

10 FEET (CHAPEL STREET)

10 FEET (COTTAGE STREET)

SIDE: 5 FEET

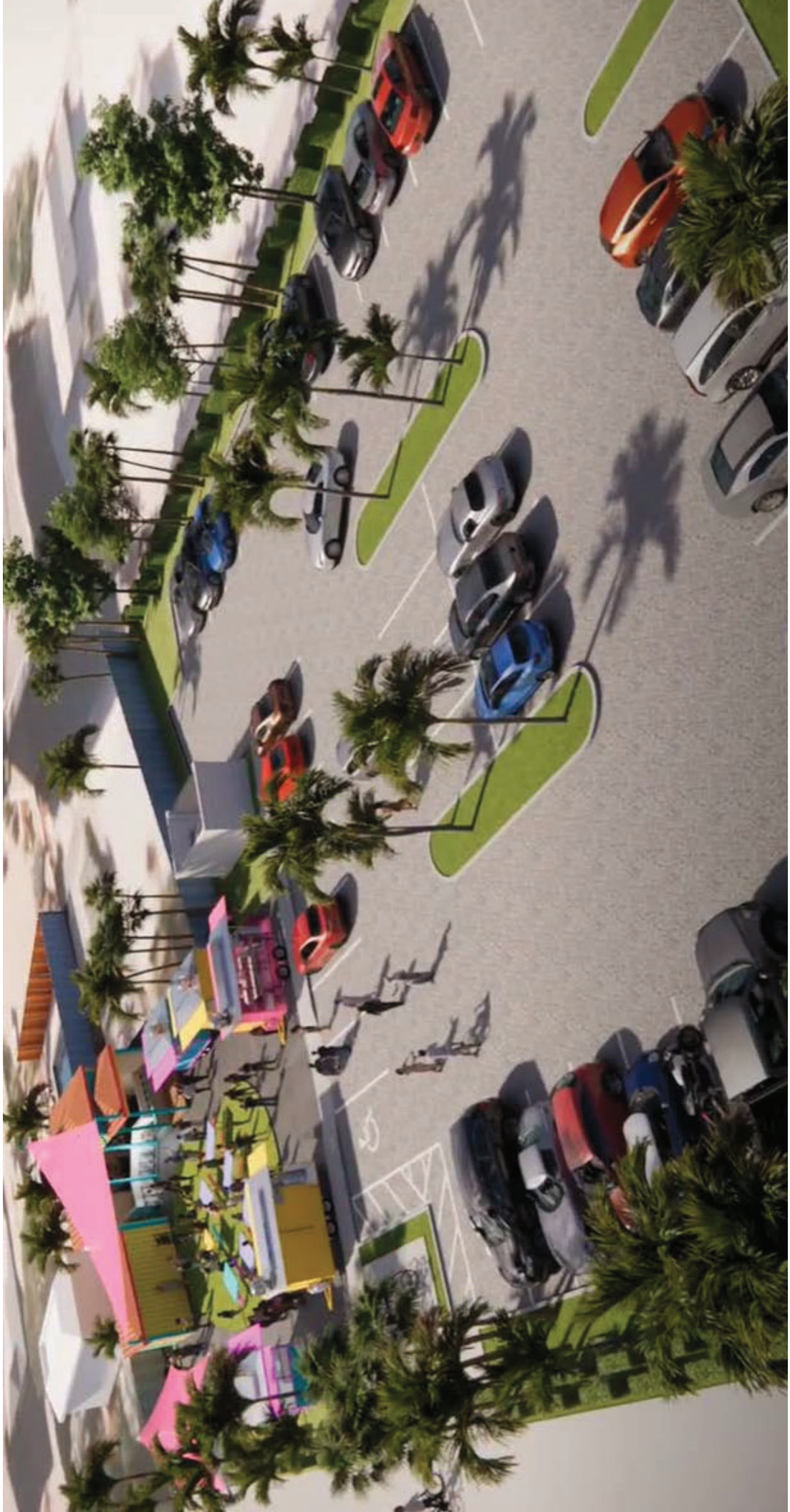
MAXIMUM HEIGHT: 40 FEET ABOVE BASE FLOOD ELEVATION/3 STORIES

PROJECT NO.: 230035.01.01	
DATE: 12/24	DRAWN: F.L.
DESIGN: K.G.	
SHEET NUMBER: 3 OF 3	

CLIENT:	EMPIRE HOLDING CORPORATION
PROJECT:	2500 ESTERO PLANNED DEVELOPMENT (CPD)
TITLE:	NOTES



















May 16, 2024

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

**Subject: 2500 Estero Boulevard
2500/2510/2518 Estero Blvd. & 2543 Cottage Ave
Commercial Planned Development (CPD) Amendment – Submittal #1**

Intake Team:

The Neighborhood Company is pleased to submit on behalf of our client, Empire Holding Corp. an Indiana Corporation as Trustee for Ann Trust, a Planned Development Rezone (Amendment) Application associated with the subject property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Ft Myers Beach, FL 33931. The proposed request is to seek the following:

- Expand the existing CPD boundary approved under CPD Resolution #07-28 by rezoning 2518 Estero Boulevard (STRAP#: 19-46-24-W3-01301.0000) from Residential Multifamily (RM) and 2543 Cottage Avenue (STRAP#: 19-46-24-W3-0120A.013A) from Commercial Boulevard (CB), adding an Interim - Option "B" Master Concept Plan (MCP – Opt. B) and amending the schedule of uses.

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

1. Application Filing Fee;
2. Application for Public Hearing:
 - a. Disclosure of Interest Affidavit & Authorization Form;
 - b. Letter of Authorization;
 - c. Exhibit 3-1 - Approved Waiver
 - d. Exhibit 6-1 – STRAP # and Legal Description
 - e. Exhibit 6-2 – Boundary Survey;
 - f. Exhibit 6-3 – Area Location Map;
 - g. Exhibit 6-6 – List of Surrounding Property Owners within 500’;
 - h. Exhibit 6-7 – Map Surrounding Property Owners within 500’; and
 - i. Mailing Labels Surrounding Property Owners within 500’.
3. Planned Development Zoning - Supplement PH-D:
 - a. Narrative and Applicable Supplements
 - b. Section F: Schedule of Deviations and Justifications
 - c. Master Concept Plan
 - d. Concept Architectural Renderings
 - e. Schedule of Uses
 - f. Resolution 07-28
 - g. TIS



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

Sincerely,

The Neighborhood Company

Kenrick Gallander, AICP
Vice President, Partner

Attachments: Application Submittal Requirements (listed above)

cc: James R. Hotka
Dan Myers



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

FILING FEE

Town Fee Schedule 2023:

- PD Rezone = \$6,500

TOTAL: \$6,500



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Fort Myers Beach, FL

STRAP Number: 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, & 19-46-24-W3-0120A.013A

Applicant: Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust Phone: _____

Contact Name: James R. Hotka Phone: 317-601-9780

Email: _____ Fax: _____

Current Zoning District: CPD & RM

Future Land Use Map (FLUM) Category: Boulevard

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

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☒ Planned Development ☒ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust Phone: _____

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

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

Applicant Mailing Address: 6104 E. 21st Street, Indianapolis, IN 46219

Email: _____ Fax: _____

Contact Name: James R. Hotka Phone: 317-601-9780



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☒ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: Resolution 07-28
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: LDC Sec. 10-473 Description: See enclosed approval.

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office	Percentage of Stock

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

Name and Address	Percentage of Interest
Shore Waters Development LLC (Beneficiary)	100%
(SEE PARTNERS BELOW)	

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
Leighanna E. Myers (Hotka) - 6104 E 21st Street, Indianapolis, IN 46219	25%
Jessie D Hotka - 6104 E 21st Street, Indianapolis, IN 46219	25%
Christopher J Hotka - 6104 E 21st Street, Indianapolis, IN 46219	25%
Annison C Hotka - 6104 E 21st Street, Indianapolis, IN 46219	25%

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

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, James R Hotka (name), as President (title)
of Empire Holding Corp (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

Anne Trust, By Empire Holding Corp, Trustee

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

Signature

James R Hotka

Typed or Printed Name

President

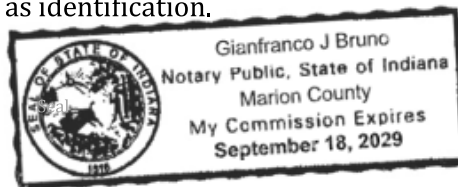
Title

3/6/2023

Date

STATE OF Indiana COUNTY OF Marion

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 6th day of March, 2023, by James R Hotka ☒ who is personally known to me OR ☒ who has produced Indiana Drivers License as identification.



#NP0647625

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, & 19-46-24-W3-0120A.013A

Property Address: 2500/2510/2518 Estero Boulevard and 2543 Cottage Avenue, Fort Myers Beach, FL

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: Seagrape Subdivision PB 4, PG 17 Lots 10 - 13 and Lots 1 & 2, Blake's Subdivision, PB 4, Pg 44.

Book: _____ Page: _____ Unit: _____ Block: A 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) 160 feet
Depth (please provide an average width if irregular in shape) 150 feet
Frontage on street: 160' Estero Blvd. feet. Frontage on waterbody: N/A feet
Total land area: 0.691 ☒ acres ☐ square feet

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

The subject property is located approximately 1.07 +/- miles from the Matanzas
Pass Bridge.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

- | | |
|--|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☒ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



THE NEIGHBORHOOD
COMPANY

I James R Hotka, as authorized member of Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust owner of property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Fort Myers Beach, FL, identified by STRAP Numbers 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, & 19-46-24-W3-0120E.0030, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Rezone (Amendment) Application.

Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust

By: [Signature]

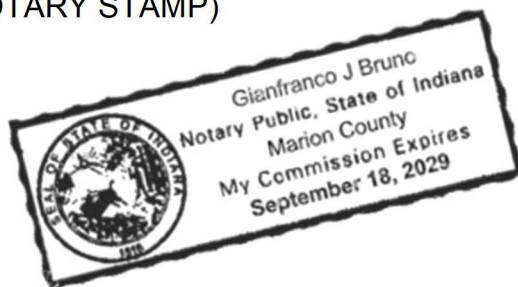
Print Name: James R Hotka

Title: President

STATE OF Indiana
CITY OF Marion

The foregoing instrument was acknowledged before me by means of physical presence or ~~online notarization~~, this 6th day of March 2024 by James R Hotka, as President of Empire Holding Corp, on behalf of the company(s), who ~~is personally known to~~ has produced a(n) driver's license as identification.

(NOTARY STAMP)



[Signature] #NP0647625
Notary Public, State of Indiana
Print Name: GAINFRANCO J BRUNO
My Commission Expires: 9/18/2029



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

Section Number	Requirement
LDC Sec. 10-473	Listed Species Survey
LDC Sec. 10-286	Traffic Impact Statement (TIS)

Scope of project and reasons for request

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

Please see attached Waiver Narrative.

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

Kenrick S. Gallander

Digitally signed by Kenrick S. Gallander
Date: 2024.04.11 09:52:23 -04'00'

Signature

Date

Director's Decision ☐ Approved ☐ Denied

Comments:

<i>I'm only agreeing to a waiver on listed species</i>

Signature

Date

Revised 1/6/2017

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

Page 2 of 2

SUBMIT



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

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

Waiver is requested for items required for:

Public Hearing

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

Administrative Action

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

Name of Project: 2500 Estero Boulevard CPD Amendment

Applicant: Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust (AGENT - THE NEIGHBORHOOD COMPANY)

Strap Number: 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, & 19-46-24-W3-0120A.013A

Street Address: 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Fort Myers Beach, FL

Phone Number: 850-803-5621

Email: kg@theneighborhood.company



2500 Estero Boulevard Commercial Planned Development (CPD) Amendment

Waiver Justification Narrative

The property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Fort Myers Beach, FL is the subject property for an application to amend the existing CPD (Resolution #07-28) to include the following:

- Amend the boundary to include and rezone Lot 1 (2518 Estero Boulevard) from Commercial Boulevard to CPD.
- Amend the boundary to include and rezone the remainder of Lot 13 (2543 Cottage Avenue) from Residential Multifamily (RM) to CPD.
- Provide for an "Option B" - Master Concept Plan and updated Schedule of Uses to allow for an interim development of a food truck/trailer park with outdoor seating and a commercial parking lot.

The Neighborhood Company, on behalf of our client, Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust, is submitting this Waiver Request for the following submittal requirements to the forthcoming Planned Development Amendment application:

- LDC Sec. 10-473 - Listed Species Survey
- LDC Sec. 10-286 - Traffic Impact Statement

The waiver is requested due to the fact the currently vacant property was previously developed with a restaurant (removed in 2006) and two residences destroyed by Hurricane Ian. As a result of the prior development impacts and the impacts from Hurricane Ian, no native vegetation or listed species exist on this site. Additionally, the proposed amendment as outlined above does not increase the density or intensity of development previously approved under Resolution #07-28, thus not further impacting the surrounding roadway network.

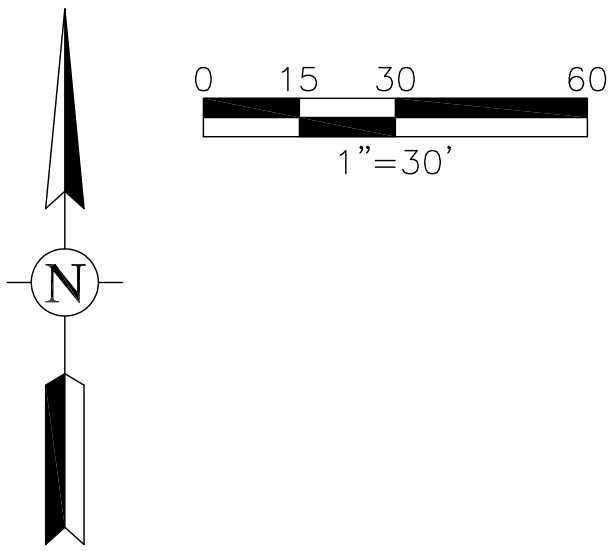
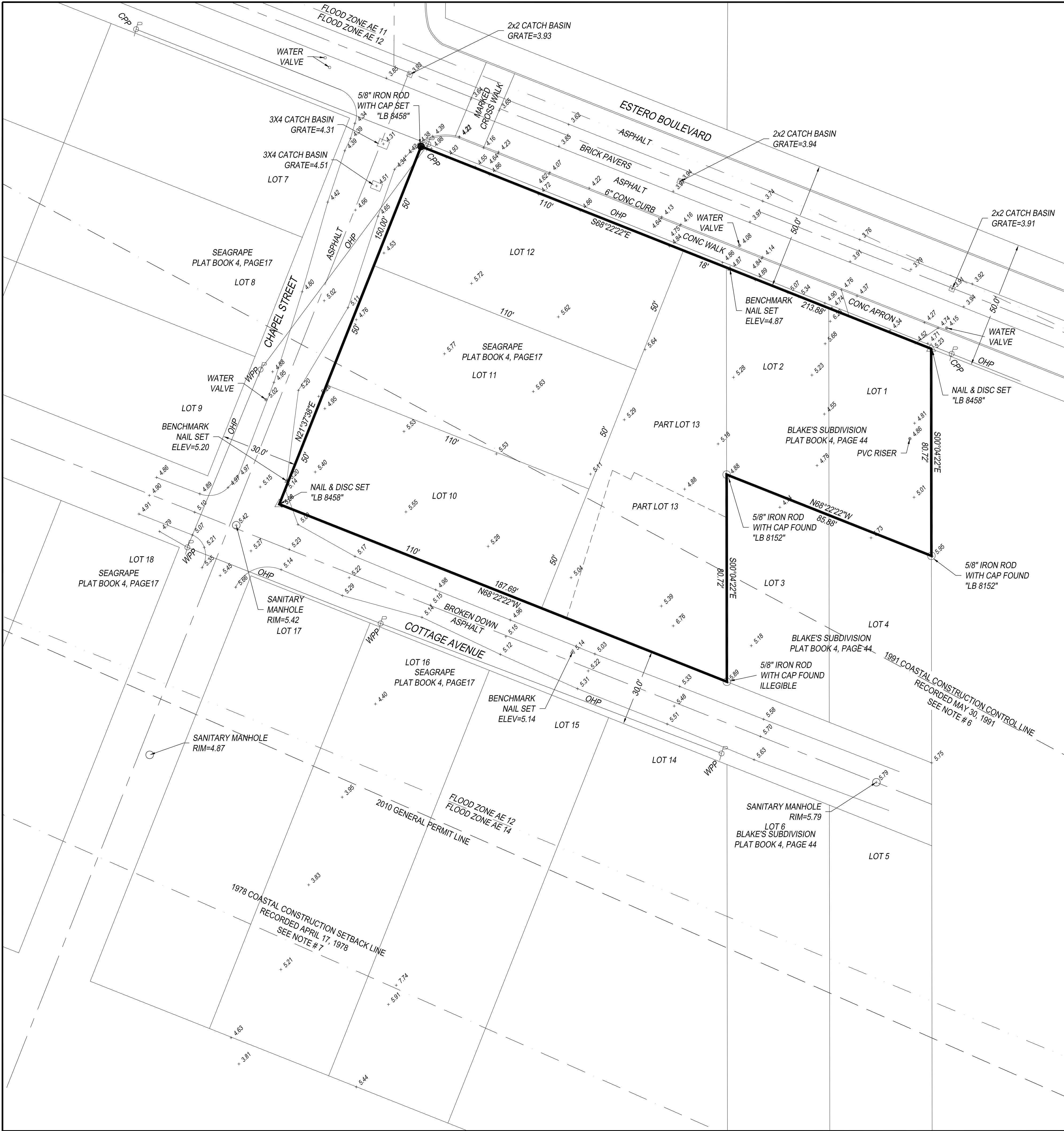
Due to the justifications provided above, we respectfully request waivers from LDC Sec. 10-473 and LDC Sec. 10-286 which require a Listed Species Survey and a Traffic Impact Statement to accompany the CPD Amendment application.



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

LEGAL DESCRIPTION:

LOTS 10-13, SEAGRAPE SUBDIVISION (PLAT BOOK 4, PAGE 17) AND LOTS 1 & 2, BLAKE'S SUBDIVISION (PLAT BOOK 4, PAGE 44). ALL INFORMATION PER THE OFFICIAL RECORDS OFFICE OF THE CLERK OF CIRCUIT COURT OF LEE COUNTY, FLORIDA.



LEGAL DESCRIPTION:

LOTS 10-13, SEAGRAPE SUBDIVISION (PLAT BOOK 4, PAGE 17) AND LOTS 1 & 2, BLAKE'S SUBDIVISION (PLAT BOOK 4, PAGE 44). ALL INFORMATION PER THE OFFICIAL RECORDS OFFICE OF THE CLERK OF CIRCUIT COURT OF LEE COUNTY, FLORIDA.

SURVEYOR NOTES:

- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD83/90) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON DEPARTMENT OF NATURAL RESOURCES CONTROL MONUMENTS 64-78-A26 AND 64-78-A27 HAVING NAD83/90 GRID COORDINATES AS SHOWN.
- NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.
- ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). ELEVATIONS ARE BASED UPON TIES TO THE TRIMBLE REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK.
- THIS PARCEL LIES IN FLOOD ZONES AS SHOWN. ZONES ARE BASED ON FEMA FLOOD INSURANCE RATE MAP PANEL 12071C0554G, DATED NOVEMBER 17, 2023. FLOOD ZONE LINES SHOWN HEREON WERE SCALED FROM THE INDICATED F.I.R.M. MAP PANEL.
- BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED. NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE OTHER SETBACKS AND/OR EASEMENTS NOT KNOWN TO THIS SURVEYOR.
- THE 1991 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN PLAT BOOK 48, PAGE 30, AND FILED IN OFFICIAL RECORDS BOOK 2224, PAGES 1010 THROUGH 1041 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON MAY 30, 1991.
- THE 1978 COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREON IS AS RECORDED BY ORDINANCE 76-3 RECORDED APRIL 17, 1978 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
- MEAN HIGH WATER ELEVATION OF 0.26' (NAVD 1988) IS BASED ON A DETERMINATION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL AGENCY.
- THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
- THIS PARCEL CONTAINS 0.691 ACRES, OR 30,118 SQ. FT., MORE OR LESS.

PROJECT:
19-46-24-W3-0120A.0100
2600 ESTERO BLVD.
LOTS 10, 11, 12 & PART 13
SEAGRAPE SUBDIVISION

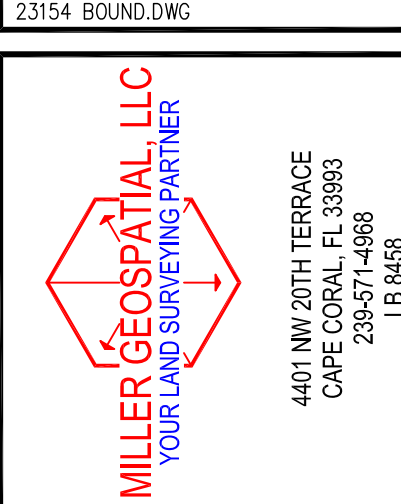
19-46-24-W3-0120A.013A
2443 COTTAGE AVE.
PART LOT 13
SEAGRAPE SUBDIVISION

19-46-24-W3-01302.000
2510 ESTERO BLVD
LOT 2, BLAKE'S SUBDIVISION

19-46-24-W3-01301.0000
2518 ESTERO BLVD.
LOT 1, BLAKE'S SUBDIVISION

EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

ABBREVIATIONS:
D.U.E. DRAINAGE/UTILITY EASEMENT
IRR IRRIGATION
WPP WOOD POWER POLE
GUY GUY ANCHOR WITH CABLE
OHP OVERHEAD POWER
MBOX MAIL BOX
LP LIGHT POLE
CB CATCH BASIN
CONC CONCRETE
MON MONUMENT



SURVEYOR:	DGM
DRAWING BY:	DGM
JURISDICTION:	CAPE CORAL
DATE:	10/24/2023
SHEET TITLE:	BOUNDARY SURVEY

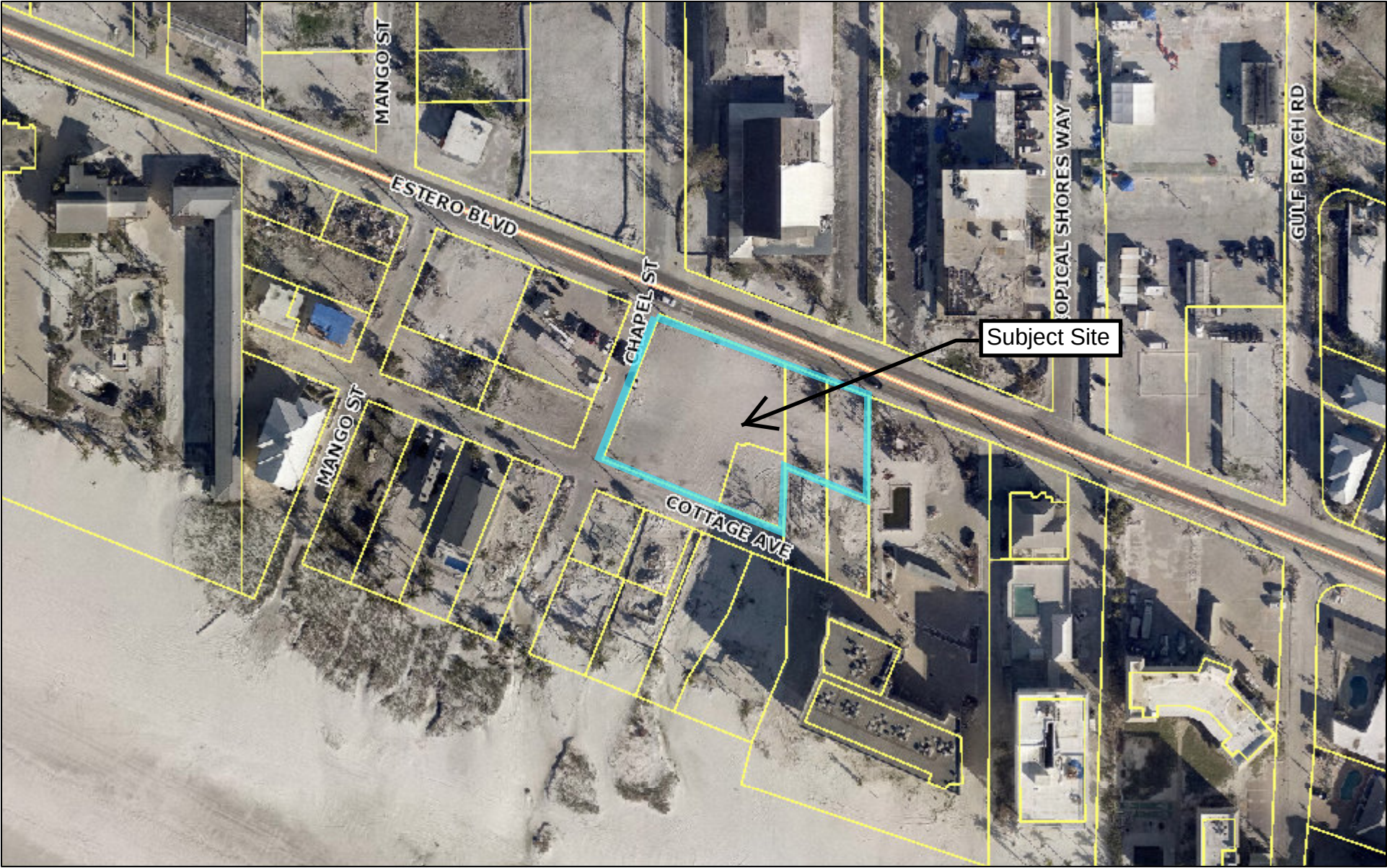


I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HEREON DESCRIBED LANDS IS A TRUE REPRESENTATION OF THE FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 53-17 OF THE FLORIDA ADMINISTRATIVE CODE.

CERTIFIED TO:
EMPIRE HOLDING CORPORATION

DONALD G. MILLER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6674

2500 Estero Blvd. Property Location Map

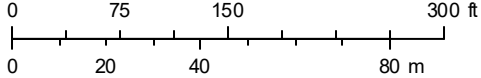


March 8, 2024

Air Photos: 2023 Hi-Res (3 inch)

1:1,600

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



Date: 3/5/2024 12:00:00 AM List Size: 188

STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry
19-46-24-W3-0120A.0100	EMPIRE HOLDING CORP TR		PO BOX 19492		INDIANAPOLIS	IN	46219	
19-46-24-W3-0120A.013A	EMPIRE HOLDING CORP TR	RAINBOW REALTY GROUP INC	6104 E 21ST ST		INDIANAPOLIS	IN	46219	
19-46-24-W3-01301.0000	EMPIRE HOLDING CORP TR		PO BOX 19492		INDIANAPOLIS	IN	46219	
19-46-24-W3-01302.0000	EMPIRE HOLDING CORP TR		PO BOX 19492		INDIANAPOLIS	IN	46219	
19-46-24-W2-0020B.0010	SK FMB GROUP LLC		17761 SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0020C.0010	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0020C.0070	GULF BEACH LLC		100 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0020C.0090	DJ AREND FARMS INC		15759 RD 138		PAULDING	OH	45879	
19-46-24-W3-0020C.0110	REEF OF FMB LLC	JARET BISHOP	2411 US RT 22 SW		WASHINGTON COURT HOUSE	OH	43160	
19-46-24-W3-00450.0000	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-00450.A000	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-00458.0000	FORT MYERS BEACH FIRE CONTROL		PO BOX 2880		FORT MYERS BEACH	FL	33932	
19-46-24-W3-00458.0010	FORT MYERS BEACH FIRE CONTROL		PO BOX 2880		FORT MYERS BEACH	FL	33932	
19-46-24-W3-0110A.0010	CHG NEPTUNE ACQUISITIONS LLC	MARK A DAMANTE	150 E BROAD ST	STE 800	COLUMBUS	OH	43215	
19-46-24-W3-0110D.0010	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0110D.0030	DYE GARY A & LOIS +		S53 W31115 OLD VILLAGE RD		MUKWONAGO	WI	53149	
19-46-24-W3-0120A.001A	WOLFPACK PROPERTIES LLC		567 SIMBURY ST		COLUMBUS	OH	43228	
19-46-24-W3-0120A.001B	WOLFPACK PROPERTIES LLC		567 SIMBURY ST		COLUMBUS	OH	43228	
19-46-24-W3-0120A.0020	NANKO RAYMOND S		919 WEST JACKSON ST		MUNCIE	IN	47305	
19-46-24-W3-0120A.0040	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.0050	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.0070	THOMAS E SWANBECK PA		2450 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0090	YANKE RONALD		328 BUCKLIN ST		LA SALLE	IL	61301	
19-46-24-W3-0120A.014A	FRENCH EDWIN T III		PO BOX 22538		INDIANAPOLIS	IN	46222	
19-46-24-W3-0120A.0150	FRENCH EDWIN T III		PO BOX 22538		INDIANAPOLIS	IN	46222	
19-46-24-W3-0120A.016A	COASTAL COTTAGES LLC		6850 W SOUTH LAKE GAGE DR		ANGOLA	IN	46703	
19-46-24-W3-0120A.016B	COASTAL COTTAGES LLC		6850 W SOUTH LAKE GAGE DR		ANGOLA	IN	46703	
19-46-24-W3-0120A.0170	TEZAK HELEN C TR		50 CHAPEL ST #4		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.017A	GOLDBERG GENNIE M TR		11793 ROYAL TEE CT		CAPE CORAL	FL	33991	
19-46-24-W3-0120A.0180	FMB COTTAGE LLC		2440 COTTAGE AVE		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0190	BONFIGLI ANDREW & SUSAN		2434 COTTAGE AVE		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120A.0200	PAISLEY LLC		414 MARKET ST		IOWA CITY	IA	52245	
19-46-24-W3-0120A.0210	MCLAUGHLIN SAMUEL R &		4700 EDEN PARK DR		ZANESVILLE	OH	43701	
19-46-24-W3-0120A.0220	SCHLICHT EDITION		61 MANGO ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120B.0010	CHAPEL BY THE SEA		PO BOX 2997		FORT MYERS BEACH	FL	33932	
19-46-24-W3-0120B.0090	TOWN OF FORT MYERS BEACH		2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0010	GERSTENHABER RAM TR	BEACH CONNECTION	2401 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0020	CZULEWICZ MARYLU TR		4281 ORANGE RIVER LOOP RD		FORT MYERS	FL	33905	
19-46-24-W3-0120D.0030	BOREK TINA D		1605 PENNSAUKEN ST		CINNAMINSON	NJ	8077	
19-46-24-W3-0120D.0040	MANGO STREET LLC		126 MANGO ST		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120D.0060	PAOLERCIO WILLIAM		2367 JIM HENRY RD		DANDRIDGE	TN	37725	
19-46-24-W3-0120D.0070	MERIDIAN ENTERPRISES II LLC		2248 OLD STATE RD		BEAUFORT	MO	63013	
19-46-24-W3-0120D.0120	MEEHAN PATRICIA LYNN		293 ELM ST W		SUDBURY	ON	P3C 1V6	CANADA
19-46-24-W3-0120D.0130	BIG MARLIN PROPERTIES LLC		4704 VINCENNES BLVD		CAPE CORAL	FL	33904	
19-46-24-W3-0120D.0140	PPAFFINGER HEDWIG TR	JAMES SCHULTZ	1030 SPINDLE HILL RD		WOLCOTT	CT	6716	
19-46-24-W3-0120D.0150	RYAN JAMES	JASMINE RYAN	102 JEAN ST		OCONOMOWOC	WI	53066	
19-46-24-W3-0120D.0190	CHAPEL BY THE SEA		PO BOX 2997		FORT MYERS BEACH	FL	33932	
19-46-24-W3-0120E.0010	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0020	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0030	1249 ESTERO ADVENTURES LLC		290 BAHIA VIA		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0120E.0040	GP REALTY CO OF CLEVELAND LTD		2369 HUNTERS CREEK CIR		HINCKLEY	OH	44233	
19-46-24-W3-0120E.0050	TOMMAR INC		9616 ROUND LAKE BLVD		WHITE LAKE	MI	48386	
19-46-24-W3-01303.0000	OLOUGHLIN DEREK W		30111 BATES RD		PERRYSBURG	OH	43551	
19-46-24-W3-01304.0000	WHITEHEAD LELAND S &		1155 NW 97TH DR		CORAL SPRINGS	FL	33071	
19-46-24-W3-02000.00CE	ESTERO BEACH CLUB CONDO ASSN		15751 SAN CARLOS BLVD #8		FORT MYERS	FL	33908	
19-46-24-W3-02400.00CE	ISLAND HOUSE BEACH CLUB ASSN		2560 ESTERO BLVD OFC		FORT MYERS BEACH	FL	33931	
19-46-24-W3-02900.00CE	PELICAN WATCH CONDO ASSOC	BOBACK COMMERCIAL GROUP	STE 203	10491 SIX MILE CYPRESS PKWY	FORT MYERS	FL	33966	
19-46-24-W3-04100.00CE	TROPICAL SHORES ASSN		2550 ESTERO BLVD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-04200.00CE	SEA BREEZE ESTATES CONDO ASSN		325 W LOCUST LN		KENNETT SQUARE	PA	19348	
19-46-24-W3-04201.0010	71 MANGO LLC		15440 CATALPA COVE LANE		FORT MYERS	FL	33908	
19-46-24-W3-04202.0020	71 MANGO LLC		15440 CATALPA COVE LN		FORT MYERS	FL	33908	
30-46-24-W2-0020B.041A	FOREMAN BRADFORD G		50 GULF BEACH RD		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0110	DIAMOND PROPERTY ALLIANCE LLC		1900 E GOLF RD STE 1275		SCHAUMBURG	IL	60173	
19-46-24-W3-0200A.0120	BROWELL BRIAN R & DEBRA I		900 ROSA LN		LA FAYETTE	IN	47905	
19-46-24-W3-0200A.0140	COFFMAN JOYCE A		55 HIAWATHA LN		GALESBURG	IL	61401	
19-46-24-W3-0200A.0150	STUCK STEVEN L & LORRAINE M		362 MISTY PINE TR		PRUDENVILLE	MI	48651	
19-46-24-W3-0200A.0210	VOLPE KENT R +		919 WARWICK LN		LIBERTYVILLE	IL	60048	
19-46-24-W3-0200A.0220	OLSEN SUSAN L		406 SPRING CREEK CT		ALBANY	IL	61230	
19-46-24-W3-0200A.0230	RAMEY STEVEN L & NANCY K		1634 DORRELL CT		GREENWOOD	IN	46143	
19-46-24-W3-0200A.0240	KDMJ ASSOCIATES INC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
19-46-24-W3-0200A.0250	LAIRD W E & DORIS M		1125 MERCER DR		TALLAHASSEE	FL	32312	
19-46-24-W3-0200A.0310	KREUTZ DAVID TR		2580 ESTERO BLVD # 31		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0320	INCAUDO DANIEL +		20113 HARTFORD BLVD		ESTERO	FL	33928	
19-46-24-W3-0200A.0330	JOHNSTON DEAN + DEBI		PO BOX 20010	149 WESTMOUNT DR N	ORILLIA	ON	L3V 7X9	CANADA
19-46-24-W3-0200A.0340	GREGORY W GARNETT TRUST +		244 N WOODRIDGE DR		PITTSBORO	IN	46167	
19-46-24-W3-0200A.0350	T&R MULDOWNY FAMILY LLC +	CJ KENTNER	5667 N CL MYERS DR		BYRON	IL	61010	
19-46-24-W3-0200A.0410	RAMEY STEVEN L & NANCY K		1634 DORRELL CT		GREENWOOD	IN	46143	
19-46-24-W3-0200A.0420	LTE 6020 LLC		2024 OAKRIDGE ST		SAINT PAUL	MN	55119	
19-46-24-W3-0200A.0430	HV DESIGNS LLC		2592 INDIAN WELLS TRL		XENIA	OH	45385	
19-46-24-W3-0200A.0440	MANNING DEBORAH A TR		2580 ESTERO BLVD #44		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0450	ZECHINATI JAMES &		924 WESTCHESTER WAY		RICHMOND	KY	40475	
19-46-24-W3-0200A.0510	SCHRAEDER CHARLES H TR		2580 ESTERO BLVD #51		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0520	CAPPARIS PROPERTIES LLC		1500 COLONIAL BLVD #200		FORT MYERS	FL	33907	
19-46-24-W3-0200A.0530	KOOP ROBERT N & SHARON L		1137 ELMWOOD LN		ELK GROVE VILLAGE	IL	60007	
19-46-24-W3-0200A.0540	AREND DAVID L & JOANNA L		15759 ROAD 138		PAULDING	OH	45879	
19-46-24-W3-0200A.0550	HIGHLAND MANOR APARTMENTS LLC		818 LAUREN DR		VILLA HILLS	KY	41017	
19-46-24-W3-0200B.1010	GULFWAY 101 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
19-46-24-W3-0200B.1020	GULFWAY 102 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
19-46-24-W3-0200B.1030	WOLFE CHARLES G & PAMELA M		401 MONOCACY DR		BATH	PA	18014	
19-46-24-W3-0200B.1040	GARNETT RODNEY S & ALTHEA N		7377 N COUNTY ROAD 550 E		PITTSBORO	IN	46167	
19-46-24-W3-0200B.1050	ESTERO BEACH CLUB CONDO ASSN		2580 ESTERO BLVD OFC		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200B.2010	YEAGER JOHN A & M ELAINE		4923 STONEHAVEN DR		COLUMBUS	OH	43220	

19-46-24-W3-0200B.2020	ESTERO FMB RENTAL LLC	2580 ESTERO BLVD #44	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.2030	SEASHORE PROPERTIES LLC	20280 BURNSIDE PL UNIT 1202	ESTERO	FL	33928
19-46-24-W3-0200B.2040	FLORIDA WRIGHT ENTERPRISES LLC	10100 CYPRESS COVE DR UNIT 354	FORT MYERS	FL	33908
19-46-24-W3-0200B.2050	ALEXANDER MICHAEL B TR	9667 WINDGATE DR	BLOOMINGTON	IL	61705
19-46-24-W3-0200B.3010	NORRIS MARK A & SUSAN K	3155 E STRATER RD	KENDALLVILLE	IN	46755
19-46-24-W3-0200B.3020	CHESNUT STEVEN WAYNE &	6701 IDLEWILD ST	FORT MYERS	FL	33966
19-46-24-W3-0200B.3030	MEYER LAURELEE M	2580 ESTERO BLVD #303	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.3040	TUBBS THOMAS A TR	2580 ESTERO BLVD #304	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.3050	ROMBERG TINA RUIZ &	2580 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.4010	HEUCK DAVID & MICHELLE	14690 FAIR HAVEN RD	FORT MYERS	FL	33908
19-46-24-W3-0200B.4020	DELBERT G CLARK TRUST +	29785 KESTRAL LANE ST	SAINT JOSEPH	MN	56374
19-46-24-W3-0200B.4030	EBC 403 LLC	1922 MADISON ST	MADISON	WI	53711
19-46-24-W3-0200B.4040	CONKLIN KERRY P TR	12956 ROCKY POINTE ROAD	MC CORDSVILLE	IN	46055
19-46-24-W3-0200B.4050	ALLEN RICHARD JOHN	532 E POLK RD	ITHACA	MI	48847
19-46-24-W3-0200B.5010	MORRISON STEVEN L &	9207 175TH ST W	ILLINOIS CITY	IL	61259
19-46-24-W3-0200B.5020	COMBS JILL A GRAVEL &	14 OAKRIDGE CIR	WARE	MA	1082
19-46-24-W3-0200B.5030	EBC 503 LLC	1922 MADISON ST	MADISON	WI	53711
19-46-24-W3-0200B.5040	MELLEMA GARY & LARI ANN	11 HAYES CT	TROPHY CLUB	TX	76262
19-46-24-W3-0200B.5050	WRIGHT AARON DAVID LEE &	20280 BURNSIDE PL #1202	ESTERO	FL	33928
19-46-24-W3-02401.0080	WHITE ANN A	1831 ARDMORE RD	FORT MYERS	FL	33901
19-46-24-W3-02401.00C0	GAFFNEY JOSEPH J & MARGARET	4914 WEST CHESTER PIKE	NEWTOWN SQUARE	PA	19073
19-46-24-W3-02401.00D0	EVANS JOHN ROBERT JR	10715 FINTAN CT	MOKENA	IL	60448
19-46-24-W3-02402.00A0	SCHRAM JULIE TR	566 SUNSET DR	SOUTH SIOUX CITY	NE	68776
19-46-24-W3-02402.00B0	TOWNSEND THOMAS & AMY	13000 W BETHEL AVE	YORKTOWN	IN	47396
19-46-24-W3-02402.00C0	TOWNSEND AMY E & THOMAS A	13000 W BETHEL AVE	YORKTOWN	IN	47396
19-46-24-W3-02402.00D0	ISLAND HOUSE 2D LLC	1015 W JACKSON ST	MUNCIE	IN	47305
19-46-24-W3-02402.00E0	BLAKE JANICE	7253 PARK LANE	CLAY	MI	48001
19-46-24-W3-02403.00A0	MONKS ROBERT C	1073 FAIR BIRCH DR	MISSISSAUGA	ON	L5H 1M4 CANADA
19-46-24-W3-02403.00B0	KROULADIS JOHN J SR &	2560 ESTERO BLVD #38	FORT MYERS BEACH	FL	33931
19-46-24-W3-02403.00C0	CZERKIES BEACH LLC	612 ROOKERY LN	JOLIET	IL	60431
19-46-24-W3-02403.00D0	HART HOWARD E +	PO BOX 341	ELWOOD	IL	60421
19-46-24-W3-02403.00E0	WHITEHOUSE KATHLEEN M	2157 TANTALLON DR	FT MITCHELL	KY	41017
19-46-24-W3-02404.00A0	AUSMAN PAMELA	60 SPRINGWATER CHASE	NEWMAN	GA	30265
19-46-24-W3-02404.00B0	SUTTON JOSEPH CHARLES TR	711 N MILLER AVE	MARION	IN	46952
19-46-24-W3-02404.00C0	RALSON JEFFREY S TR	560 W FULTON ST UNIT 605	CHICAGO	IL	60661
19-46-24-W3-02404.00D0	TUBBS THOMAS A TR	PO BOX 763	WESTFIELD CENTER	OH	44251
19-46-24-W3-02404.00E0	TRESCHUK-BAHN JACQUELINE	1720 BROADWAY ST	MOUNT VERNON	IL	62864
19-46-24-W3-02405.00A0	GABOR PETER +	701 INDEPENDENCE PL UNIT 206	RALEIGH	NC	27603
19-46-24-W3-02405.00B0	MCCAFFREY WILLIAM F TR +	7400 BELLAIRE AVE	DUBLIN	OH	43017
19-46-24-W3-02405.00C0	NELSON WILLIAM M &	36 KENNINGTON CT	DALLAS	TX	75248
19-46-24-W3-02405.00D0	MANNING NATALIE	2560 ESTERO BLVD #5D	FORT MYERS BEACH	FL	33931
19-46-24-W3-02405.00E0	SCOTT E CZERKIES +	612 ROOKERY LN	JOLIET	IL	60431
19-46-24-W3-02406.00A0	KADO KELLY JOE & TERESA JO	2560 ESTERO BLVD #6A	FORT MYERS BEACH	FL	33931
19-46-24-W3-02406.00E0	LEVINE STEPHEN M & DIANE E	16480 RAINBOW MEADOWS CT	FORT MYERS	FL	33908
19-46-24-W3-02900.1010	BURGETT RUSSELL E TR	497 S PRAYA DR	IVINS	UT	84738
19-46-24-W3-02900.1020	SHEPHARD ROBERT W +	12392 EAGLE RIDGE CT	ESTERO	FL	33928
19-46-24-W3-02900.1030	TAYLOR GLENN & ANDREE	440 POPLAR AVE	ELMHURST	IL	60126
19-46-24-W3-02900.1040	OWENS JAMES L & DIANNE L	567 DAWES AVE	GLEN ELLYN	IL	60137
19-46-24-W3-02900.1050	MINOR KEVIN L & WENDY	N74 W22552 TWIN OAKS CT	SUSSEX	WI	53089
19-46-24-W3-02900.1060	JERRY LEE & DARLENE LOUISE WEA	2532 ESTERO BLVD #106	FORT MYERS BEACH	FL	33931
19-46-24-W3-02900.2010	LACAVA JOYCE L/E	2 SULLIVAN FARM	NEW MILFORD	CT	6776
19-46-24-W3-02900.2020	STAHL JUDITH A TR	2532 ESTERO BLVD #202	FORT MYERS BEACH	FL	33931
19-46-24-W3-02900.2030	BRIESATH RANDAL TR	2868 KENDRIDGE LN	AURORA	IL	60502
19-46-24-W3-02900.2040	KRAUSE RANDY STEVEN & JAN A	12281 N CR 2950 E	MASON CITY	IL	62664
19-46-24-W3-02900.2050	ASCEND HOMES LLC	15055 WOODCREST DR	CLIVE	IA	50325
19-46-24-W3-02900.2060	BRUNER RICHARD T +	2821 NE 46TH ST	LIGHTHOUSE POINT	FL	33064
19-46-24-W3-02900.3010	VREDENBURG JOHN F TR	21750 483RD LN	CHARITON	IA	50049
19-46-24-W3-02900.3020	GRENZ LYLE R TR	600 S TAYBERRY AVE	SIOUX FALLS	SD	57106
19-46-24-W3-02900.3030	ALICE A BRUNETTI TRUST +	16970 SAN CARLOS BLVD STE 160	FORT MYERS	FL	33908
19-46-24-W3-02900.3040	WINDFALL INC	3317 E LAKE DR N	ELKHART	IN	46514
19-46-24-W3-02900.3050	SUTTON MAVIS M	850 CEDAR ST	WATERLOO	IN	46793
19-46-24-W3-02900.3060	AMESBURY WILLIAM ROBIN JR &	12915 KINGSMILL WAY	FORT MYERS	FL	33913
19-46-24-W3-02900.4010	BURNSTINE HARRY M TR	56860 SR 15	BRISTOL	IN	46507
19-46-24-W3-02900.4020	SMITH DON SCOT TR	2532 ESTERO BLVD #402	FORT MYERS BEACH	FL	33931
19-46-24-W3-02900.4030	HAWES GARY R &	2788 EDMERE DR	ROCHESTER	NY	14612
19-46-24-W3-02900.4040	BANERIAN KIRK G & LESLIE N	2950 WOODCREEK WAY	BLOOMFIELD HILLS	MI	48304
19-46-24-W3-02900.4050	BUSCH FAMILY PROPERTIES LLC	17769 HIGHWAY W	CLARKSVILLE	MO	63336
19-46-24-W3-02900.4060	WINDFALL INC	3317 E LAKE DR N	ELKHART	IN	46514
19-46-24-W3-02900.5010	STICKLEY KIM A & PAMELA S	26725 COUNTY ROAD 52	NAPPANEE	IN	46550
19-46-24-W3-02900.5020	OYKAAS DICK E & PATRICIA T +	17026 W MANHATTAN RD	ELWOOD	IL	60421
19-46-24-W3-02900.5030	OYKAAS DICK E & PATRICIA T +	17026 W MANHATTAN RD	ELWOOD	IL	60421
19-46-24-W3-02900.5040	POHL JAMES W TR	43 ROCKVIEW DR	ROCKFORD	MI	49341
19-46-24-W3-02900.5050	DORNFELD LEE V & DONNA	303 KIRKWOOD GLEN CIR	LOUISVILLE	KY	40207
19-46-24-W3-02900.5060	BARRETT HILARY W +	3668 GORDON RD	ELKHART	IN	46516
19-46-24-W3-02900.6010	FIELDS GARY L TR	4751 OLSON LAKE TRAIL N	LAKE ELMO	MN	55042
19-46-24-W3-02900.6020	FRANCIS J GALVIN TRUST +	1171 STANDISH CT	NAPERVILLE	IL	60540
19-46-24-W3-02900.6030	OYKAAS DICK E & PATRICIA T	17026 W MANHATTAN RD	ELWOOD	IL	60421
19-46-24-W3-02900.6040	MANDATE CAPITAL LLC	160 3RD AVE SW	PERHAM	MN	56573
19-46-24-W3-02900.6050	MCKEOWN PATRICK G &	155 SAINTGEORGE PL	ATHENS	GA	30606
19-46-24-W3-02900.6060	PELICAN PARTNERS	8183 RUSH PL	INDIANAPOLIS	IN	46250
19-46-24-W3-02900.1070	OYKAAS DICK E & PATRICIA T +	17026 W MANHATTAN RD	ELWOOD	IL	60421
19-46-24-W3-02900.1080	HENDRIX EDGAR P	1219 TWIN PALM DR	FORT MYERS	FL	33919
19-46-24-W3-02900.2070	BERKEY BRIAN D TR	690 LAKESIDE DR	ROME CITY	IN	46784
19-46-24-W3-02900.2080	PETER WILLIAM C +	2532 ESTERO BLVD #205	FORT MYERS BEACH	FL	33931
19-46-24-W3-02900.3070	SIEFFRING RICHARD M TR	3374 ARLINGTON PL	BEAVERCREEK	OH	45434
19-46-24-W3-02900.3080	MEYER STEPHEN P	2532 ESTERO BLVD #308	FORT MYERS BEACH	FL	33931
19-46-24-W3-02900.4070	MARSHALL MARYLU B L/E	7204 RUSTIC TRAIL	BOULDER	CO	80301
19-46-24-W3-02900.4080	SPITZER ARDEN L & SANDRA C	555 DEER LAKE DR	FINDLAY	OH	45840
19-46-24-W3-02900.5070	WILTSE GARY ALAN &	930 W SAVIDGE ST UNIT 19	SPRING LAKE	MI	49456
19-46-24-W3-02900.5080	ONKEN JAMES H & LYNN E +	314 W ROOSEVELT RD	MASON CITY	IL	62664
19-46-24-W3-02900.6070	GROLMUS MARY JO ANN	872 FOSTER RD	IOWA CITY	IA	52245
19-46-24-W3-02900.6080	ROBshaw RICHARD P	2532 ESTERO BLVD # 608	FORT MYERS BEACH	FL	33931
19-46-24-W3-04100.0011	TROPICAL SHORES LLC	5302 BROOKSIDE LN	WASHINGTON	MI	48094
19-46-24-W3-04100.0012	MAROTTA JAMES & LINDA	83 VAN DYKE RD	HOPEWELL	NJ	8525

JAFFREY M WELLS

19-46-24-W3-04100.0021	TROPICAL SHORES LLC	5302 BROOKSIDE LN	WASHINGTON	MI	48094
19-46-24-W3-04100.0022	TROPICAL SHORES LLC	5302 BROOKSIDE LN	WASHINGTON	MI	48094



SK FMB GROUP LLC
17761 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

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

GULF BEACH LLC
100 GULF BEACH RD
FORT MYERS BEACH FL 33931

DJ AREND FARMS INC
15759 RD 138
PAULDING OH 45879

REEF OF FMB LLC
JARET BISHOP
2411 US RT 22 SW
WASHINGTON COURT HOUSE OH 43160

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

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

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

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

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

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

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

WOLFPACK PROPERTIES LLC
567 SIMBURY ST
COLUMBUS OH 43228

NANKO RAYMOND S
919 WEST JACKSON ST
MUNCIE IN 47305

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

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

YANKE RONALD
328 BUCKLIN ST
LA SALLE IL 61301

FRENCH EDWIN T III
PO BOX 22538
INDIANAPOLIS IN 46222

FRENCH EDWIN T III
PO BOX 22538
INDIANAPOLIS IN 46222

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

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

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

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

FMB COTTAGE LLC
2440 COTTAGE AVE
FORT MYERS BEACH FL 33931

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

PAISLEY LLC
414 MARKET ST
IOWA CITY IA 52245

MCLAUGHLIN SAMUEL R &
4700 EDEN PARK DR
ZANESVILLE OH 43701

SCHLICHTE EDITH
61 MANGO ST
FORT MYERS BEACH FL 33931

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

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

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

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

BOREK TINA D
1605 PENNSAUKEN ST
CINNAMINSON NJ 08077

MANGO STREET LLC
126 MANGO ST
FORT MYERS BEACH FL 33931

PAOLERCIO WILLIAM
2367 JIM HENRY RD
DANDRIDGE TN 37725

MERIDIAN ENTERPRISES II LLC
2248 OLD STATE RD
BEAUFORT MO 63013

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

BIG MARLIN PROPERTIES LLC
4704 VINCENNES BLVD
CAPE CORAL FL 33904

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

RYAN JAMES
JASMINE RYAN
102 JEAN ST
OCONOMOWOC WI 53066

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

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

GP REALTY CO OF CLEVELAND LTD
2369 HUNTERS CREEK CIR
HINCKLEY OH 44233

TOMMAR INC
9616 ROUND LAKE BLVD
WHITE LAKE MI 48386

OLOUGHLIN DEREK W
30111 BATES RD
PERRYSBURG OH 43551

WHITEHEAD LELAND S &
1155 NW 97TH DR
CORAL SPRINGS FL 33071

ESTERO BEACH CLUB CONDO ASSN
15751 SAN CAROLOS BLVD #8
FORT MYERS FL 33908

ISLAND HOUSE BEACH CLUB ASSN
2560 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

PELICAN WATCH CONDO ASSOC
BOBACK COMMERCIAL GROUP
STE 203
10491 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

TROPICAL SHORES ASSN
2550 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

71 MANGO LLC
15440 CATALPA COVE LANE
FORT MYERS FL 33908

71 MANGO LLC
15440 CATALPA COVE LN
FORT MYERS FL 33908

FOREMAN BRADFORD G
50 GULF BEACH RD
FORT MYERS BEACH FL 33931

DIAMOND PROPERTY ALLIANCE LLC
1900 E GOLF RD STE 1275
SCHAUMBURG IL 60173

BROWELL BRIAN R & DEBRA I
900 ROSA LN
LAFAYETTE IN 47905

COFFMAN JOYCE A
55 HIAWATHA LN
GALESBURG IL 61401

STUCK STEVEN L & LORRAINE M
362 MISTY PINE TR
PRUDENVILLE MI 48651

VOLPE KENT R +
919 WARWICK LN
LIBERTYVILLE IL 60048

OLSEN SUSAN L
406 SPRING CREEK CT
ALBANY IL 61230

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

KDMJ ASSOCIATES INC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

LAIRD W E & DORIS M
1125 MERCER DR
TALLAHASSEE FL 32312

KREUTZ DAVID TR
2580 ESTERO BLVD # 31
FORT MYERS BEACH FL 33931

INCAUDO DANIEL +
20113 HARTFORD BLVD
ESTERO FL 33928

JOHNSTON DEAN + DEBI
PO BOX 20010
149 WESTMOUNT DR N
ORILLIA ON L3V 7X9
CANADA

GREGORY W GARNETT TRUST +
244 N WOODRIDGE DR
PITTSBORO IN 46167

T&R MULDOWNNEY FAMILY LLC +
CJ KENTNER
5667 N CL MYERS DR
BYRON IL 61010

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

LTE 6020 LLC
2024 OAKRIDGE ST
SAINT PAUL MN 55119

HV DESIGNS LLC
2592 INDIAN WELLS TRL
XENIA OH 45385

MANNING DEBORAH A TR
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

ZECHINATI JAMES &
924 WESTCHESTER WAY
RICHMOND KY 40475

SCHRADER CHARLES H TR
2580 ESTERO BLVD #51
FORT MYERS BEACH FL 33931

CAPPARIS PROPERTIES LLC
1500 COLONIAL BLVD #200
FORT MYERS FL 33907

KOOP ROBERT N & SHARON L
1137 ELMWOOD LN
ELK GROVE VILLAGE IL 60007

AREND DAVID L & JOANNA L
15759 ROAD 138
PAULDING OH 45879

HIGHLAND MANOR APARTMENTS LLC
818 LAUREN DR
VILLA HILLS KY 41017

GULFWAY 101 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

GULFWAY 102 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

WOLFE CHARLES G & PAMELA M
401 MONOCACY DR
BATH PA 18014

GARNETT RODNEY S & ALTHEA N
7377 N COUNTY ROAD 550 E
PITTSBORO IN 46167

ESTERO BEACH CLUB CONDO ASSN
2580 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

YEAGER JOHN A & MELAINE
4923 STONEHAVEN DR
COLUMBUS OH 43220

ESTERO FMB RENTAL LLC
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

SEASHORE PROPERTIES LLC
20280 BURNSIDE PL UNIT 1202
ESTERO FL 33928

FLORIDA WRIGHT ENTERPRISES LLC
10100 CYPRESS COVE DR UNIT 354
FORT MYERS FL 33908

ALEXANDER MICHAEL B TR
9667 WINDGATE DR
BLOOMINGTON IL 61705

NORRIS MARK A & SUSAN K
3155 E STRATER RD
KENDALLVILLE IN 46755

CHESNUT STEVEN WAYNE &
6701 IDLEWILD ST
FORT MYERS FL 33966

MEYER LAURELEE M
2580 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

TUBBS THOMAS A TR
2580 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

ROMBERG TINA RUIZ &
2580 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HEUCK DAVID & MICHELLE
14690 FAIR HAVEN RD
FORT MYERS FL 33908

DELBERT G CLARK TRUST +
29785 KESTRAL LANE ST
SAINT JOSEPH MN 56374

EBC 403 LLC
1922 MADISON ST
MADISON WI 53711

CONKLIN KERRY P TR
12956 ROCKY POINTE ROAD
MC CORDSVILLE IN 46055

ALLEN RICHARD JOHN
532 E POLK RD
ITHACA MI 48847

MORRISON STEVEN L &
9207 175TH ST W
ILLINOIS CITY IL 61259

COMBS JILL A GRAVEL &
14 OAKRIDGE CIR
WARE MA 01082

EBC 503 LLC
1922 MADISON ST
MADISON WI 53711

MELLEMA GARY & LARI ANN
11 HAYES CT
TROPHY CLUB TX 76262

WRIGHT AARON DAVID LEE &
20280 BURNSIDE PL #1202
ESTERO FL 33928

WHITE ANN A
1831 ARDMORE RD
FORT MYERS FL 33901

GAFFNEY JOSEPH J & MARGARET
4914 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

EVANS JOHN ROBERT JR
10715 FINTAN CT
MOKENA IL 60448

SCHRAM JULIE TR
566 SUNSET DR
SOUTH SIOUX CITY NE 68776

TOWNSEND THOMAS & AMY
13000 W BETHEL AVE
YORKTOWN IN 47396

TOWNSEND AMY E & THOMAS A
13000 W BETHEL AVE
YORKTOWN IN 47396

ISLAND HOUSE 2D LLC
1015 W JACKSON ST
MUNCIE IN 47305

BLAKE JANICE
7253 PARK LANE
CLAY MI 48001

MONKS ROBERT C
1073 FAIR BIRCH DR
MISSISSAUGA ON L5H 1M4
CANADA

KROULAUDIS JOHN J SR &
2560 ESTERO BLVD #3B
FORT MYERS BEACH FL 33931

CZERKIES BEACH LLC
612 ROOKERY LN
JOLIET IL 60431

HART HOWARD E +
PO BOX 341
ELWOOD IL 60421

WHITEHOUSE KATHLEEN M
2157 TANTALLON DR
FT MITCHELL KY 41017

AUSMAN PAMELA
60 SPRINGWATER CHASE
NEWNAN GA 30265

SUTTON JOSEPH CHARLES TR
711 N MILLER AVE
MARION IN 46952

RALSON JEFFREY S TR
560 W FULTON ST UNIT 605
CHICAGO IL 60661

TUBBS THOMAS A TR
PO BOX 763
WESTFIELD CENTER OH 44251

TRESCHUK-BAHN JACQUELINE
1720 BROADWAY ST
MOUNT VERNON IL 62864

GABOR PETER +
701 INDEPENDENCE PL UNIT 206
RALEIGH NC 27603

MCCAFFREY WILLIAM F TR +
7400 BELLAIRE AVE
DUBLIN OH 43017

NELSON WILLIAM M &
36 KENNINGTON CT
DALLAS TX 75248

MANNING NATALIE
2560 ESTERO BLVD #5D
FORT MYERS BEACH FL 33931

SCOTT E CZERKIES +
612 ROOKERY LN
JOLIET IL 60431

KADO KELLY JOE & TERESA JO
2560 ESTERO BLVD #6A
FORT MYERS BEACH FL 33931

LEVINE STEPHEN M & DIANE E
16480 RAINBOW MEADOWS CT
FORT MYERS FL 33908

BURGETT RUSSELL E TR
497 S PRAYA DR
IVINS UT 84738

SHEPHARD ROBERT W +
12392 EAGLE RIDGE CT
ESTERO FL 33928

TAYLOR GLENN & ANDREE
440 POPLAR AVE
ELMHURST IL 60126

OWENS JAMES L & DIANNE L
567 DAWES AVE
GLEN ELLYN IL 60137

MINOR KEVIN L & WENDY
N74 W22552 TWIN OAKS CT
SUSSEX WI 53089

JERRY LEE & DARLENE LOUISE WEA
2532 ESTERO BLVD #106
FORT MYERS BEACH FL 33931

LACAVA JOYCE L/E
2 SULLIVAN FARM
NEW MILFORD CT 06776

STAHL JUDITH A TR
2532 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

BRIESATH RANDAL TR
2868 KENDRIDGE LN
AURORA IL 60502

KRAUSE RANDY STEVEN & JAN A
12281 N CR 2950 E
MASON CITY IL 62664

ASCEND HOMES LLC
15055 WOODCREST DR
CLIVE IA 50325

BRUNER RICHARD T +
2821 NE 46TH ST
LIGHTHOUSE POINT FL 33064

VREDENBURG JOHN F TR
21750 483RD LN
CHARITON IA 50049

GRENZ LYLE R TR
600 S TAYBERRY AVE
SIOUX FALLS SD 57106

ALICE A BRUNETTI TRUST +
16970 SAN CARLOS BLVD STE 160
PO BOX 346
FORT MYERS FL 33908

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

SUTTON MAVIS M
850 CEDAR ST
WATERLOO IN 46793

AMESBURY WILLIAM ROBIN JR &
12915 KINGSMILL WAY
FORT MYERS FL 33913

BURNSTINE HARRY M TR
56860 SR 15
BRISTOL IN 46507

SMITH DON SCOT TR
2532 ESTERO BLVD #402
FORT MYERS BEACH FL 33931

HAWES GARY R &
2788 EDGEMERE DR
ROCHESTER NY 14612

BANERIAN KIRK G & LESLIE N
2950 WOODCREEK WAY
BLOOMFIELD HILLS MI 48304

BUSCH FAMILY PROPERTIES LLC
17769 HIGHWAY W
CLARKSVILLE MO 63336

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

STICKLEY KIM A & PAMELA S
26725 COUNTY ROAD 52
NAPPANEE IN 46550

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

POHL JAMES W TR
43 ROCKVIEW DR
ROCKFORD MI 49341

DORNFELD LEE V & DONNA
303 KIRKWOOD GLEN CIR
LOUISVILLE KY 40207

BARRETT HILARY W +
JAFFREY M WELLS
3668 GORDON RD
ELKHART IN 46516

FIELDS GARY L TR
4751 OLSON LAKE TRAIL N
LAKE ELMO MN 55042

FRANCIS J GALVIN TRUST +
1171 STANDISH CT
NAPERVILLE IL 60540

OOYKAAS DICK E & PATRICIA T
17026 W MANHATTAN RD
ELWOOD IL 60421

MANDATE CAPITAL LLC
160 3RD AVE SW
PERHAM MN 56573

MCKEOWN PATRICK G &
155 SAINTGEORGE PL
ATHENS GA 30606

PELICAN PARTNERS
8183 RUSH PL
INDIANAPOLIS IN 46250

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

HENDRIX EDGAR P
1219 TWIN PALM DR
FORT MYERS FL 33919

BERKEY BRIAN D TR
690 LAKESIDE DR
ROME CITY IN 46784

PETER WILLIAM C +
2532 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

SIEFRING RICHARD M TR
3374 ARLINGTON PL
BEAVERCREEK OH 45434

MEYER STEPHEN P
2532 ESTERO BLVD #308
FORT MYERS BEACH FL 33931

MARSHALL MARYLU B L/E
7204 RUSTIC TRAIL
BOULDER CO 80301

SPITZER ARDEN L & SANDRA C
555 DEER LAKE DR
FINDLAY OH 45840

WILTSE GARY ALAN &
930 W SAVIDGE ST UNIT 19
SPRING LAKE MI 49456

ONKEN JAMES H & LYNNE E +
314 W ROOSEVELT RD
MASON CITY IL 62664

GROLMUS MARY JO ANN
872 FOSTER RD
IOWA CITY IA 52245

ROBSHAW RICHARD P
2532 ESTERO BLVD # 608
FORT MYERS BEACH FL 33931

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

MAROTTA JAMES & LINDA
83 VAN DYKE RD
HOPEWELL NJ 08525

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-D

Additional Required Information for a Planned Development Application

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

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

Project Name: 2500 Estero CPD
Authorized Applicant: Empire Holding Corp., an Indiana Corporation as Trustee for Ann Trust
STRAP Number(s): 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, & 19-46-24-W3-0120A.013A

Current Property Status: Vacant
Current Zoning: CPD & RM
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ☐ yes, ☒ no FLUM Density Range: 6 du/ac

Requested Action:

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

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☐	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☒	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)
Please see attached Narrative	

B. Phasing of Construction

☐	The development is to be constructed in a single phase.
☒	The development is to be constructed in phases as follows: (describe proposed phasing below)
Please see attached Narrative	



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

D. Design Standards Compliance

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

[illegible]

E. Decision-making Compliance

Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

Please see attached Narrative

F. Schedule of deviations and written justification

Provide a list of the requested deviations keyed to the Master Concept Plan and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

Please see attached Narrative



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

[illegible]

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

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

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

Guide to Filing Supplement PH-D for Planned Developments

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

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

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

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Part 1 Narrative Statements:

Comprehensive Plan Amendments

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

Construction Phasing

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

Comprehensive Plan Compliance

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

Design Standards Compliance

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

Decision-making compliance

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

Schedule of deviations and written justification

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

Administrative amendments

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

Part 2 Submittal Requirements

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

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

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

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

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

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

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

**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

NARRATIVE

BACKGROUND & REQUEST

The subject property is located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave. and is comprised of four parcels (STRAP #'s: 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, and 19-46-24-W3-0120A.013A), totaling +/- 0.691 acres (See Figure 1). The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *CPD, Commercial Boulevard (CB) and Residential Multifamily (RM)* Zoning Districts.



Figure 1. Location Map



The Neighborhood Company on behalf of Empire Holding Corp., an Indiana corporation as Trustee for Ann Trust, is submitting this Planned Development Rezone (Amendment) Application to request the following:

- Expand the existing CPD boundary approved under CPD Resolution #07-28 by rezoning 2518 Estero Boulevard (STRAP#: 19-46-24-W3-01301.0000) from Commercial Boulevard (CB) and 2543 Cottage Avenue (STRAP#: 19-46-24-W3-0120A.013A) from Residential Multifamily (RM), adding an Interim - Option "B" Master Concept Plan (MCP – Opt. B) and amending the schedule of uses.

Historically, the property located at 2500 Estero Boulevard was home to several restaurants such as The Holmes House, Smitty's on the Beach and the Mucky Duck. The last restaurant use was removed in 2005 with that portion of the site remaining vacant. The property located at 2518 Estero Boulevard was purchased in 2014 and developed with a single-family home which was destroyed by Hurricane Ian. The 2543 Cottage Avenue property consisted of a single-family home which was destroyed by Hurricane Ian and subsequently purchased by the applicant in April of 2022.

The existing CPD consists of a 0.52± acre parcel with a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus (3) residential units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories. In light of the acquisition of the additional properties, increasing the CPD boundary area to +/- 0.691 acres, and significant changes impacting redevelopment opportunities that have taken place on the island since the approval of the CPD, the applicant is requesting this amendment to ultimately allow for, on an interim basis, mobile vendors/transient merchants with outdoor seating/recreation area, consumption on premises, and a commercial parking lot within the new CPD boundary area.

PROPOSED USE/DEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 07-28. Prior to Hurricane Ian, the subject properties included two residential structures and a previous restaurant. The subject of this petition is to increase the property boundary through the addition of Lot 1 and the remainder of Lot 13, add mobile vendors and transient merchants with an outdoor seating/recreation area, consumption on premises, commercial parking lot, and to create an MCP – Opt. B specifically related to these added interim uses. The proposed uses associated with this amendment reflect the conditions on the island due to the impacts of Hurricane Ian. The town is currently faced with the arduous task to redevelop as efficiently and effectively as possible with uses and facilities needed, wanted, and as the market may dictate over time to support the residents and visitors.

The existing CPD allows for a maximum of 23,067 square feet of floor area, consisting of 9,952 square feet of commercial and office and three (3) residential units. The property owners do not feel that now is the right time for the previously approved development but do feel they could provide a benefit to the island through the development of an interim development consisting of mobile vendors and transient merchants with outdoor seating/recreation area and commercial parking. The interim uses would exist until such a time as their ultimate goal of either redeveloping the property as previously approved or further amendments based on the evolution of the town's redevelopment effort.



The following list includes the existing and proposed uses and development standards as depicted on MCP – Opt. B or to remain from Res. 07-28. The additional uses being requested through this proposed amendment are listed in **bold**. The requested deviations and justifications (Section F: Schedule of Deviations and Justifications) are included within the submittal documents.

Schedule of Uses:

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- **MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING/RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B**
- **CONSUMPTION ON PREMISES (BEER AND WINE ONLY) WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B**
- **COMMERCIAL PARKING LOT**

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE: **30,099.96**+/- SQUARE FEET OR **0.691**+/- ACRES

MINIMUM LOT WIDTH: **213** +/- FEET ALONG ESTERO BOULEVARD

MINIMUM LOT DEPTH: 150 +/- FEET ALONG CHAPEL STREET

MINIMUM LOT WIDTH: **187** +/-FEET ALONG COTTAGE AVENUE



MINIMUM SETBACKS:

- STREET: 5 FEET (ESTERO BOULEVARD)
10 FEET (CHAPEL STREET)
10 FEET (COTTAGE STREET)
- SIDE: 5 FEET

MAXIMUM HEIGHT: 40 FEET ABOVE BASE FLOOD ELEVATION/3 STORIES

MAXIMUM INTENSITY:

TO REMAIN CONSISTENT WITH RESOLUTION 07-28.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

The subject property is located approximately 1.07 miles from Times Square and is southwest of the area known as the Civic Center of Fort Myers Beach. The properties front on the southside of Estero Boulevard; north of Cottage Avenue; and to the east of Chapel Street. The project is surrounded by vacant commercial properties as well as single and multifamily residential properties.

Site Design

The property's location on Estero Boulevard, near the Civic Center and an existing public beach access has presented an opportunity for redevelopment which will provide additional options for eating, shopping and parking for island residents and guests while the island is recovering. The proposed MCP – Opt. B depicts improvements to the site that provide a functional and attractive layout containing a mobile vendor/transient merchant park with outdoor seating/recreation area and a commercial parking lot in a manner that provides an interim option as the town recovers. The concept site is designed for six improved pads with utility hookups for mobile vendors and transient merchants which will surround an outdoor seating and recreation area. Additional outdoor seating is also proposed along Estero Boulevard to further activate the public realm. Allowing this mobile vendor/transient merchant park, with the commercial parking lot and public restrooms, will provide island residents and visitors an opportunity to walk, bike, drive, or use public transit to a destination they can eat, relax and socialize while also being in close proximity to the beach.

The Town of Fort Myers Beach Land Development Code (LDC) does not provide specific parking requirements for a mobile vendor/transient merchant park. Through our research of neighboring municipality parking regulations, we found the average parking requirement is three (3) spaces per mobile vendor/transient merchant and 1 parking space per 15 seats. Based on the current plan of 6 vendor spaces and our assumption of approximately 60 seats, we estimate the required number of parking spaces to be 22. There are a total of 43 parking spaces being provided on site to support the interim uses and to provide parking for visitors to the beach or other commercial properties in the area.



The proposed improvements to the now vacant site on Estero Boulevard will provide a more attractive pedestrian and public realm. The site has been designed so that the access from Estero Boulevard will be restricted and controlled for mobile vendor/transient merchant access only, while the public will gain access from Chapel Street.

The proposed site design proposes buffers to be provided at a width of 10' along Cottage Avenue, Chapel Street, and a portion of Estero Boulevard. A 10' buffer with opaque fence is proposed along the eastern boundary to create more compatibility with the Residential Multi-family zoned properties to the east. The development will provide improved pads for the mobile vendors/transient merchants with power and water hookups at the eastern side of the property surrounding an outdoor seating and recreation area. As indicated on MCP – Opt. B, the outdoor COP area includes the mobile vendor/transient merchant area and extends from the eastern CPD boundary, south of the Estero Boulevard property line, west to the eastern parking lot boundary and south to just beyond the public restrooms. Adjacent to the Estero Boulevard sidewalk between the mobile vendor/transient merchant entrance and the parking lot, will be an outdoor seating area for patrons within the COP boundary, with onsite bicycle parking and a pedestrian connection. The proposed pedestrian connection extends from the Estero Boulevard sidewalk between the eastern portion of the parking lot and the mobile vendor/transient merchant locations leading south to the public restrooms. Public restrooms and onsite storage for the mobile vendor/transient merchant park will be located in the southeastern corner of the property near Cottage Avenue.

The proposed hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. Any outdoor entertainment, if promoted, will be permitted until 10 pm and located within the outdoor seating and recreation area as depicted on the proposed MCP – Opt. B, helping to minimize any sound spillage to the surrounding properties. The type of entertainment proposed is envisioned to be limited to amplified acoustical solo and duo acts that would complement this family-oriented venue.

Vehicular and Pedestrian access

The site design outlined on MCP – Opt. B provides a direct pedestrian connection from the Estero Boulevard sidewalk to the commercial parking lot and public restrooms at the southeast corner of the site. The primary vehicular access to the site is from Chapel Street, while the mobile vendors/transient merchants will access the site from a restricted and controlled existing access on Estero Boulevard. The parking lot configuration will allow two-way traffic through a 22' drive aisle, allowing traffic to move freely in a logical two-way circulation pattern and to provide safe ingress and egress movements from Chapel Street. The site will also provide bicycle parking on the northern border of the site near Estero Boulevard. Pedestrians will also have access onto Chapel Street from the parking lot, Chapel Street leads directly to the public beach access #26.

Buffers and Screening

There are 10' wide buffers along the south, west, and a portion of the northern property line. A 5' buffer is proposed on the northeastern property line, while a 10' wide buffer and 6' opaque privacy fence is proposed along the southeastern property line where the site is adjacent to the RM zoned property. The proposed buffers will provide aesthetically pleasing views while ensuring compatibility with the adjoining properties. All the buffers will comply with Condition #3 of Resolution 07-28 which states the following:



3. At the time of Development Order, the applicant must provide the following buffers:

Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row.

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row.

Along the southeast property lines that depicts a 6-foot-high wall, a 3-foot-high hedge planted in a double staggered row to be planted on the outside of the wall.

Along Cottage Avenue, (the south property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row.

Landscaping in the parking area will be in compliance with the Land Development Code at the time of development order. The proposed landscaping and buffers will contribute to enhancing the public realm and providing an aesthetically pleasing environment for patrons, island residents and visitors.

Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Boulevard	Institutional	Estero Blvd. - Vacant (prior place of worship)
SOUTH	Boulevard	Residential Multifamily	Cottage Ave. - Vacant (prior single-family)
EAST	Boulevard	Residential Multifamily	Vacant (prior Pelican Watch Condominiums-multifamily & single-family)
WEST	Boulevard	Commercial Boulevard & Residential Multifamily	Chapel St. - Food Truck (prior Restaurant & office) and vacant (prior single-family)



Compatibility

The site design for Option “B” has considered the established surrounding uses, the site location on Estero Boulevard, and the needs of the island community. This area of the island was heavily damaged by Hurricane Ian and many of the surrounding properties are currently vacant. The redevelopment in this area has yet to be completed as property owners and Town staff determine the future use of their property and work through the permitting processes. The previous uses surrounding the property were town hall, a place of worship, restaurant, office, and single and multi-family residences. The previously approved CPD included compatible uses such as multi-family residential, lodging units for periods of one week or more, offices, retail, and through administrative approval, both daycare center and cultural facilities. The proposed uses included in this CPD Amendment request will not negatively impact the public’s health, safety, and welfare. They are complementary and consistent with the previously approved uses and will contribute to the island’s recovery efforts through the addition of options for eating, shopping and available parking.

The development standards, proposed buffers and screening, and location of the vendors as well as connecting to existing services further ensure compatibility with adjacent uses and are appropriate for property located in the Boulevard Future Land Use Category District. The existing public beach access location on Chapel Street and the commercial parking lot create a reciprocal relationship which provides additional spaces for the public and access to the beach. The addition of public restrooms will also be a benefit to island visitors as they come and go from the beach access. The mobile vendors/transient merchants will provide alternative locations for eating, shopping and outdoor entertainment to include items such as outdoor seating, corn hole, volleyball, etc. Access to parking, eating establishments, and entertainment are all components of a vibrant successful community, the addition of the proposed uses for this site supports the island during this recovery and are compatible with the approved uses within this area of the island.



**THE FOLLOWING ADDRESSES APPLICABLE SECTIONS PROVIDED FOR IN THE
PLANNED DEVELOPMENT APPLICATION – SUPPLEMENT PHD FORM:**

A. COMPREHENSIVE PLAN AMENDMENTS

The following Comprehensive Plan Amendments are pending and could affect the future use of this property:

**Mixed Use Districts Designation –
Civic Center and Coconut Village RV Park Mixed-Use District**



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development will be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

OBJECTIVE 1-A ESTERO BOULEVARD — Improve the functioning and appearance of Estero Boulevard as the premier public space and primary circulation route of Fort Myers Beach.

POLICY 1-A-1 Changes along Estero Boulevard should improve on the characteristics that make it a boulevard in character and not just in name: safe and interesting to walk along, impressive landscaping, and scaled to people rather than high-speed traffic.

The proposed development features enhancements to the frontage along Estero Boulevard and throughout the site. These enhancements will include a 10' foot landscaped buffer along the western portion of the property adjacent to Estero Boulevard. The remaining frontage along Estero will include a pedestrian connection with bicycle parking on the site as well as an outdoor seating area for mobile vendor/transient merchant customers to help activate the public realm. The design of the mobile vendor/transient merchant park will provide an attractive and interesting visual component to the island with the mobile vendor/transient merchant sites to be located around an outdoor seating and recreation area with extensive landscaping to complement the park and surrounding area. The site will also feature commercial parking a short walking distance to transit stops and public beach access. It will also have onsite bicycle racks and sidewalks along Estero Boulevard, all features to fulfill the intent of Objective 1-A and Policy 1-A-1. These enhancements create a development easily accessible and safe for pedestrians, while improving the appearance for residents and visitors on the primary circulation route of Fort Myers Beach, thus supporting the "Estero Blvd" vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

FUTURE LAND USE ELEMENT:

GOAL 4: To keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage that a hurricane could inflict.

OBJECTIVE 4-A SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move around without their cars even in the midst of peak-season congestion.

The proposed amendment provides for the option to allow for a mobile vendor/transient merchant park as an interim use in an area of the island that has been heavily damaged by Hurricane Ian. This location will provide an area for island residents and visitors to purchase food and goods, enjoy the ambiance of the activity along Estero Boulevard, access to the beach, and interaction with one another in a unique market setting. The proposed option for the mobile vending market park will include outdoor seating and a recreation area to provide patrons an option for either obtaining food and beverages in an outdoor setting, shopping, all while enjoying a pedestrian friendly atmosphere with a direct connection from the Estero Boulevard pathway to the market or access to the nearby public beach access #26. Through the implementation of these elements, the development will enhance the public realm of Fort Myers Beach and add to its unique small-town character.



Policy 4-A-2 The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.

Located along Estero Boulevard, and in close proximity to transient lodging, other commercial and residential uses, the proposed amendment will provide for a unique commercial mobile marketplace on an interim basis as the town continues to recover and redevelop from the impacts of Hurricane Ian. The proposed site configuration, as shown on the MCP – Option B, contributes to the pedestrian oriented public realm by promoting the mobile vending park and the outdoor seating directly along a portion of Estero Boulevard. Enhanced landscaping, pedestrian connections to the site, and bicycle parking are elements that will provide and create a more desirable place to walk along and encourage the public to stop and enjoy the mobile vending marketplace. This interim commercial activity and the enhancements proposed will help provide for a more inviting, safer, visually attractive project ensuring locational compatibility and improved pedestrian-oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanent. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and contribute to the pedestrian-oriented public realm. The site plan proposes to provide enhancements to the public realm through the appropriate landscaped buffers, clearly defined pedestrian walkways connecting the existing sidewalk along Estero Boulevard. The proposed commercial mobile vending park will be complementary to the other commercial uses within this area and within an easy walk or bike trip to Time Square/Downtown area. The proposed buffers, which remain consistent with the existing CPD approval, ensure the interim uses do not negatively impact the nearby residences across from Cottage Street. These proposed enhancements that contribute to the pedestrian-oriented public realm along Estero Boulevard, the commercial uses proposed, and site design/buffering ensure consistency with Policy 4-B-5.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The existing mixed-use development uses based on the schedule of uses is still applicable and was found to be compatible and complementary to the surrounding area. The proposed interim mobile vending park use that would be allowed under the amendment will also be sensitive to the surrounding area. Maintaining the approved buffers, opaque fence, enhanced landscaping, and based on the layout that directs the mobile vendor park and associated activity toward Estero Boulevard will continue to ensure compatibility and enhancements to the public realm.

COASTAL MANAGEMENT ELEMENT:

GOAL 5: To keep the public aware of the potential effects of hurricanes and tropical storms and to plan a more sustainable redevelopment pattern that protects coastal resources, minimizes threats to life and property, and limits public expenditures in areas subject to destruction by storms.

POLICY 5-A-1 The town shall maintain and enforce building codes at least as stringent as required by Florida law to limit the potential damage of structures from hurricanes and tropical storms. These codes shall include wind-resistance commensurate with the risk of a coastal environment and building elevation requirements that conform with federal laws and Flood Insurance Rate Maps.

As stated per Objective 4-D, the proposed development of the site will be in compliance with all applicable federal, state and local regulations to develop a more resilient commercial property to serve the residents and visitors of Fort Myers Beach. A hurricane action plan will be prepared to address the timing and required removal of any applicable structures/mobile units prior to a hurricane event.

TRANSPORTATION ELEMENT

GOAL 7: To improve peak-season mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off- island systems, and parking options matched to road capacity.



POLICY 7-D-3 ALTERNATE TRAVEL MODES

The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas.

POLICY 7-F-1 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.

To better serve the public and a goal of "park-once", the proposed site design includes a parking layout and circulation which will allow the public to utilize the parking sites for not only the mobile vendor/transient merchant park but also for additional paid public parking for access to the beach and/or other destinations along Estero Boulevard. The project also encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking located on the property and pedestrian connectivity along Estero Boulevard to the two LeeTran "Trollee" stops less than 500 feet away, less than a minute walk, from the property.

UTILITIES ELEMENT

GOAL 8: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.

POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.

The proposed development will provide connections to electric, central water and sewer utilities for the mobile vendors and the public restrooms as mandated by the Town of Fort Myers Beach.



D. DESIGN STANDARDS COMPLIANCE

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case the proposed mobile vendor/transient merchant park and commercial parking lot will likely not have permanently constructed buildings at the on-set of the park's development. If newly built buildings are desired, appropriate approvals will be obtained to ensure compliance with standards and regulations. Site improvements, to include bicycle parking, direct pedestrian connections to and from the existing sidewalk and the parking area would be consistent with the intent of the applicable Commercial design standards pursuant to sec.34-991 through 34-1010.

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DECISION-MAKING COMPLIANCE

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

There are no known errors or ambiguity that must be corrected in relation to the requested CPD amendment. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Through the proposed CPD rezone request, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

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

The Town of Fort Myers Beach has been devastated by Hurricane Ian. The proposed CPD amendment will allow the establishment of a mobile vendor/transient merchant park and commercial parking lot as an interim use. This will allow the property owner to provide needed amenities to visitors and residents alike as the Town recovers and future development needs and wants become known.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(4) The testimony of any applicant.

The professional experts retained to support the petition will provide future testimony during the appropriate public hearings.

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

The petition will be reviewed by staff, expert testimony will be provided during the public hearing process before the Local Planning Agency and a recommendation will be made to the Town Council.

(6) The testimony of the public.

The public will be provided with the opportunity to testify before the LPA and Town Council. Such testimony will be evaluated as applicable and appropriate to the request for the LPA's recommendation and Town Council's decision.

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

Please see Section C above, which explains how the petition is consistent with the town's comprehensive plan.



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

It is important to note a Commercial Planned Development provides the regulatory flexibility that allows for creative design and development options to address site constraints and needs of the community to redevelop. The proposed Master Concept Plan (MCP) Option "B" depicts interim improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the vacant property, on an interim basis, such as the parking layout, landscaping, and pedestrian and public realm improvements.

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

All urban services are in place to adequately serve the subject site.

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

The subject property was previously developed and has been subsequently cleared of all existing natural vegetation. No environmentally critical areas and natural resources exist on the site.

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

Based on the layout and design elements of the development, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to person or property as the proposed use existed prior to the catastrophic events of Hurricane Ian.

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

The existing CPD approval, which is to remain in effect in conjunction with the proposed interim uses outlined in the application and MCP – Opt. B, allows for a maximum of 9,952 square feet of commercial and office space as well as three residential units. The request for six (6) mobile vending pads with an outdoor seating/recreation area is less intensive than the previously approved uses. As such, there will not be any further burden placed upon the existing transportation network or services and facilities.

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

This request to amend an existing CPD on the subject property will be presented at a public hearing before the local planning agency and the town council consistent with LDC Section 34-216(a)(1). As demonstrated throughout this narrative, the proposed CPD meets the following criteria under LDC Section 34-216(2):

- a. The proposed mobile vendor/transient merchant park as detailed previously and commercial parking lot, as provided for within the Schedule of Uses, is appropriate for the subject location and provides adequate buffers to enhance the public realm and streetscape of the adjacent road rights-of-way. Compatibility is discussed throughout the enclosed Narrative.



- a. Sufficient safeguards are in place to protect the public interest through the proposed CPD amendment and supporting Master Concept Plan – Option “B.” The design, location and proposed use and development standards are generally consistent with the mixture of uses and pedestrian nature of the area and will meet the needs of the town’s residents and visitors. Access and circulation will be safe and functional, and the pedestrian experience will be improved.
- b. If recommended special conditions are presented and are deemed reasonable and feasible, the applicant will be willing to accept them to further ensure sufficient safeguards are established.
- c. The proposed rezoning request meets specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
 1. Policy 4-C-3: See Section “C” and the above narrative.
 2. Policies 4-B-5 and 4-C-3: See Section “C” above and the narrative.
 3. Policy 4-C-4: Proposed height of 40 feet is not taller than the standard height limit allowed under the Land Development Code.
 4. Policy 4-C-8: Density transfers. Not applicable.
 5. Policy 4-E-1: The proposed redevelopment of the property will be well below the allowed intensity (FAR 1.0) as approved in Resolution 07-28 prior to the natural disaster (Hurricane Ian).
 6. Policy 7-D-3 Alternate Travel Modes: Alternative modes of travel are encouraged through the provision of bicycle parking and path connection from the property to existing sidewalks.

CONCLUSION:

The above narrative, supporting application documents, and the proposed MCP – Option B demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process to provide the opportunity to redevelop the property with a unique and beneficial community-oriented commercial use and parking facility on an interim basis as the town recovers and redevelops.



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

DEVIATION #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local street that is maintained by the Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntarily donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

(PRIOR APPROVED AND TO REMAIN)

DEVIATION #2 seeks relief from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of the intersection of Estero Boulevard and Chapel Street and the driveway to Pelican Watch Condominiums. This will allow the existing driveway located on Estero Boulevard to remain approximately 210 feet from the Chapel Street/Estero intersection and 150 feet from the existing driveway to Pelican Watch Condominiums.

Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. The site design maintains the existing access/curb cut from Estero Boulevard. This existing access/curb cut aligns with the entrance into the Chapel by the Sea Presbyterian Church directly to the north, across Estero Boulevard. This area of Estero Boulevard contains a turn lane allowing motorists to safely maneuver turns from both directions off of Estero Boulevard both into the subject property as well as the property to the north across Estero Boulevard.

As depicted on the Master Concept Plan Option "B", this CPD amendment proposes to maintain the existing access from Estero Boulevard as a restricted and controlled access for mobile vendors/transient merchants delivery and removals only. All other vehicular traffic will gain access to the site from the Chapel Street



location, south of the intersection of Estero Boulevard with Chapel Street. The location of the access into the parking area creates an improved traffic flow directing traffic away from Estero Boulevard.

The continued use of the existing Estero Boulevard access, that will be controlled and restricted to the delivery and removal of mobile vendors/transient merchants equipment, supports the intent of LDC Sec. 10-285 which is to provide as much connection separation as possible while protecting the health, safety, and welfare of island residents and visitors.

DEVIATION #3 seeks relief from LDC Section 34-706(d) which states that existing driveway and parking spaces shall be relocated from Estero Boulevard to allow for the existing access point to remain from Estero Boulevard into the property.

Justification: As shown on the proposed Master Concept Plan, Option “B”, the only access from Estero Boulevard is to be an existing access point/curb cut which is located directly across from the Chapel by the Sea Presbyterian Church access. The site was previously designed with an additional access from Estero Boulevard located on Lot 12. Through the new configuration, the traffic wanting to access the development will be directed to the entrance at Chapel Street, thereby removing one existing driveway from Estero Boulevard.

The site configuration as shown on the proposed Master Concept Plan - Option “B” allows the removal of one access from Estero Boulevard while still allowing limited access for the delivery and removal of mobile vendor/transient merchant equipment. The new proposed configuration of the site reduces conflicts on Estero Boulevard and redirects traffic along Chapel Street thus supporting the intent of LDC Section 34-706(d). The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.

DEVIATION #4 seeks relief from the LDC Section 34-706(a) which requires that off-street parking lots be placed in side or rear yards. This deviation will allow the parking lot to be located along Chapel Street between Estero Boulevard and Cottage Avenue.

Justification: The proposed CPD Amendment provides a Master Concept Plan “Option B” which is for the use of a mobile vendor/transient merchant park with additional public parking to a beach front access. The subject property has three street frontages, it is bounded by Estero Boulevard to the north, Chapel Street to the west and Cottage Avenue to the south, therefore, it is not possible to locate the proposed off-street parking in a side or rear yard. The MCP is designed with the proposed off-street parking to be located on



the west side of the property with vehicular access from Chapel Street. Although the off-street parking is not located in a true side or rear yard, the configuration of the site provides access to the site from Chapel Street and removes the primary access from Estero Boulevard.

The proposed mobile vendor/transient merchant area and 10' buffer with a 6' high decorative fence, will provide separation from the adjacent residential multi-family property to the east. While 10' buffers and the rights-of-way for Chapel Street and Cottage Avenue will provide separation from other residential multi-family properties to the west and south. This site design is appropriately located to provide excess off-street parking to be used by the public for access to the Chapel Street Public Beach Access #26, which can be reached via a short walk along Chapel Street. Due to the configuration of the property, the granting of this deviation will allow the applicant to develop the property in a manner that will benefit the island, its residents and visitors through providing much needed parking close to its public beach access.

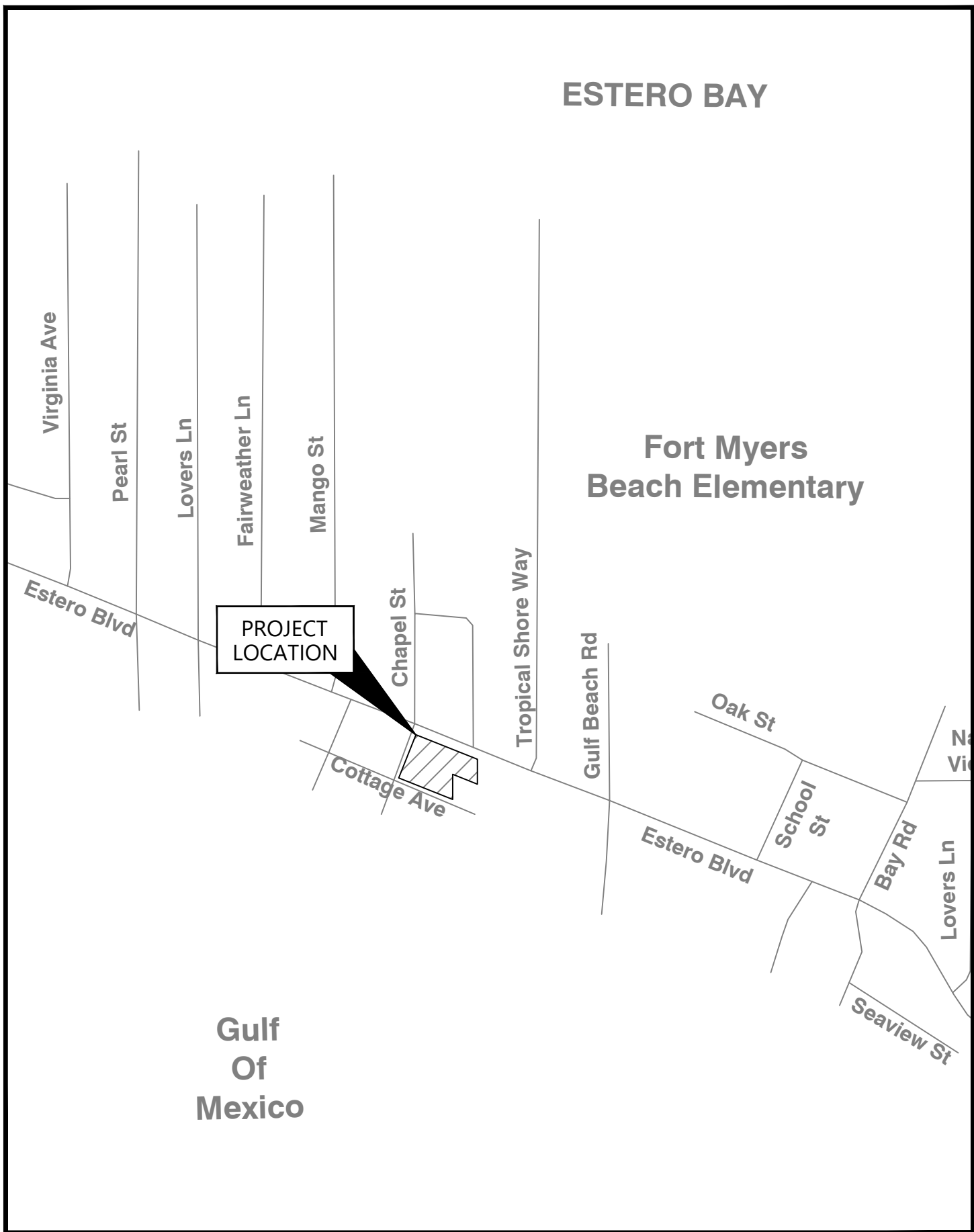
DEVIATION #5 seeks relief from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface to allow for a crushed shell or lime rock surface.

Justification: The proposed use of a mobile vendor/transient merchant park with public parking is not proposed to be the "permanent" use of the property but will allow the applicant a source of income until such time as the island recovery has stabilized and the market will support the development of Option "A" on the subject property. As such, the applicant is requesting relief from LDC Sec. 34-2017 to allow a high turnover parking lot to be developed with a crushed shell or lime rock surface. The use of a crushed shell or lime rock surface will provide a stabilized area for parking with low maintenance and efficient drainage. Crushed shell and lime rock parking areas are currently used throughout Fort Myers Beach and other coastal areas as a means to provide a more natural environment. Based on the above justification, the granting of this deviation from LDC Sec. 34-2017 will not be injurious to the neighborhood or negatively impact the overall health, safety and welfare of the island or its residents.

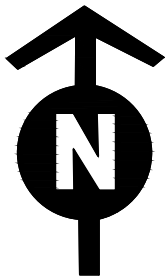
MASTER CONCEPT PLAN FOR

2500 ESTERO CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

EMPIRE HOLDING CORPORATION

6104 E. 21ST STREET
INDIANAPOLIS, IN 46219

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
May, 2024	220050.01.01	1 OF 3

GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) FOR THIS INTERIM OPTION B IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. WATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
3. TOTAL CPD AREA: 0.691 +/- ACRES
4. FUTURE LAND USE MAP DESIGNATION: BOULEVARD
5. EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
6. THE INTERIM PROJECT WILL BE DEVELOPED IN ONE PHASE.
7. NO ENVIRONMENTALLY SENSITIVE LAND OR WATER EXISTS ON THE SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT AND HURRICANE IAN. NO PROTECTED SPECIES SURVEY IS REQUIRED PER APPROVED WAIVER.
8. ALL OTHER DEVELOPMENT STANDARDS SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.

SCHEDULE OF USES:

RESIDENTIAL:

- DWELLING UNIT:
 - o MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - o LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - o RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING/RECREATION AREAS (MASTER CONCEPT PLAN - OPTION B ONLY)
- CONSUMPTION ON PREMISES (BEER AND WINE ONLY) WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B
- COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN - OPTION B ONLY)

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

PARKING:

- REQUIRED:
 - THREE (3) SPACES PER MOBILE VENDOR/TRANSIENT MERCHANT AND ONE (1) SPACE PER 15 SEATS.
 - 6 MOBILE VENDOR/TRANSIENT MERCHANTS x 3 = 18 SPACES
 - 60 SEATS / 15 = 4 SPACES
 - TOTAL REQUIRED: 22 SPACES
- PROVIDED:
 - 43 SPACES (INCLUDING 2 ADA SPACES)

DEVIATIONS:

1. DEVIATION FROM SECTION 10-285 THAT REQUIRES DRIVEWAYS TO BE LOCATED AT LEAST 250 FEET FROM THE CENTERLINE OF A LOCAL STREET SUCH AS CHAPEL STREET, TO ALLOW A DISTANCE OF 100 FEET FROM ESTERO BOULEVARD. CHAPEL STREET IS A LOCAL STREET THAT IS MAINTAINED BY THE TOWN OF FORT MYERS BEACH. THE PREVIOUS DEVELOPMENT ON THE SITE USED THIS DRIVEWAY AS AN ACCESS POINT AND THE PROPOSED DEVELOPMENT WILL CONTINUE TO USE THIS DRIVEWAY. THE APPLICANT IS UNABLE TO MEET THE 250 FOOT SEPARATION DISTANCE, THEREFORE THE TOWN COUNCIL APPROVES THIS APPLICATION WITH A CONDITION THAT THE PROPERTY OWNER VOLUNTARILY DONATE A 5 FOOT EASEMENT ALONG ESTERO BOULEVARD TO THE TOWN OF FORT MYERS BEACH FOR ROADWAY, UTILITY, DRAINAGE AND REASONABLY RELATED PURPOSES.
2. DEVIATION FROM LDC SECTION 10-285 THAT REQUIRES DRIVEWAYS TO BE LOCATED AT LEAST 250 FEET FROM THE CENTERLINE OF THE INTERSECTION OF ESTERO BOULEVARD AND CHAPEL STREET AND THE DRIVEWAY TO PELICAN WATCH CONDOMINIUMS. THIS WILL ALLOW THE EXISTING DRIVEWAY LOCATED ON ESTERO BOULEVARD TO REMAIN APPROXIMATELY 210 FEET FROM THE CHAPEL STREET/ESTERO INTERSECTION AND 150 FEET FROM THE EXISTING DRIVEWAY TO PELICAN WATCH CONDOMINIUMS.
3. DEVIATION FROM LDC SECTION 34-706(D) WHICH STATES THAT EXISTING DRIVEWAY AND PARKING SPACES SHALL BE RELOCATED FROM ESTERO BOULEVARD TO ALLOW FOR THE EXISTING ACCESS POINT TO REMAIN FROM ESTERO BOULEVARD INTO THE PROPERTY.
4. DEVIATION FROM THE LDC SECTION 34-706(A) WHICH REQUIRES THAT OFF-STREET PARKING LOTS BE PLACED IN SIDE OR REAR YARDS. THIS DEVIATION WILL ALLOW THE PARKING LOT TO BE LOCATED ALONG CHAPEL STREET BETWEEN ESTERO BOULEVARD AND COTTAGE AVENUE.
5. DEVIATION FROM LDC SECTION 34-2017, WHICH REQUIRES HIGH TURNOVER PARKING LOTS TO HAVE A PAVED SURFACE TO ALLOW FOR A CRUSHED SHELL OR LIME ROCK SURFACE.

MAXIMUM INTENSITY & DENSITY:

- REMAIN CONSISTENT WITH RESOLUTION 07-28

DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE: **30,099.96+/-** SQUARE FEET OR **0.691+/-** ACRES

MINIMUM LOT WIDTH: **213 +/- FEET ALONG ESTERO BOULEVARD**

MINIMUM LOT DEPTH: 150 +/- FEET ALONG CHAPEL STREET

MINIMUM LOT WIDTH: **187** +/- FEET ALONG COTTAGE AVENUE

MINIMUM SETBACKS:

STREET: 5 FEET (ESTERO BOULEVARD)

10 FEET (CHAPEL STREET)

10 FEET (COTTAGE STREET)

SIDE: 5 FEET

MAXIMUM HEIGHT: 40 FEET ABOVE BASE FLOOD ELEVATION/3 STORIES

PROJECT NO: 220050.01.01		CLIENT: EMPIRE HOLDING CORPORATION		 THE NEIGHBORHOOD COMPANY 5618 WHISPERING WILLOW WAY FORT MYERS, FL 33908 WWW.THENEIGHBORHOOD.COM/COMPANY	
DATE: 05/24	DRAWN: F.L.	PROJECT: 2500 ESTERO PLANNED DEVELOPMENT (CPD)			
DESIGN:	K.G.				
TITLE: NOTES					
SHEET NUMBER: 3 OF 3					
#	REVISION	DRAWN	DATE		
50				30	0

2500 Estero – Conceptual Mobile Vending Park and Parking Lot





Play (k)





Play (k)



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

SCHEDULE OF USES

The following uses were previously approved pursuant to CPD RESOLUTION 07-28 with the exception of the added use(s) in **bold**.

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- **MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING/RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B**
- **CONSUMPTION ON PREMISES (BEER AND WINE ONLY) WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B**
- **COMMERCIAL PARKING LOT**

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-28

WHEREAS, McHarris Planning and Design (Applicant) has requested the Town Council rezone an approximately .52+/- acres from Commercial Boulevard (CB) to Commercial Planned Development (CPD) to allow the development of commercial, offices and residential multi-family units at 2500 Estero Boulevard; and

WHEREAS, Applicant has proposed two (2) options to the Town of Fort Myers Beach for consideration in the aforesaid application; and

WHEREAS, Option "A" as presented by Applicant offers a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus three (3) residential units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories; and

WHEREAS, Option "B" as presented by Applicant offers a maximum of 22,990 square feet that consists of 6,795 square feet of commercial and office and four (4) residential units with a total of 16,195 square feet in two (2) buildings not to exceed a height of 35 feet above base flood elevation/3 stories; and

WHEREAS, the subject property is located at 2500 Estero Blvd, Fort Myers Beach, FL 33931(follow Estero Blvd South to 2500), in S19-T46S-R24E, in Fort Myers Beach, Lee County, FL; and

WHEREAS, Applicant has indicated the property's current STRAP numbers are 19-46-24-W3-0120A.0100 and 19-46-24-W3-01302.0000 with the legal description set forth on Exhibit "A" which is attached hereto and hereby incorporated by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on June 19, 2007, at which time the LPA recommended that the Town Council approve the Applicant's request, with three (3) members recommending Option A and three (3) members recommending Option B, with the approval subject to various conditions as set forth more fully in the LPA Resolution 2007-13; and

WHEREAS, the Town Council gave full and complete consideration to recommendations of staff, the LPA resolution, the documents in the file, and the testimony of all interested persons.

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

The Town Council hereby **APPROVES Option A and DISAPPROVES Option B** to rezone the subject property from CB and RC to CPD, subject to the nine (9) conditions and one deviation set forth with specificity below.

A. CONDITIONS AND DEVIATIONS

A. CONDITIONS

1. The development of this project must be consistent with the six (6) page Master Concept Plan entitled "2500 Estero," stamped received October 6, 2006, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

The project is limited to a maximum of 23,067 square feet and a maximum of 3 dwelling units of 13,115 square feet

- a. **Schedule of Uses**

Residential

Dwelling Unit:

Multi-family - maximum of 3 units

Live/work pursuant to LDC Section 34-1773 - maximum of 3 units

Lodging

Rental of any permitted dwelling unit to a single family for periods of one week or longer pursuant to Section LDC 34-2391 through 34-2410

Office

Administrative Offices

Retail

Retail Store, small (less than 5,000 square feet)

Civic

Essential Services

Daycare center, adult or child (by Administrative Approval)

Cultural Facilities (by Administrative Approval)

- b. **Site Development Regulations**

Minimum Lot Size: 23,067.00± Square Feet or 0.52 ± acres

Minimum Lot Width: 160 feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: 119± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)

10 feet (Chapel Street)

10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

Maximum Height: 40 feet above base flood elevation /3 stories

3. At the time of Development Order, the applicant must provide the following buffers:

Along Chapel Street (the west property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3 foot high hedge planted in a double staggered row.

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row.

Along the southeast property lines that depicts a 6 foot high wall, a 3 foot high hedge planted in a double staggered row to be planted on the outside of the wall.

Along Cottage Avenue,(the south property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row to be planted in between the driveways to the residential units.

4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
5. The local development order must be in compliance with LDC Section 14-71 through 14-79 regarding sea turtle lighting.
6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").
7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
8. Prior to local development order approval, the construction plans must indicate that pervious pavement and exfiltration will be incorporated throughout the project to maximize the overall stormwater management capacity.
9. Prior to local development order approval, the project developer will partner with the Town to coordinate survey, site preparation, and infrastructure improvements for the project with the Town's plans for work in the adjacent public rights-of-way.

B. DEVIATION

Deviation #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local

street that is maintained by Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntary donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

FINDINGS AND CONCLUSIONS

Based upon the presentations by Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for planned development zoning approval, the Town Council makes the following findings and conclusions:

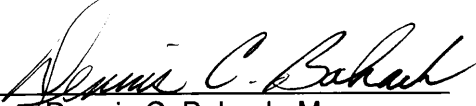
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests:
 - i. Policies 4-B-5 and 4-C-3 on commercial and residential uses in the "Boulevard" future land use category; and
 - ii. Policy 4-C-5 on maximum residential densities for properties; and
 - iii. Policy 4-C-4 on maximum height limitations; and
 - iv. Policy 4-E-4 on flood proofing of commercial buildings.
2. The proposed use or mix of uses, as conditioned above, **IS** appropriate at the subject location.
3. Sufficient safeguards to the public interest **ARE** provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions **ARE** reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviation, as conditioned:
 - a. Each item **DOES** enhance the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **WILL** be preserved and promoted; and
 - c. Each deviation **DOES** operate 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.

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

Dennis C. Boback, Mayor	<u>aye</u>
Larry Kiker, Vice Mayor	<u>aye</u>
Herb Acken	<u>aye</u>
Charles Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>

DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

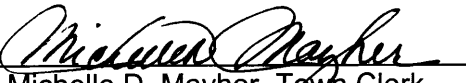
By: 
Michelle D. Mayher, Town Clerk

EXHIBIT (A 1/2)

LAND SURVEY

LOT 2, **BLAKES SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 4, PAGE 44, AND LOTS 10, 11, 12, AND PART OF LOT 13, BLOCK A, **SEAGRAPE SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 4, PAGE 17, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 13, BLOCK A: THENCE N 68°32'41"W, FOR A DISTANCE OF 67.20 FEET TO THE POINT OF BEGINNING; THENCE N 68°32'41"W, ALONG THE NORTH RIGHT OF WAY LINE OF COTTAGE AVENUE (30' WIDE) FOR A DISTANCE OF 119.95 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 10; THENCE N 21°27'19"E, FOR A DISTANCE OF 150.00 FEET, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF CHAPEL STREET, (30' WIDE), FOR A DISTANCE OF 150.00 FEET TO THE NORTHWESTERLY PROPERTY CORNER OF SAID LOT 12; THENCE S 68°32'41" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (50' WIDE), FOR A DISTANCE OF 160.59 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE S 00°00'00" E, ALONG THE EAST LINE OF SAID LOT 2, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE N68°32'41"W, FOR A DISTANCE OF 42.94 FEET; THENCE N 00°00'00"W, FOR A DISTANCE OF 10.45 FEET; THENCE N 72°57'20"W, FOR A DISTANCE OF 27.81 FEET; THENCE S 17°02'40" W, FOR A DISTANCE OF 3.61 FEET; THENCE N 72°57'20"W, FOR A DISTANCE OF 7.68 FEET; THENCE S 17°02'40" W, FOR A DISTANCE OF 60.50 FEET TO THE POINT OF BEGINNING, CONTAINING 23.067 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

**ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.**

1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 277-7332 FAX

RECEIVED
JAN 04 2007

COMMUNITY DEVELOPMENT
REC'D SECOND PLAT

Applicant's Legal Checked
by CS 1/5/07

LARRY GARDNER, SURVEYOR AND MAPPER #4294
NOT VALID WITHOUT EMBOSSED SEAL

JOB NUMBER: 05-1430A1

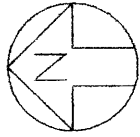
LAND SURVEY

LOT 2, **BLACKSBURG SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 44, PAGE 44. AND LOTS 10, 11, 12, AND PART OF LOT 13, BLOCK A, **SEABARGE SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 4, PAGE 17, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

THE PROPERTY SHOWN HEREON IS LYING IN ZONE A12
OF THE NATIONAL FLOOD INSURANCE PROGRAM. ELEVATION - 14'

PROPERTY ADDRESS:
2500/2510 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA



SCALE 1 INCH = 50 FEET

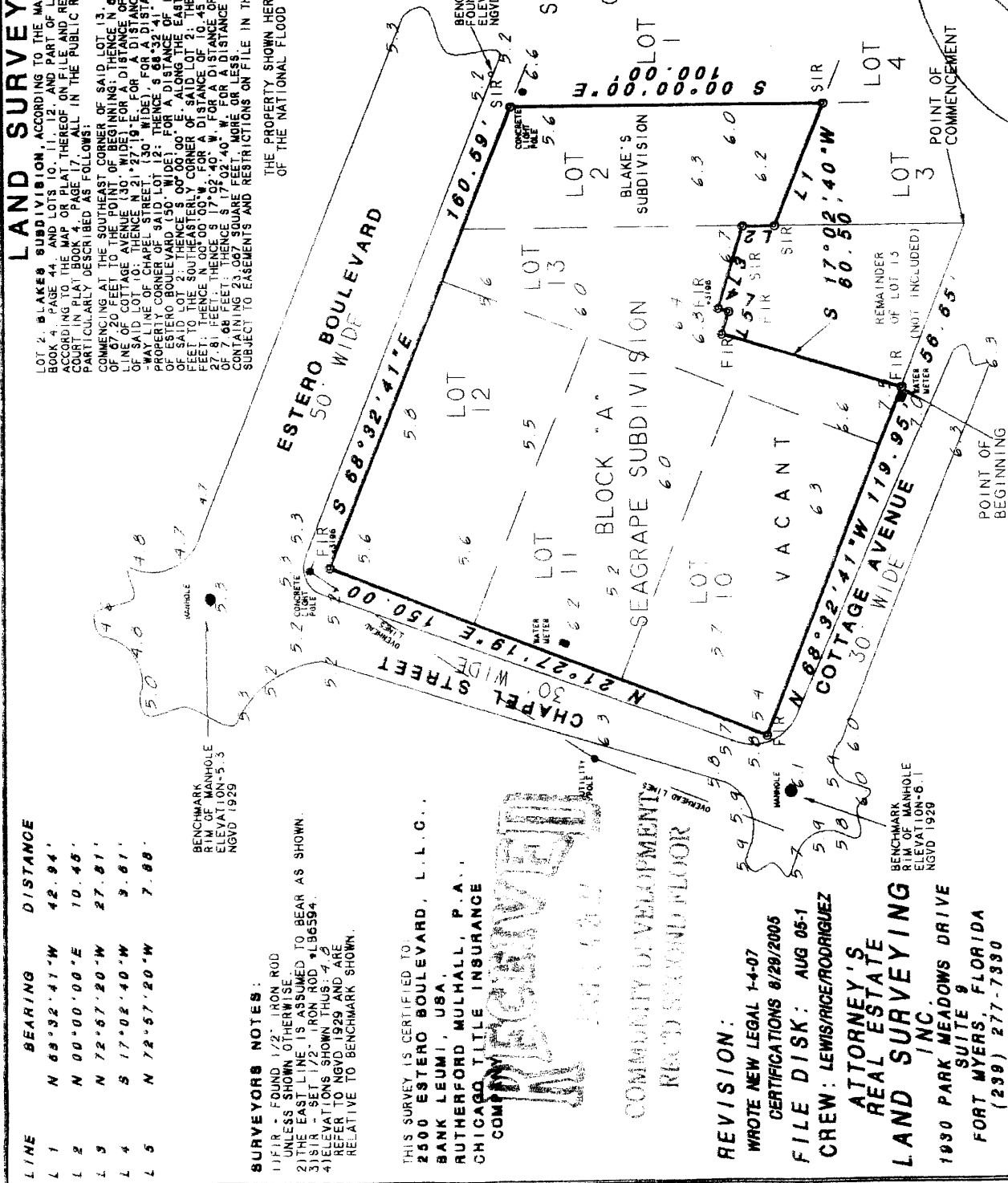
50
Applicant's Legal Checked
by CSJ 1/5/16

DATE: AUGUST 1 2005

THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 177, FLORIDA STATUTES, CHAPTER 472, FLORIDA STATUTES AND CHAPTER 68127, FAC AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE. ZONING OR PROVISION FROM ENCUMBRANCES. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL EMBOSSED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. THIS DRAFTING, SKETCH, PLEAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. NO COPIES SHALL BE MADE WITHOUT WRITTEN AUTHORIZATION.

L. LARRY GARDNER, SURVEYOR AND MAPPER #4294
NOT VALID WITHOUT EMBOSSED SEAL

JOB NUMBER: 05-1430



SURVEYOR'S NOTES:

- 11F1 - FOUND 1/2" IRON ROD
UNLESS SHOWN OTHERWISE
21F1 THE EAST LINE IS ASSUMED TO BEAR AS SHOWN
31F1 - SET 1/2" IRON ROD #16594
41F1 ELEVATIONS SHOWN THUS: 4.2
RELATIVE TO NGVD 1929 AND ARE
RELATIVE TO BENCHMARK SHOWN.

THIS SURVEY IS CERTIFIED TO:
2500 ESTERO BOULEVARD, L.L.C.,
BANK LEUMI, USA,
RUTHERFORD MULHALL, P.A.,
CHICAGO TITLE INSURANCE

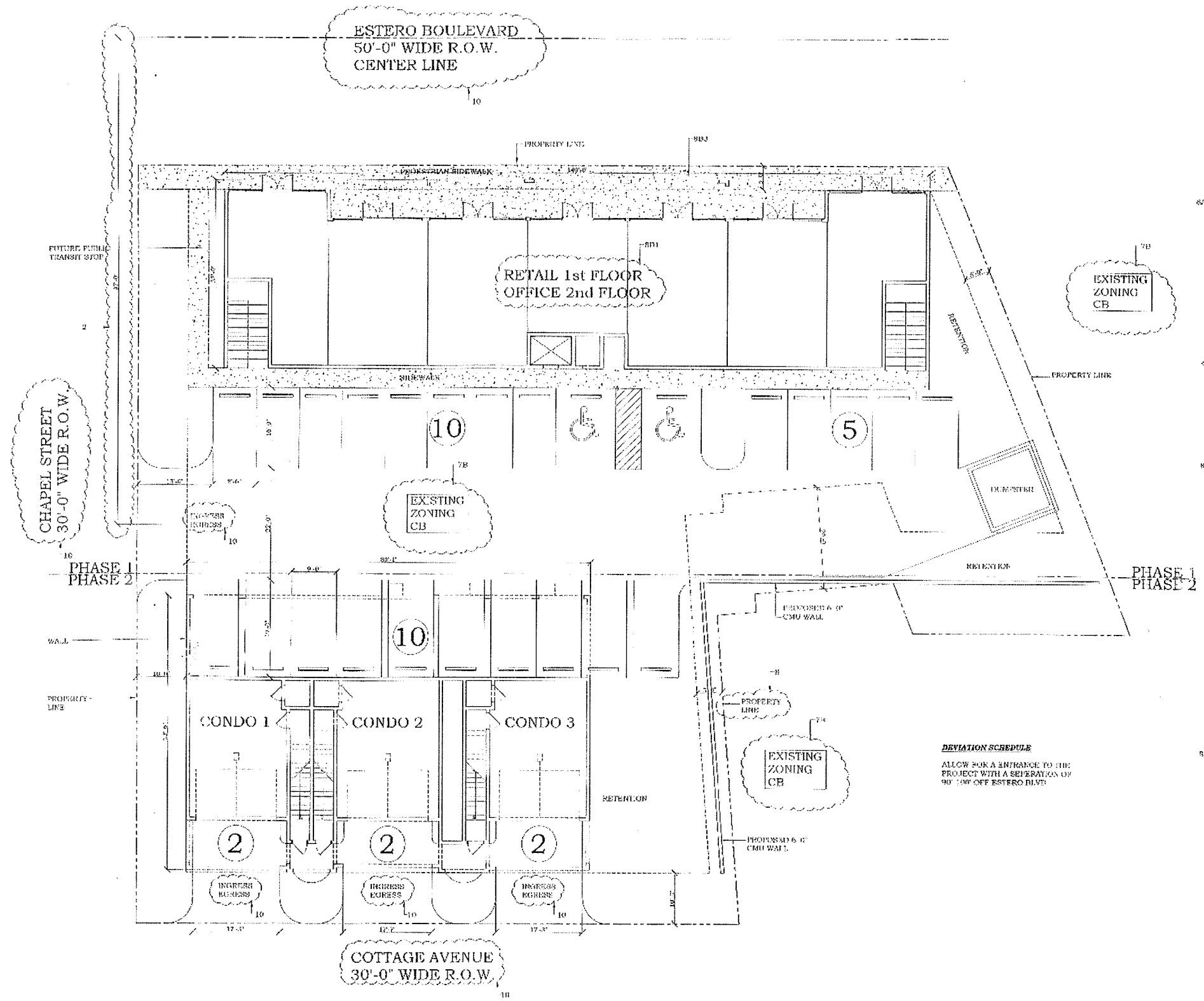
COMMUNITY DEVELOPMENT
RECORDS AND FLOOR

REVISION:

WROTE NEW LEGAL 1-4-07
CERTIFICATIONS 8/29/2005
FILE DISK: AUG 05-1
CREW: LEWIS/RICE/RODRIGUEZ

ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.

1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 277-7332 FAX



KEY	
PROPERTY LINE	---
SETBACK LINE	---
PARKING SPACES	Ⓟ
SIDEWALKS	---
SITE DATA	
COMMERICAL BLVD	23,067 SQ FT
TOTAL SITE SQ FT	
DEVELOPMENT REGULATIONS	
FRONT SETBACK (ESTER BLVD)	5'-0"
REAR SETBACK (COTTAGE AVE)	10'-0"
SIDE SETBACK (SOUTH BLVD)	5'-0"
REAR SETBACK (ESTER BLVD)	10'-0"
LOT COVERAGE (2 & 3)	1.0
TOTAL FLOOR AREA	40'-0" ABOVE FLOOR
F.A.R. (FLOOR AREA RATIO) CALCS	
TOTAL LAND AREA	23,067 SQ FT
FIRST FLOOR RETAIL	5,159 SQ FT
SECOND FLOOR OFFICE	4,793 SQ FT
FIRST FLOOR CONDO	4,294 SQ FT
SECOND FLOOR CONDO	1,411 SQ FT
TOTAL FLOOR AREA	4,420 SQ FT
TOTAL FLOOR AREA	23,067 SQ FT
FLOOR AREA RATIO	
1.0	
OPEN SPACE CALCULATIONS	
17.1%	
PARKING CALCULATIONS	
OFFICE (2 PER 1000)	10
RETAIL (15 PER 1000)	15
MULTIFAMILY (2 PER UNIT)	6
SPACES REQUIRED	31
SPACES PROVIDED	31
SCHEDULE OF USE CHART	
RESIDENTIAL MULTIFAMILY	17731
RETAIL OF ANY KIND FOR OVER A WEEK	
OFFICE	
ADMINISTRATIVE OFFICE	
COMMERCIAL	
RETAIL STORE	
CIVIL	
ESSENTIAL SERVICES	
DATA CENTER	
CULTURAL FACILITIES	
GENERAL LANDSCAPE REQUIREMENTS	
1 TREE PER 1,000 SQ FT DEVELOPMENT AREA	8 TREES REQUIRED
122,067 / 12,200	
TREE CREDIT	
NONE	
PARKING LANDSCAPE REQUIREMENTS	
60% INTERNAL LANDSCAPING REQUIRED	
16,421 / 10%	612.1 SQ FT
1 TREE PER 100 SQ FT OF INTERNAL AREA	3 TREES REQUIRED
PROPERTY BUFFERS	
NORTH PROPERTY LINE COMMERCIAL PLANT TO R.O.W.	NO BUFFER REQUIRED
SOUTH PROPERTY LINE COMMERCIAL PLANT TO COMMERCIAL BLVD	NO BUFFER REQUIRED
EAST PROPERTY LINE COMMERCIAL PLANT TO R.O.W.	NO BUFFER REQUIRED
WEST PROPERTY LINE COMMERCIAL PLANT TO R.O.W. (NORTHERN)	NO BUFFER REQUIRED
COMMERCIAL PLANT TO R.O.W. (SOUTHERN)	NO BUFFER REQUIRED
GENERAL BUFFER NOTES	
THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE 1 OR BETTER	
NO BUFFER PLANT MATERIAL SHALL BE INSTALLED IN BASEMENT	
THE TREES SHALL BE A MINIMUM OF 10 FEET IN HEIGHT WITH TWO INCH TRUNK DIAMETER MEASURED AT ONE FOOT ABOVE GROUND AND A MINIMUM CANOPY OF 4 FEET AT TIME OF INSTALLATION	
A MINIMUM OF 25% OF TREES REQUIRED TO REMAIN SHALL BE INDIGENOUS NATIVE VARIETIES	
A MINIMUM OF 50% OF SHRUBS REQUIRED TO REMAIN SHALL BE INDIGENOUS NATIVE VARIETIES	
ANY AND ALL EXOTIC VEGETATION (PER LEE CO. CITY & THE TOWN OF FORT MYERS BEACH) ON THE PARCEL SHALL BE COMPLETELY REMOVED AND DISPOSED OF BY THE CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INDIGENOUS EXOTIC VEGETATION IN PERPETUITY	
BUILDING EDGE PLANTINGS	
REQUIRED TO BE INSTALLED ALONG LEAST 50% OF THE PERIMETER OF ALL BUILDING CHASES ON SITE PARKING WITH MINIMUM 5' HIGHS PARKING SPACES	
MINIMUM WIDTH OF 3'-0"	
MINIMUM OF 50% COVERAGE AT TIME OF PLANTING	NONE REQUIRED

APPROVED
 [Signature]
 Subject to conditions in Resolution FmD-07-093
 Date: 07-28-2006
 TOWN OF FORT MYERS BEACH

MASTER CONCEPT PLAN (A)
 SCALE: 3/32"=1'-0"

001 2006-00033

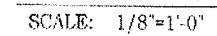
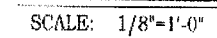
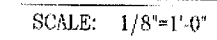
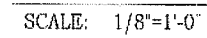
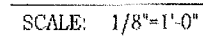
McHARRIS
PLANNING & DESIGN
2001 Highway 90, Suite 100
Fort Myers, FL 33905
Phone: (888) 944-4444
Fax: (888) 944-4444
Email: info@mcharris.com

2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

07-28-2006
PERMIT COUNTER

05-0004

A-1.1



APPROVED
 (Seal of Coast Guard)
 16
 Site Name 02-28 Page 2 of 6
 Subject to 2015 in Progress Emb-07-028
 Case # 001006-00033
 TOWN OF FORT RIVERS BEACH

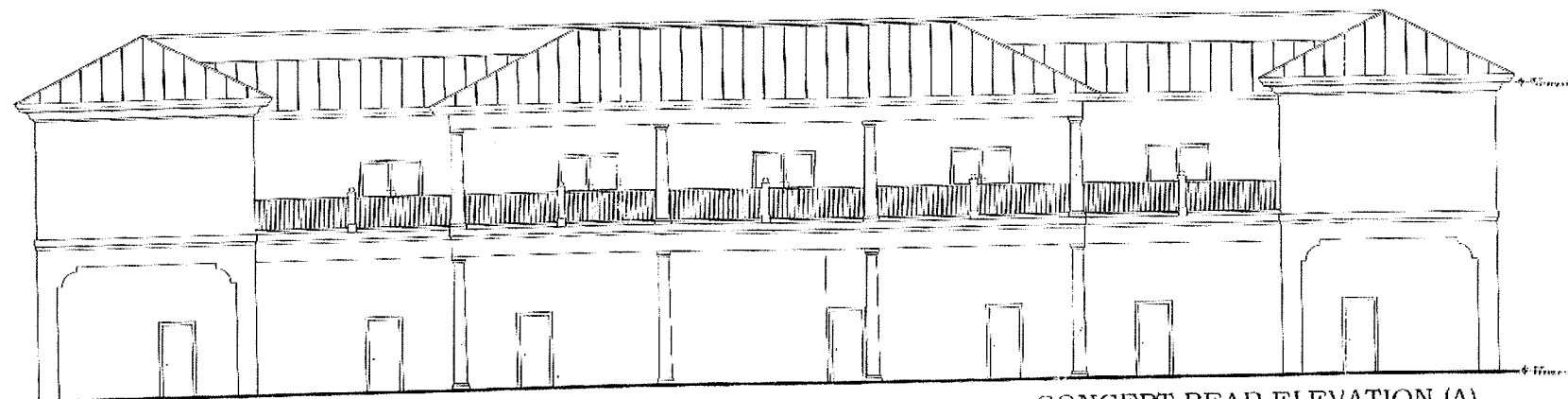
RECEIVED
OCT 06 2006
PERMIT COUNTEN.

DCI 2006-00053



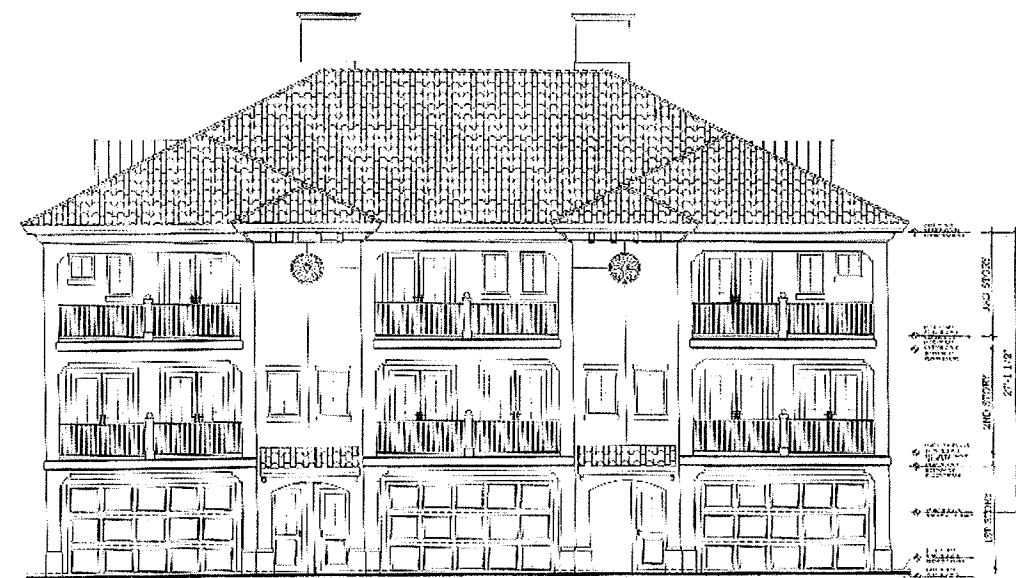
CONCEPT FRONT ELEVATION (A)

SCALE: 1/8" = 1'-0"



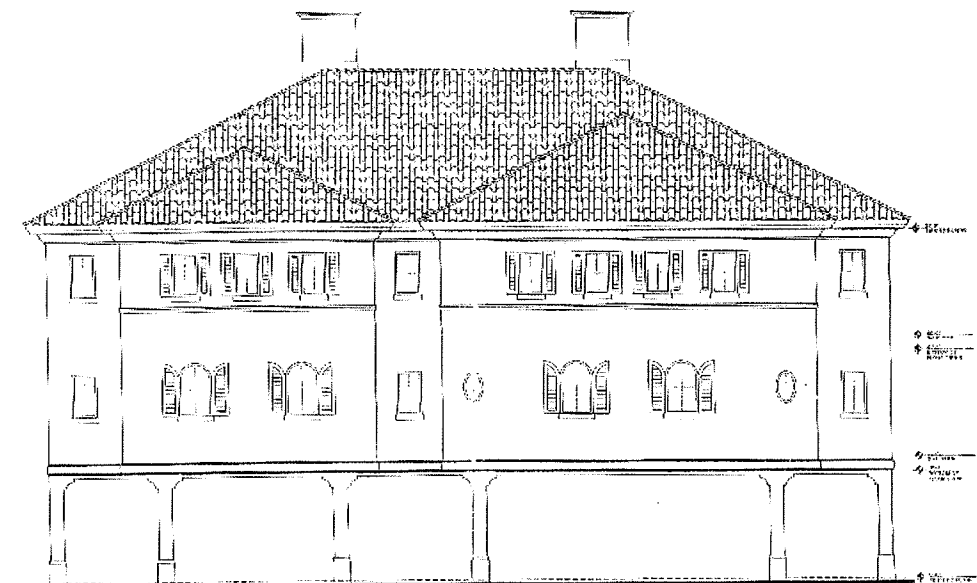
CONCEPT REAR ELEVATION (A)

SCALE: 1/8"=1'-0"



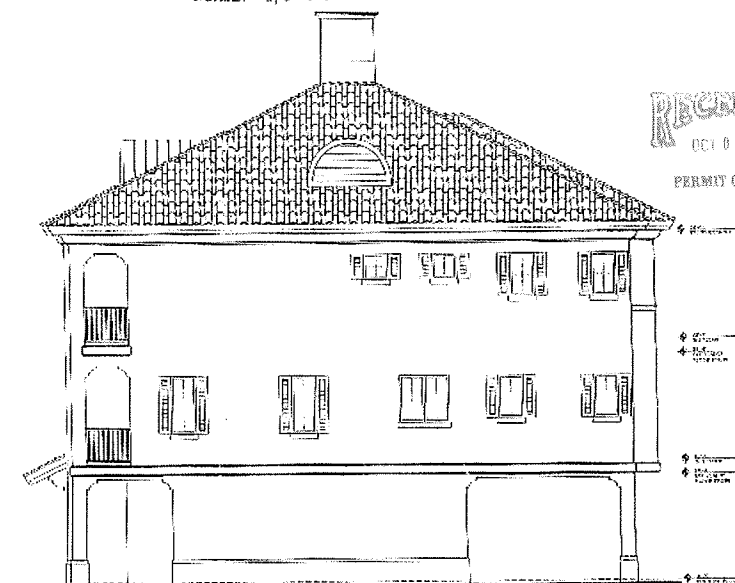
CONCEPT FRONT ELEVATION (A)

SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (A)

SCALE: 1/8"=1'-0"



CONCEPT SIDE ELEVATION (A)

SCALE: 1/8"=1'-0"

DCI 2006-00039



Journal of Neurology, 1997, 236, 109-112. The "memory" number for 236 continues to rise. This volume contains 10 papers, 10 reviews, and 10 chapters on a wide variety of topics. The "memory" number for 236 continues to rise. This volume contains 10 papers, 10 reviews, and 10 chapters on a wide variety of topics.

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2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

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Check out:	CHIEF OF POLICE
Room:	A3 HGT 12
Project No.	C5 1102

Rev. 7/1/84

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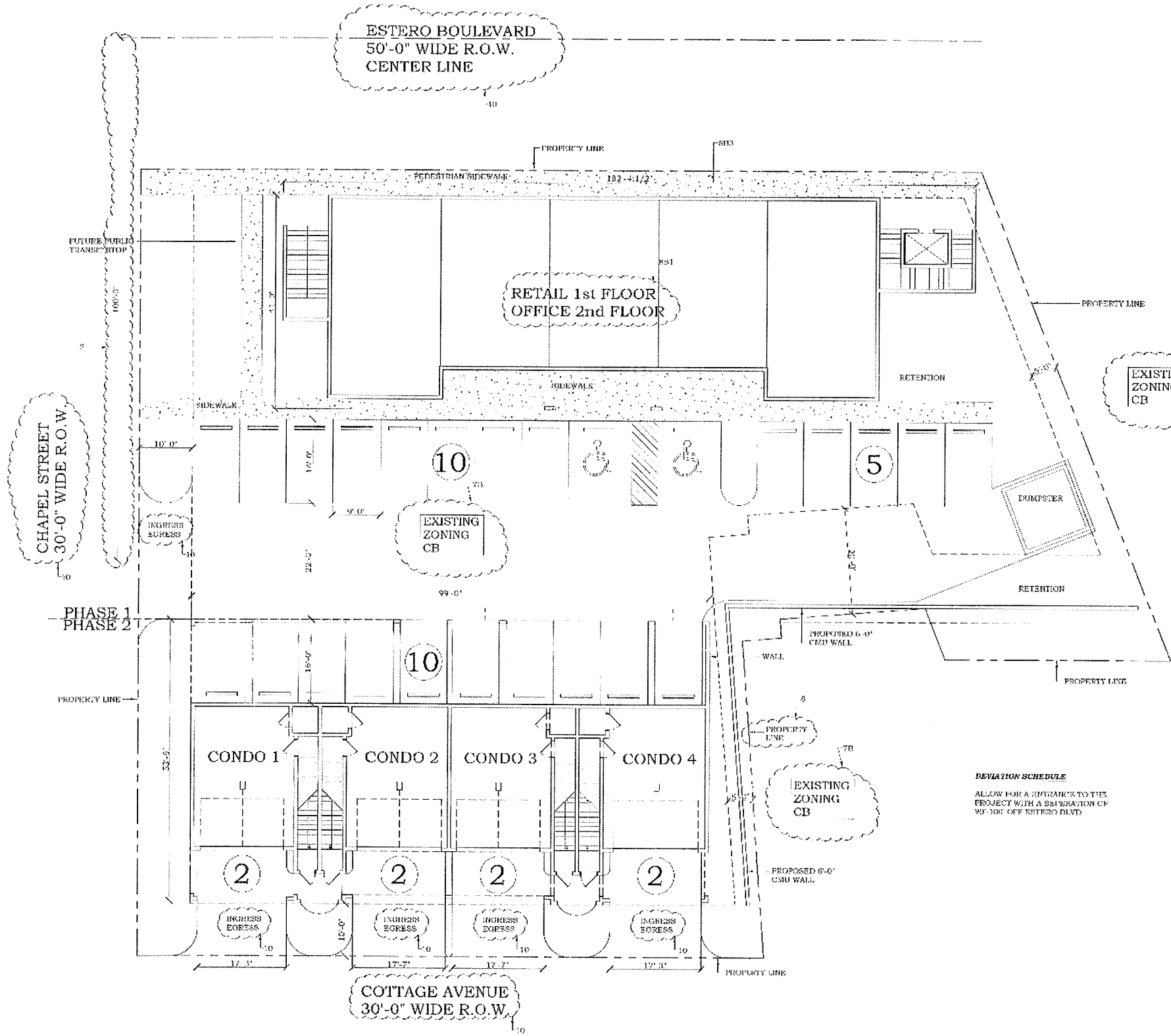
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Page

Page

A-3.1



KEY

- PROPERTY LINE
- SETRACK LINE
- PARKING SPACES
- SIDEWALKS

SITE DATA

COMMERCIAL BLVD
TOTAL SITE SQ FT 23,067 SQ FT

DEVELOPMENT REGULATIONS

- FRONT SETBACK (ESTERO BLVD) 3'-0"
- REAR SETBACK (COTTAGE AVENUE) 20'-0"
- REAR SETBACK (ESTERO BLVD) 20'-0"
- REAR SETBACK (COTTAGE AVENUE) 20'-0"
- REAR SETBACK (ESTERO BLVD) 20'-0"

LOT COVERAGE (F.A.R.)

REAR SETBACK (COTTAGE AVENUE) 20'-0"

F.A.R. (FLOOR AREA RATIO) CALC

TOTAL LAND AREA 23,067 SQ FT
FIRST FLOOR RETAIL 4532 SQ FT
SECOND FLOOR RETAIL 2253 SQ FT
FIRST FLOOR CONDO 5287 SQ FT
SECOND FLOOR CONDO 5434 SQ FT
THIRD FLOOR CONDO 5134 SQ FT
TOTAL FLOOR AREA 22990 SQ FT
FLOOR AREA RATIO 996662

OPEN SPACE CALCULATIONS

17.5%

(PARKING CALCULATIONS)

OFFICE (2 PER 1000) 9
RETAIL (2 PER 1000) 15
MULTIFAMILY (2 PER UNIT) 5
SPACES REQUIRED 30
SPACES PROVIDED 32

SCHEDULE OF USE CHART

RESIDENTIAL
MULTIFAMILY
LIVE WORK (34-1773)
LODGING
RENTAL OF ANY UNIT FOR OVER A WEEK
OFFICE
ADMINISTRATIVE OFFICES
COMMERCIAL
RETAIL STORE
CIVIL
ESSENTIAL SERVICES
DAYCARE
CULTURAL FACILITIES

GENERAL LANDSCAPE REQUIREMENTS

1 TREE PER 3,000 SF DEVELOPMENT AREA (23,067 / 3,000) 8 TREES REQUIRED
TREE CREDIT NONE

PARKING LANDSCAPE REQUIREMENTS

10% INTERNAL LANDSCAPING REQUIRED (6,421 x 10%) 642.1 SQ FT
1 TREE PER 250 SQ FT OF INTERNAL AREA 3 TREES REQUIRED

PROPERTY BUFFERS

NORTH PROPERTY LINE
COMMERCIAL BLVD TO R.O.W. NO BUFFER REQUIRED
SOUTH PROPERTY LINE
COMMERCIAL BLVD TO COMMERCIAL BLVD NO BUFFER REQUIRED
EAST PROPERTY LINE
COMMERCIAL BLVD TO R.O.W. NO BUFFER REQUIRED
WEST PROPERTY LINE
COMMERCIAL BLVD TO R.O.W. (NORTH) NO BUFFER REQUIRED
COMMERCIAL BLVD TO R.O.W. (SOUTH) NO BUFFER REQUIRED

GENERAL BUFFER NOTES

THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE #1 OR BETTER.
NO BUFFER PLANT MATERIAL SHALL BE INSTALLED IN EASEMENT.
THE TREES SHALL BE A MINIMUM OF 10 FEET IN HEIGHT WITH TWO INCH TRUNK DIAMETER MEASURED AT ONE FOOT ABOVE GROUND AND A MINIMUM CANOPY OF 4 FEET AT TIME OF INSTALLATION.
A MINIMUM OF 75% OF TREES REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE SPECIES.
A MINIMUM OF 50% OF SHRUBS REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE SPECIES.
ANY AND ALL EXOTIC VEGETATION (PER LEE COUNTY & THE TOWN OF FORT MYERS BEACH) ON THE PARCEL SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF SITE BY CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INDIGENOUS EXOTIC VEGETATION IN PERMANENT.
BUILDING EDGE PLANTINGS
REQUIRED TO BE INSTALLED ALONG AT LEAST 5% OF THE LENGTH OF ALL WALKWAYS, PARKING SPACES, OR SITE PARKING WITH MORE THAN 25 PARKING SPACES.
MINIMUM WIDTH OF 3'-0"
MINIMUM OF 50% COVERAGE AT TIME OF PLANTING

APPROVED
Director of Planning
Site Plan # 02-02 Page 4 of 6
Subject to conditions in Resolution File 02-03
Date 02-03-03
TOWN OF FORT MYERS BEACH

MASTER CONCEPT PLAN (B)

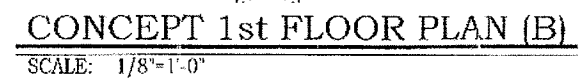
SCALE: 3/32"=1'-0"

McHARRIS
PLANNING & DESIGN
2500 Highway 1 South, Suite 100
Fort Myers, FL 33906
Phone: (813) 441-4400
Fax: (813) 441-4400

2500 ESTERO
CONCEPT B
2500 ESTERO BLVD., FL
FORT MYERS BEACH, FL

Drawn by: J. McHarris
Reviewed by: J. McHarris
Date: 02-03-03
Project No: CF-0024

Sheet: A-1.1



APPROVED
Master Concept Plan
Site Plan # 07-28 Page 5 of 6
Subject to conditions in Resolution Emp 01-02
Case # DCI 2006-00033
TOWN OF FORT MYERS BEACH



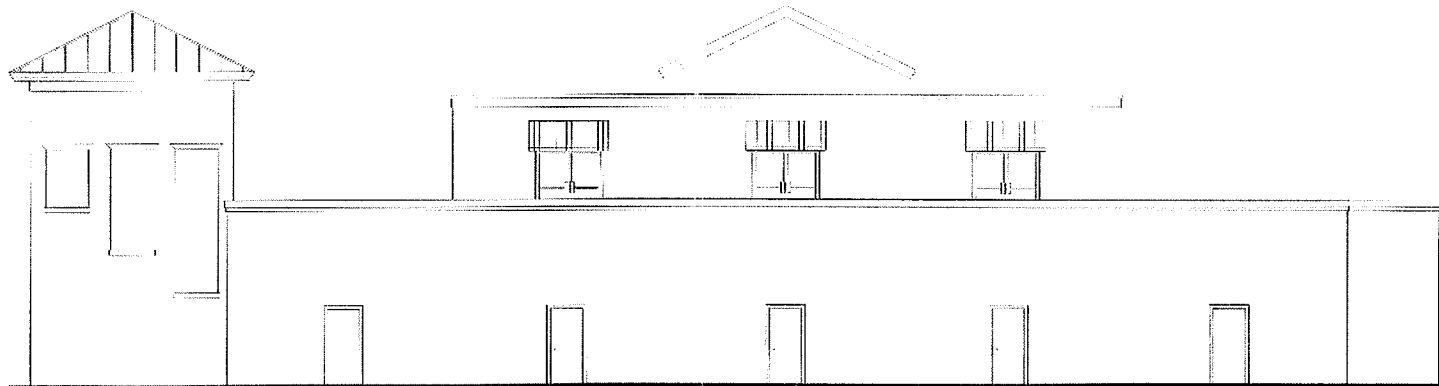
CONCEPT FRONT ELEVATION (B)

SCALE: 1/8"=1'-0"



CONCEPT FRONT ELEVATION (B)

SCALE: 1/8"=1'-0"



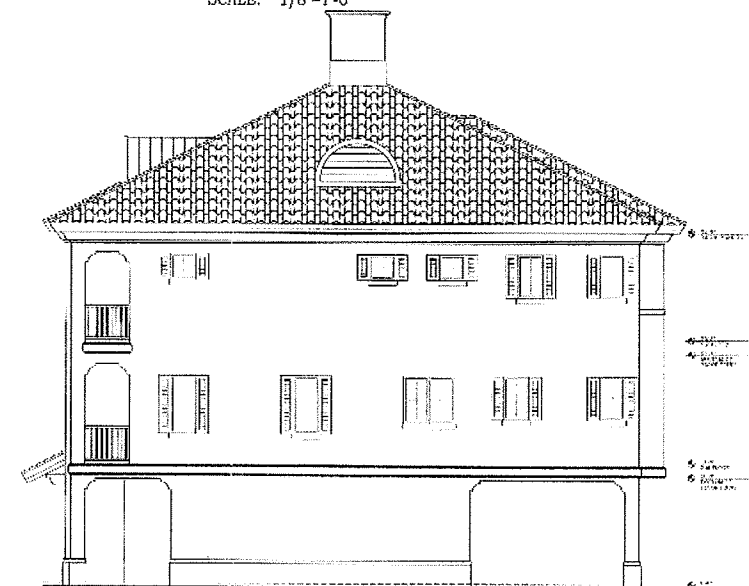
CONCEPT REAR ELEVATION (B)

SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (B)

SCALE: 1/8"=1'-0"



CONCEPT SIDE ELEVATION (B)

SCALE: 1/8"=1'-0"

APPROVED
 Mayor's Office
 Date: 01-28-2016 Page: 6 of 6
 Request to occupy in accordance with 156-07-02
 Case: 156-07-02-003
 TOWN OF FORT MYERS BEACH



McHarris Planning & Design
 3801 Highway 100, Suite 100
 Fort Myers, FL 33904
 Phone: (239) 939-1111
 Fax: (239) 939-1112
 Email: info@mcharrisplanning.com

Rev	Description	Date	By	Appr
1	Initial	01-28-2016	JM	
2	Revised	01-28-2016	JM	
3	Revised	01-28-2016	JM	
4	Revised	01-28-2016	JM	
5	Revised	01-28-2016	JM	

2500 ESTERO
 CONCEPT B
 2500 ESTERO BLVD.
 FORT MYERS BEACH, FL

Project No: 156-07-02-003
 Date: 01-28-2016
 Project: 156-07-02-003
 Title: 156-07-02-003
 Project No: C5-0024

Sheet No: A-3.1



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

Based on coordination with Town Staff, the need for a Traffic Impact Statement will be evaluated at the time of review of the initial Planned Development Amendment submittal. The existing CPD approval, which is to remain in effect in conjunction with the proposed interim uses outlined in the application and MCP – Opt. B, allows for a maximum of 9,952 square feet of commercial and office space as well as three residential units. The request for six (6) mobile vending pads with an outdoor seating/recreation area is less intensive than the previously approved uses. As such, there will not be any further burden placed upon the existing transportation network.



December 10, 2024

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

**Subject: Supplemental Response Letter for CPD Application #20240137
2500 Estero Boulevard
Commercial Planned Development (CPD) Amendment – Supplement to Submittal #2**

Intake Team:

Please accept this letter as a follow up/supplement to our previous Submittal #2 response letter for the above subject project. This resubmittal outlines additional changes based on further public input and evaluation by the project team. Please find the following list of information and materials that are being resubmitted electronically:

- Narrative - Revised
- Schedule of Deviations – Revised
- Master Concept Plan (MCP) – Option B – Revised
- Rendering Exhibit - Revised
- Parking Analysis Exhibit – Revised
- DRAFT Proposed Conditions/Commitments
- Exhibit 6-2: Boundary Survey - Updated

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

Sincerely,

The Neighborhood Company

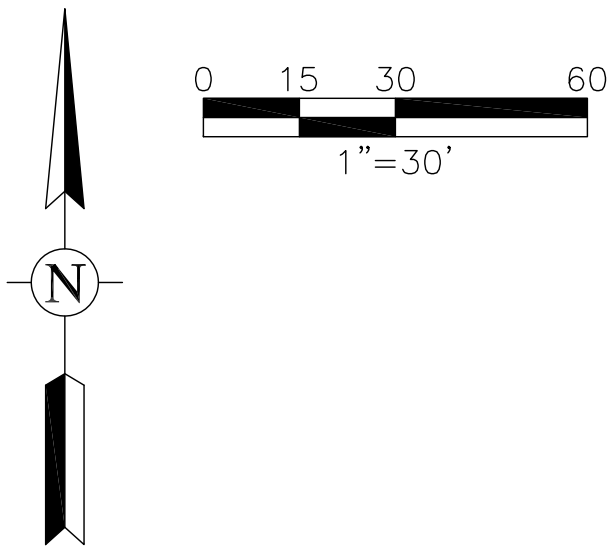
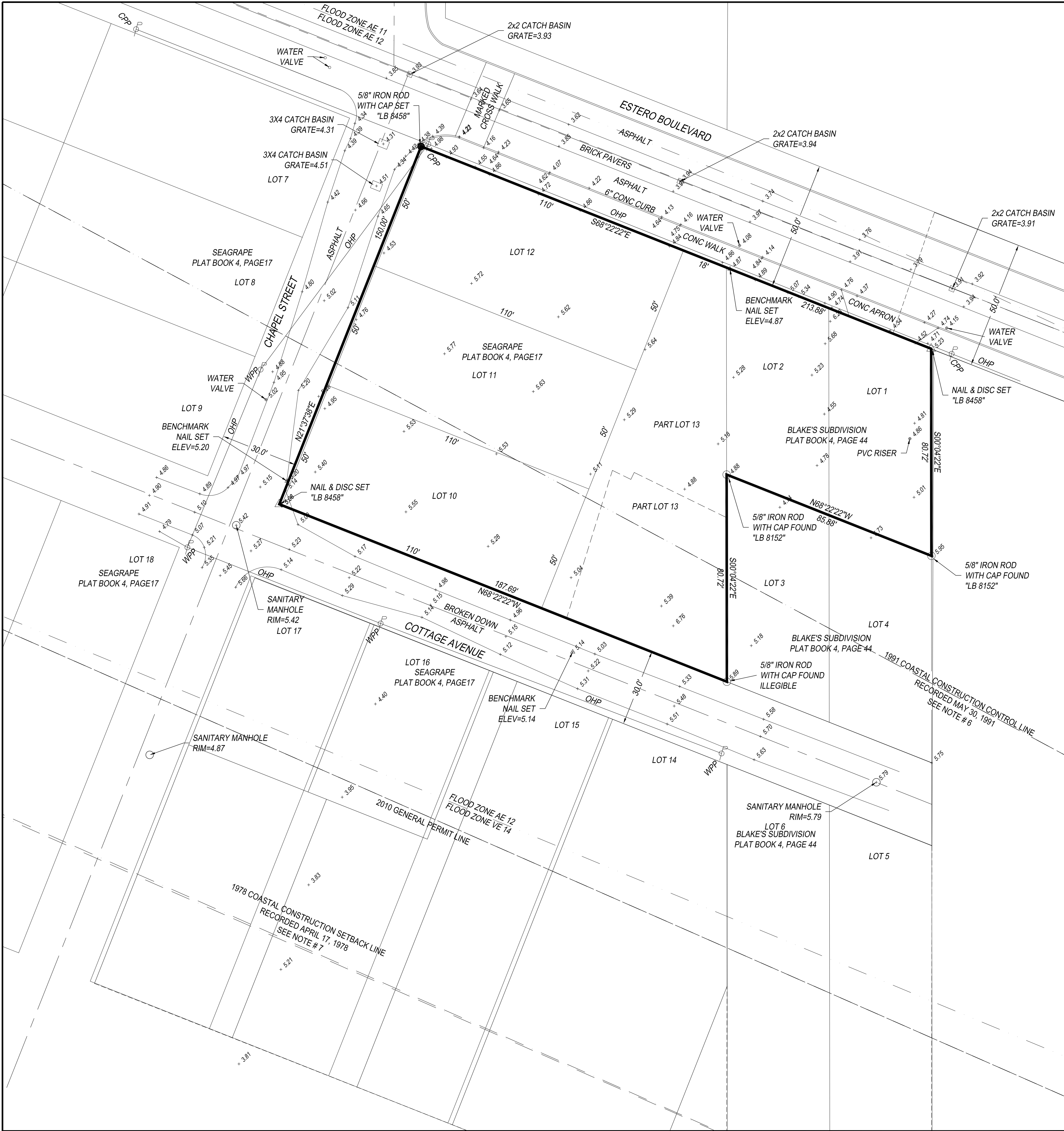
Kenrick Gallander, AICP Vice President, Partner

Attachments: Application Submittal Requirements (listed above)

cc: Dan Myers
Brandon Frey

2500 Estero Boulevard CPD Amendment
Supplement to Submittal #2
12/10/24

Page 1 of 1



LEGAL DESCRIPTION:

LOTS 10-13, SEAGRAPE SUBDIVISION (PLAT BOOK 4, PAGE 17) AND LOTS 1 & 2, BLAKE'S SUBDIVISION (PLAT BOOK 4, PAGE 44). ALL INFORMATION PER THE OFFICIAL RECORDS OFFICE OF THE CLERK OF CIRCUIT COURT OF LEE COUNTY, FLORIDA.

- SURVEYOR NOTES:**
- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD83/90) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON DEPARTMENT OF NATURAL RESOURCES CONTROL MONUMENTS 64-78-A26 AND 64-78-A27 HAVING NAD83/90 GRID COORDINATES AS SHOWN.
 - NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.
 - ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). ELEVATIONS ARE BASED UPON TIES TO THE TRIMBLE REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK.
 - THIS PARCEL LIES IN FLOOD ZONES AS SHOWN. ZONES ARE BASED ON FEMA FLOOD INSURANCE RATE MAP PANEL 12071C0554G, DATED NOVEMBER 17, 2023. FLOOD ZONE LINES SHOWN HEREON WERE SCALED FROM THE INDICATED F.I.R.M. MAP PANEL.
 - BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED. NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE OTHER SETBACKS AND/OR EASEMENTS NOT KNOWN TO THIS SURVEYOR.
 - THE 1991 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN PLAT BOOK 48, PAGE 30, AND FILED IN OFFICIAL RECORDS BOOK 2224, PAGES 1010 THROUGH 1041 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON MAY 30, 1991.
 - THE 1978 COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREON IS AS RECORDED BY ORDINANCE 76-3 RECORDED APRIL 17, 1978 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 - MEAN HIGH WATER ELEVATION OF 0.26' (NAVD 1988) IS BASED ON A DETERMINATION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL AGENCY.
 - THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
 - THIS PARCEL CONTAINS 0.691 ACRES, OR 30,118 SQ. FT., MORE OR LESS.

PROJECT:
19-46-24-W3-0120A.0100
2600 ESTERO BLVD.
LOTS 10, 11, 12 & PART 13
SEAGRAPE SUBDIVISION

19-46-24-W3-0120A.013A
2443 COTTAGE AVE.
PART LOT 13
SEAGRAPE SUBDIVISION

19-46-24-W3-01302.000
2510 ESTERO BLVD
LOT 2, BLAKE'S SUBDIVISION

19-46-24-W3-01301.0000
2518 ESTERO BLVD.
LOT 1, BLAKE'S SUBDIVISION

EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

ABBREVIATIONS:
D.U.E. DRAINAGE/UTILITY EASEMENT
IRR. IRRIGATION
WPP. WOOD POWER POLE
GUY. GUY ANCHOR WITH CABLE
OHP. OVERHEAD POWER
MBOX. MAIL BOX
LP. LIGHT POLE
CB. CATCH BASIN
CONC. CONCRETE
MON. MONUMENT

10/26/2024 - REVISED FLOOD ZONE OFF PROPERTY TO "VE"
23154_BOUND.DWG

MILLER GEOSPATIAL LLC
YOUR LAND SURVEYING PARTNER
4401 NW 20TH TERRACE
CAPE CORAL, FL 33903
238-571-4668
LB 8458



I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HEREON DESCRIBED LANDS IS A TRUE REPRESENTATION OF THE FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 53-17 OF THE FLORIDA ADMINISTRATIVE CODE.

CERTIFIED TO:
EMPIRE HOLDING CORPORATION

DONALD G. MILLER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6674

SURVEYOR:	DGM
DRAWING BY:	DGM
JURISDICTION:	CAPE CORAL
DATE:	10/24/2023
SHEET TITLE:	BOUNDARY SURVEY

**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

NARRATIVE

BACKGROUND & REQUEST

The subject property is located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave. and is comprised of four parcels (STRAP #'s: 19-46-24-W3-0120A.0100, 19-46-24-W3-01302.0000, 19-46-24-W3-01301.0000, and 19-46-24-W3-0120A.013A), totaling +/- 0.691 acres (See Figure 1). The property has a Future Land Use (FLUM) Map Designation of *Boulevard* and is within the *CPD, Commercial Boulevard (CB) and Residential Multifamily (RM)* Zoning Districts.



Figure 1. Location Map



The Neighborhood Company on behalf of Empire Holding Corp., an Indiana corporation as Trustee for Ann Trust, is submitting this Planned Development Rezone (Amendment) Application to request the following:

- Expand the existing CPD boundary approved under CPD Resolution #07-28 by rezoning 2518 Estero Boulevard (STRAP#: 19-46-24-W3-01301.0000) from Commercial Boulevard (CB) and 2543 Cottage Avenue (STRAP#: 19-46-24-W3-0120A.013A) from Residential Multifamily (RM), adding an Option “B” Master Concept Plan (MCP – Opt. B), and amending the schedule of uses and applicable conditions.

Historically, the property located at 2500 Estero Boulevard was home to several restaurants over time such as The Holmes House, Smitty’s on the Beach and the Mucky Duck. The last restaurant use was removed in 2005 with that portion of the site remaining vacant. The property located at 2518 Estero Boulevard was purchased in 2014 and developed into a single-family home which was destroyed by Hurricane Ian. The 2543 Cottage Avenue property consisted of a single-family home which was destroyed by Hurricane Ian and subsequently purchased by the applicant in April of 2022.

The existing CPD consists of a 0.52± acre parcel with a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus (3) three dwelling units developed as either 3 multi-family or 3 live/work units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories. In light of the acquisition of the additional properties, increasing the CPD boundary area to +/- 0.691 acres, and significant changes impacting redevelopment opportunities that have taken place on the island since the approval of the CPD, the applicant is requesting this amendment to ultimately allow for mobile vendors/transient merchants with outdoor seating/entertainment/recreation area and a permanent park support structure, consumption on premises, and a commercial parking lot within the new CPD boundary area.

PROPOSED USE/DEVELOPMENT

The applicant is proposing an amendment to the existing CPD pursuant to Resolution 07-28. Prior to Hurricane Ian, the subject properties included two residential structures and a previous restaurant. The subject of this petition is to increase the property boundary through the addition of Lot 1 and the remainder of Lot 13, add mobile vendors and transient merchants with an outdoor seating/entertainment/recreation area, a park support structure, consumption on premises, commercial parking lot, and to create an MCP – Opt. B related to these added uses. The proposed uses associated with this amendment reflect the conditions on the island due to the impacts of Hurricane Ian. The town is currently faced with the arduous task of redeveloping as efficiently and effectively as possible with uses and facilities that are needed, wanted, and as the market may dictate overtime to support the residents and visitors.

The existing CPD allows for a maximum of 23,067 square feet of floor area, consisting of 9,952 square feet of commercial and office and three (3) dwelling units. The property owners do not feel that now is the right time for the previously approved development but do feel they could provide a benefit to the island through a development consisting of mobile vendors and transient merchant park.



The following list includes the existing and proposed uses and development standards as depicted on MCP – Opt. B or to remain from Res. 07-28. The additional uses being requested through this proposed amendment are listed in **bold**. The requested deviations and justifications (Section F: Schedule of Deviations and Justifications) are included within the submittal documents.

SCHEDULE OF USES:

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)
- **FOOD SERVICE/RESTAURANT/ BAR**
- **MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING, ENTERTAINMENT, RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B**
- **OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B**
- **COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN – OPTION B ONLY)**

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)



DEVELOPMENT STANDARDS:

MINIMUM LOT SIZE: 30,099.96+/- SQUARE FEET OR 0.691+/- ACRES

MINIMUM LOT WIDTH: 213 +/- FEET ALONG ESTERO BOULEVARD

MINIMUM LOT DEPTH: 150 +/- FEET ALONG CHAPEL STREET

MINIMUM LOT WIDTH: 187 +/- FEET ALONG COTTAGE AVENUE

MINIMUM SETBACKS:

- STREET: 5 FEET (ESTERO BOULEVARD)
10 FEET (CHAPEL STREET)
10 FEET (COTTAGE STREET)
- SIDE: 5 FEET

MAXIMUM HEIGHT: 40 FEET ABOVE BASE FLOOD ELEVATION/3 STORIES

MAXIMUM INTENSITY AND DENSITY:

TO REMAIN CONSISTENT WITH RESOLUTION 07-28.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

The subject property is located approximately 1.07 miles from Times Square and is southwest of the area known as the Civic Center of Fort Myers Beach. The properties front the southside of Estero Boulevard; north of Cottage Avenue; and to the east of Chapel Street. The project is surrounded by vacant commercial properties as well as single and multifamily residential properties.

Site Design

The property's location on Estero Boulevard, near the Civic Center and existing public beach access #26 has presented an opportunity for redevelopment which will provide additional options for eating, shopping and parking for island residents and guests while the island is recovering. The proposed MCP – Opt. B depicts improvements to the site that provide a functional and attractive layout containing a mobile vendor/transient merchant park with outdoor seating/entertainment/recreation area and a commercial parking lot. The concept site is specifically designed for five (5) improved pads with utility hookups for mobile vendors/transient merchants, and a permanent park support structure, which will surround an outdoor seating, entertainment, and recreation area. Additional outdoor seating is also proposed along Estero Boulevard to further activate the public realm. Allowing this mobile vendor/transient merchant park will provide island residents and visitors an opportunity to walk, bike, drive, or use public transit to a destination they can eat, relax and socialize while also being in close proximity to the beach.



The Town of Fort Myers Beach Land Development Code (LDC) does not provide specific parking requirements for a mobile vendor/transient merchant park. Through our research of neighboring jurisdiction parking regulations, we found the typical parking requirement is three (3) spaces per mobile vendor/transient merchant and 1 parking space per 15 seats. Based on the current plan of 5 vendor spaces, our assumption of approximately 75 seats, applicable square footage within the proposed park support structure, and a reduction of one parking space for a four (4) bike parking rack, we determined the required number of parking spaces to be 26. There are a total of 45 parking spaces being provided on site to support the park and for visitors to the beach or other desired destinations in the surrounding area.

The proposed improvements will provide a more attractive pedestrian and public realm. The site has been designed so that the access from Estero Boulevard will be restricted and controlled for mobile vendor/transient merchant access only, while the public will gain pedestrian access from the Estero Boulevard sidewalk and primary vehicular access into the site from Chapel Street as originally depicted on the existing MCP.

The development will provide improved pads for the mobile vendors/transient merchants with power and water/sewer hookups surrounding an outdoor seating/entertainment and recreation area. As indicated on MCP Opt. B, a permanent support structure will also be located on the eastern border of the site, the outdoor Consumption on Premises (COP) area will generally include the mobile vendor/transient merchant area and will extend from the eastern CPD boundary, south of the Estero Boulevard property line, west to the eastern parking lot boundary and south to the rear of the dumpster enclosure/parking lot. Adjacent to the Estero Boulevard sidewalk between the mobile vendor/transient merchant entrance and the parking lot, there will be an outdoor seating area for park patrons. The proposed pedestrian connection extends from the Estero Boulevard sidewalk between the eastern portion of the parking lot and the mobile vendor/transient merchant locations leading south to the southern parking lot. The permanent support structure will be a maximum of 1,500 square feet and will include a public "comfort station" consisting of restrooms, a foot wash/shower, water fountain as well as office space, storage, and beverage service with bar counter seating. The "comfort station" is intended to be available to the customers of the park and the beach-going public using the parking lot.

The proposed hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. Any outdoor entertainment will be permitted until 9:00 pm and located within the centralized seating/entertainment/recreation area as depicted on the proposed MCP – Opt. B. These restrictions along with the location of the permanent structure, significant buffers, enhanced landscape plantings, and opaque fence will help to minimize sound carrying over to the surrounding properties. The type of entertainment proposed will be mainly limited to solo and duo acts that would complement this family-oriented venue.

Vehicular and Pedestrian access

The site design outlined on MCP – Opt. B provides a direct pedestrian connection from the Estero Boulevard sidewalk to the commercial parking lot and the mobile vendor/transient merchant park entrance. The primary vehicular access to the site is from Chapel Street, while the mobile vendors/transient merchants will access the site from a restricted and controlled existing access on Estero Boulevard. Pedestrians will be able to access the park directly from the sidewalk along Estero Boulevard and along the edge of the parking lot. The parking lot configuration will allow two-way traffic through a 22' drive aisle, allowing traffic to move freely in a logical two-way circulation pattern and to provide safe ingress and egress movements from Chapel Street. The public parking lot is a short and convenient walk just north of the public beach access #26 on Chapel Street. The site will also provide bicycle parking on the northern border of the site near Estero Boulevard.



Buffers and Screening

There are 10' wide buffers along the south property line abutting Cottage Avenue, the west property line along Chapel Street, and a portion of the northern property line along Estero Boulevard. A combination of a minimum 10' wide and 5' wide buffer with enhanced landscaping is proposed along the eastern property line. Along with the proposed eastern side buffer and enhanced landscaping, the proposed permanent support structure will provide additional park separation/buffering from the adjacent property. A minimum 10' wide buffer with a 6' high opaque fence is proposed along the south/southeastern property lines adjacent to the vacant RM zoned land. The proposed buffers will provide aesthetically pleasing views, with appropriately placed, ample plantings beyond what is required, while ensuring compatibility with the adjoining properties. Resolution 07-28, provides the following existing buffer conditions. The applicant is proposing the following amendments (Strikethrough & Underline) to these existing conditions applicable to MCP - Option B:

3. At the time of Development Order, the applicant must provide the following buffers:

Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row.

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.

Along the southeast property lines that depicts a 6-foot-high opaque fence, with a 3-foot-high hedge planted in double staggered rows to be planted on the outside of the fence. Option B: Along the southeast property lines a minimum 10 foot wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.

Along Cottage Avenue, (the south property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row.

Landscaping in the parking area will be in compliance with the Land Development Code at the time of development order. The proposed landscaping and buffers will contribute to enhancing the public realm and providing an aesthetically pleasing environment for patrons, island residents and visitors.



Surrounding Uses

The future land use category, zoning and existing land uses surrounding the property are as follows:

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Boulevard	Institutional	Estero Blvd. ROW, Vacant (prior place of worship)
SOUTH	Boulevard	Residential Multifamily	Cottage Ave. ROW, Vacant (prior single-family)
EAST	Boulevard	Residential Multifamily	Pool Amenity Area and Parking Lot
WEST	Boulevard	Commercial Boulevard & Residential Multifamily	Chapel St. ROW, Food Truck (prior Restaurant & office) and vacant (prior single-family)

Compatibility

The site design for Option “B” has considered the established surrounding uses, the site location on Estero Boulevard, and the needs of the island community. This area of the island was heavily damaged by Hurricane Ian and many of the surrounding properties are currently vacant. The redevelopment in this area has yet to be completed as property owners and Town staff determine the future use of their property and work through the permitting processes. The previous uses surrounding the property were town hall, a place of worship, restaurant, office, and single and multi-family residences. The previously approved CPD included compatible uses such as multi-family residential, lodging units for periods of one week or more, offices, retail, and through administrative approval, both daycare center and cultural facilities. The proposed uses included in this CPD Amendment request will not negatively impact the public’s health, safety, and welfare. They are complementary and consistent with the previously approved uses and will contribute to the island’s recovery efforts through the addition of options for eating, shopping and available parking.

The development standards, proposed buffers and screening, location of the vendors, and permanent structure, as well as connecting to existing services ensures compatibility with adjacent uses and are appropriate for property located in the Boulevard Future Land Use Category District. The existing public beach access #26 location on Chapel Street and the commercial parking lot create a reciprocal relationship which provides additional spaces for the public and access to the beach. The addition of the restrooms will also be a benefit to the public and island visitors using the parking area to access the public beach access. The mobile vendors/transient merchants will provide alternative locations for eating, shopping and outdoor entertainment to include items such as outdoor seating, corn hole, volleyball, etc. Access to parking, eating establishments, and entertainment are all components of a vibrant successful community, the addition of the proposed uses for this site supports the island during its recovery and are compatible with the approved uses within this area of the island.



**THE FOLLOWING ADDRESSES APPLICABLE SECTIONS PROVIDED FOR IN THE
PLANNED DEVELOPMENT APPLICATION – SUPPLEMENT PHD FORM:**

A. COMPREHENSIVE PLAN AMENDMENTS

The following Comprehensive Plan Amendments are pending and could affect the future use of this property:

**Mixed Use Districts Designation –
Civic Center and Coconut Village RV Park Mixed-Use District**



Figure 3. Proposed FLUM category

The applicant is aware that the Town of Fort Myers Beach has initiated an update to the Comprehensive Plan Future Land Use Element (FLUE) and Future Land Use Map (FLUM). This initiative was presented before the LPA on January 18, 2023 (Yellow Sheet #2023-895) and the Town Council on March 20, 2023. As of the date of this submittal, these updates are still in process. Should the proposed updates be approved, the subject property would be reclassified to the "Civic Center and Coconut Village RV Park Mixed-Use District" FLUM category (See Figure 3). Currently, the Applicant desires to move forward with this petition and intends to be consistent with the existing Boulevard FLUM designation, while also taking into consideration the current drafted language for the proposed Civic Center & Coconut Village RV Park Mixed-Use District category. Items included in the updated FLUE, which have been considered within this petition, include multi-modal improvements along with contributions to the public realm.



B. PHASING OF CONSTRUCTION

The development will be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

OBJECTIVE 1-A ESTERO BOULEVARD — Improve the functioning and appearance of Estero Boulevard as the premier public space and primary circulation route of Fort Myers Beach.

POLICY 1-A-1 Changes along Estero Boulevard should improve on the characteristics that make it a boulevard in character and not just in name: safe and interesting to walk along, impressive landscaping, and scaled to people rather than high-speed traffic.

The vision for Estero Boulevard to be an interesting, safe area for the public to walk along is supported through this proposed amendment and subsequent project. The redevelopment design features characteristics such as enhanced landscaping that will include properly placed shade trees, shrubs and ground cover as well as bicycle parking along Estero Boulevard. Additionally, pedestrian connectivity from Estero Boulevard is provided and outdoor shaded seating is located to be within a few feet of the sidewalk along the eastern portion of the site along Estero Boulevard. These elements contribute to the safe walkability and engagement of the public realm along Estero Boulevard. The mobile vending park is a unique, interesting, and inviting venue that will draw the walking, biking, or driving public along Estero Boulevard in to eat, shop and enjoy some family entertainment.

These enhancements create a development easily accessible and safe for pedestrians, while adding interest and improving the character of Estero Boulevard for residents and visitors, thus supporting the “Estero Blvd” vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

POLICY 1-A-3 In commercial and mixed-use areas, the town shall identify specific portions of Estero Boulevard where changes in land development regulations could work towards a more coherent “framing” of the Boulevard. New regulations should accomplish the following design goals over time through infill and redevelopment:

- i. bringing buildings closer to the sidewalk
- ii. encouraging or requiring compatible means of meeting the mandatory flood elevation requirements (for example; using dry-floodproofing techniques, or designs such as the old hardware store which is built close to the street with outside steps up, but with added steps up inside to reach the flood elevation);
- iii. locating most parking to the rear of buildings, limiting curb cuts, and promoting shared parking areas;
- iv. facilitating pedestrian and bicycle access and contributing to the interconnectedness of the circulation system;
- v. adopting design guidelines that encourage architecture and urbanism along Estero Boulevard that contributes to the human scale and “beach cottage character”



The mobile vendor/transient merchant park is located along the eastern portion of the project adjacent to Estero Boulevard. The project promotes the activation of the public realm and the creation of an active and inviting environment along Estero Boulevard through a design that brings outdoor seating and shade elements toward the front and draws people then into the development to the main seating, entertainment, and recreation area that is surrounded by the mobile vendors. The design provides a distinct node consisting of a pedestrian connection into the park and bicycle parking area, helping to further encourage the traveling public to walk and bike throughout the town.

The unique configuration of the overall property, limiting the primary access point off Chapel Street and adhering to the vision of the mobile vending park results in locating the parking area to the western portion of the site. It is the intent of the town to encourage and locate “most” of parking to the rear of site as stated under Policy 1-A-3. However, not all projects can function or be designed strictly to these desired standards. Through this rezoning amendment to the existing CPD, the design provides for a significant buffer along Estero Boulevard. This buffer will be designed and consist of an extensive number of plantings beyond the requirements for a Type D buffer. This element of the project will create a lush and natural vegetated environment to help further frame the pedestrian and public realm along Estero Boulevard. The parking area orientation not only helps to serve the mobile vending park but also gives the public options to park and access the town’s public beach access point along Chapel Street. (Beach Access #26) located just 255 feet south of the development.

Through the elements and design as well as the flexibility under CPD amendment process, the proposed redevelopment and design of this site contributes toward achieving the goals as outlined in Policy 1-A-3.

FUTURE LAND USE ELEMENT:

GOAL 4: To keep Fort Myers Beach a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage that a hurricane could inflict.

OBJECTIVE 4-A SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move around without their cars even in the midst of peak-season congestion.

The proposed amendment provides for the option to allow for a mobile vendor/transient merchant park in an area of the island that has been heavily damaged by Hurricane Ian. This location will provide an area for island residents and visitors to purchase food and goods, enjoy the ambiance of the activity along Estero Boulevard, access to the beach, and interaction with one another in a unique setting. The proposed option for the mobile vending park will include outdoor seating/entertainment and a recreation area. This provides patrons an option for obtaining food and beverages, and shopping in a unique setting, all while enjoying a pedestrian friendly atmosphere with a direct connection from the Estero Boulevard pathway to the park or access to the public beach access #26. Through the implementation of these elements, the development will enhance the public realm of Fort Myers Beach and add to its unique small-town character.

Policy 4-A-2 The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to



the pedestrian-oriented public realm.

Located along Estero Boulevard, and in close proximity to transient lodging, other commercial and residential uses, the proposed amendment will provide for a unique commercial mobile park/marketplace as the town continues to recover and redevelop from the impacts of Hurricane Ian. The proposed site configuration, as shown on the MCP – Option B, contributes to the pedestrian oriented public realm by promoting the mobile vending park with outdoor seating directly along a portion of Estero Boulevard. Enhanced landscaping, pedestrian connections to the site, and bicycle parking are elements that will provide and create a more desirable place to access and walk along as well as to encourage the public to stop and enjoy the vendors. This commercial activity and the enhancements proposed will contribute to an inviting, safe, visually attractive project ensuring locational compatibility and improved pedestrian-oriented elements consistent with Policy 4-A-2.

POLICY 4-B-5 “BOULEVARD”: a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanent. For new residential development, the maximum density is six dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and contribute to the pedestrian-oriented public realm. The MCP – Option B proposes to provide improvements to the public realm along Estero Boulevard through enhanced and appropriately placed and selected landscaped buffers that further soften the view into the parking area as well as promote interest and seeks to add an impressive natural element along the corridor. The project provides clearly defined pedestrian connectivity from the existing sidewalk along Estero Boulevard into the project and adds vehicle and bike parking opportunities for the public to walk to the beach via access #26. The proposed commercial mobile vending park with the various food and miscellaneous retail items will add a unique but complementary element to the other commercial uses coming back to the surrounding area. The project features design concepts such as appropriate use of building location, buffering to ensure proper separation from adjoining properties, incorporating enhanced plantings, opaque fencing, appropriate infrastructure (utility hookups) and orientation of the park amenities away from the perimeter all help to ensure the project does not negatively impact and is sensitive to the surrounding uses. Overall, the project has been designed to be considerate of the nearby residences, complementary to the adjoining commercial uses and to contribute to the pedestrian-oriented public realm along Estero Boulevard to ensure consistency with Policy 4-B-5.



POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The existing mixed-use development uses based on the schedule of uses is still applicable and was found to be compatible and complementary to the surrounding area. The proposed mobile vending park use that would be allowed under the amendment will also be sensitive to the surrounding area. Through the site design that directs the most intense activities toward Estero Boulevard and interior to the site away from surrounding properties, the provision of enhanced landscaping throughout the project, appropriate buffering, and opaque fence, the project is sensitive to nearby residential uses, complements adjoining existing and future commercial uses and contributes to the public realm to ensure compliance with Policy 4-C-3 of the Comprehensive Plan.

COASTAL MANAGEMENT ELEMENT:

GOAL 5: To keep the public aware of the potential effects of hurricanes and tropical storms and to plan a more sustainable redevelopment pattern that protects coastal resources, minimizes threats to life and property, and limits public expenditures in areas subject to destruction by storms.

POLICY 5-A-1 The town shall maintain and enforce building codes at least as stringent as required by Florida law to limit the potential damage of structures from hurricanes and tropical storms. These codes shall include wind-resistance commensurate with the risk of a coastal environment and building elevation requirements that conform with federal laws and Flood Insurance Rate Maps.

As stated per Objective 4-D, the proposed development of the site will be in compliance with all applicable federal, state and local regulations to develop a more resilient commercial property to serve the residents and visitors of Fort Myers Beach. A hurricane action plan will be prepared to address the timing and required removal of any applicable structures/mobile units prior to a hurricane event.

TRANSPORTATION ELEMENT

GOAL 7: To improve peak-season mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off- island systems, and parking options matched to road capacity.



POLICY 7-D-3 ALTERNATE TRAVEL MODES

The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas.

POLICY 7-F-1 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.

To better serve the public and a goal of "park-once", the proposed site design includes a parking layout and circulation which will allow the public to utilize the parking sites for not only the mobile vendor/transient merchant park but also additional paid public parking spaces for access to the beach and/or other destinations along Estero Boulevard. The project encourages the use of alternate travel modes under Policy 7-D-3 by providing bike racks for bicycle parking located on the property and pedestrian connectivity along Estero Boulevard to the two LeeTran "Trollee" stops less than 500 feet away, less than a minute walk, from the property.

UTILITIES ELEMENT

GOAL 8: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.

POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.

The proposed development will provide connections to electric, central water and sewer utilities for the mobile vendors and the public restrooms as mandated by the Town of Fort Myers Beach.



D. DESIGN STANDARDS COMPLIANCE

Pursuant to Sec. 34-707- Commercial design standards, the Commercial Boulevard district states that the commercial design standards shall apply to newly built and substantial improvements to buildings. In this case, the proposed mobile vendor/transient merchant park and commercial parking lot will likely not have permanently constructed principal buildings at the on-set of the park's development. If newly built buildings are desired, appropriate approvals will be obtained to ensure compliance with standards and regulations. Site improvements, to include bicycle parking, direct pedestrian connections to and from the existing sidewalk and the parking area would be consistent with the intent of the applicable Commercial design standards pursuant to sec.34-991 through 34-1010.

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DECISION-MAKING COMPLIANCE

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

There are no known errors or ambiguity that must be corrected in relation to the requested CPD amendment. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Through the proposed CPD rezone request, the previously approved deviations will still apply along with additional deviations to assist in the improvements to the public realm and pedestrian circulation.

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

The Town of Fort Myers Beach has been devastated by Hurricane Ian. The proposed CPD amendment will allow the establishment of a mobile vendor/transient merchant park and commercial parking lot. This will allow the property owner to provide needed amenities to visitors and residents as the Town recovers and future development needs and wants become known.

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

The proposed CPD amendment is consistent with the purpose and intent of the zoning chapter of the Land Development Code (LDC) and specifically for Planned Developments which encourages flexibility in the development and design standards.

(4) The testimony of any applicant.

The professional experts retained to support the petition will provide future testimony during the appropriate public hearings.

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

The petition will be reviewed by staff, expert testimony will be provided during the public hearing process before the Local Planning Agency and a recommendation will be made to the Town Council.

(6) The testimony of the public.

The public will be provided with the opportunity to testify before the LPA and Town Council. Such testimony will be evaluated as applicable and appropriate to the request for the LPA's recommendation and Town Council's decision.

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

Please see Section C above, which explains how the petition is consistent with the town's comprehensive plan.



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

It is important to note that a Commercial Planned Development provides the regulatory flexibility which allows for creative design and development options to address site constraints and the needs of the community to redevelop. The proposed Master Concept Plan (MCP) Option "B" depicts improvements to the functional and attractive layout that further fulfills the goals of the Comprehensive Plan. These include improvements to the vacant property, such as the parking layout, landscaping, and pedestrian and public realm improvements.

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

All urban services are in place to adequately serve the subject site.

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

The subject property was previously developed and has been subsequently cleared of all existing natural vegetation. No environmentally critical areas and natural resources exist on the site.

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

Based on the layout and design elements of the development, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to person or property as the proposed use existed prior to the catastrophic events of Hurricane Ian.

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

The existing CPD approval, which is to remain in effect in conjunction with the proposed uses outlined in the application and MCP – Opt. B, allows for a maximum of 9,952 square feet of commercial and office space as well as three residential units. The request for five (5) mobile vending pads with an outdoor seating/entertainment/recreation area is less intensive than the previously approved uses. As such, there will not be any further burden placed upon the existing transportation network or services and facilities.

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

This request to amend an existing CPD on the subject property will be presented at a public hearing before the local planning agency and the town council consistent with LDC Section 34-216(a)(1). As demonstrated throughout this narrative, the proposed CPD meets the following criteria under LDC Section 34-216(2):

- a. The proposed mobile vendor/transient merchant park as detailed previously and commercial parking lot, as provided for within the Schedule of Uses, is appropriate for the subject location and provides adequate buffers to enhance the public realm and streetscape of the adjacent road



rights-of-way. Compatibility is discussed throughout the enclosed Narrative.

- a. Sufficient safeguards are in place to protect the public interest through the proposed CPD amendment and supporting Master Concept Plan – Option “B.” The design, location and proposed use and development standards are generally consistent with the mixture of uses and pedestrian nature of the area and will meet the needs of the town’s residents and visitors. Access and circulation will be safe and functional, and the pedestrian experience will be improved.
- b. If recommended special conditions are presented and are deemed reasonable and feasible, the applicant will be willing to accept them to further ensure sufficient safeguards are established.
- c. The proposed rezoning request meets specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
 1. Policy 4-C-3: See Section “C” and the above narrative.
 2. Policies 4-B-5 and 4-C-3: See Section “C” above and the narrative.
 3. Policy 4-C-4: Proposed height of 40 feet is not taller than the standard height limit allowed under the Land Development Code.
 4. Policy 4-C-8: Density transfers. Not applicable.
 5. Policy 4-E-1: The proposed redevelopment of the property will be well below the allowed intensity (FAR 1.0) as approved in Resolution 07-28 prior to the natural disaster (Hurricane Ian).
 6. Policy 7-D-3 Alternate Travel Modes: Alternative modes of travel are encouraged through the provision of bicycle parking and path connection from the property to existing sidewalks.

CONCLUSION:

The above narrative, supporting application documents, and the proposed MCP – Option B demonstrates consistency and compliance with both the Fort Myers Beach Comprehensive Plan and Land Development Code. The project proposes to utilize the regulatory flexibility of the CPD process to provide the opportunity to redevelop the property with a unique and beneficial community-oriented commercial use and parking facility as the town recovers and redevelops.



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Amendment**

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

DEVIATION #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local street that is maintained by the Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntarily donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

(PRIOR APPROVED AND TO REMAIN)

DEVIATION #2 seeks relief from LDC Section 10-285 that requires driveways to be located at least 250 feet from the centerline of the intersection of Estero Boulevard and Chapel Street and the driveway to Pelican Watch Condominiums. This will allow the existing driveway located on Estero Boulevard to remain approximately 210 feet from the Chapel Street/Estero intersection and 150 feet from the existing driveway to Pelican Watch Condominiums.

Justification: LDC Section 10-285, Table 10-1 states that when a street or accessway is constructed or improved, it must be spaced a minimum distance from all other streets or accessways. Estero Boulevard is classified as a major street, requiring streets and accessways to be spaced 250 feet from centerline to centerline. The site design maintains the existing access/curb cut from Estero Boulevard. This existing access/curb cut aligns with the entrance into the Chapel by the Sea Presbyterian Church directly to the north, across Estero Boulevard. This area of Estero Boulevard contains a turn lane allowing motorists to safely maneuver turns from both directions off of Estero Boulevard both into the subject property as well as the property to the north across Estero Boulevard.



As depicted on the Master Concept Plan Option “B”, this CPD amendment proposes to maintain the existing access from Estero Boulevard as a restricted and controlled access for mobile vendors/transient merchants delivery and removals only. All other vehicular traffic will gain access to the site from the Chapel Street location, south of the intersection of Estero Boulevard with Chapel Street. The location of the access into the parking area creates an improved traffic flow directing traffic away from Estero Boulevard.

The continued use of the existing Estero Boulevard access, that will be controlled and restricted to the delivery and removal of mobile vendors/transient merchants equipment, supports the intent of LDC Sec. 10-285 which is to provide as much connection separation as possible while protecting the health, safety, and welfare of island residents and visitors.

DEVIATION #3 seeks relief from LDC Section 34-706(d) which states that existing driveway and parking spaces shall be relocated from Estero Boulevard to allow for the existing access point to remain from Estero Boulevard into the property.

Justification: As shown on the proposed Master Concept Plan, Option “B”, the only access from Estero Boulevard is to be an existing access point/curb cut which is located directly across from the Chapel by the Sea Presbyterian Church access. The site was previously designed with an additional access from Estero Boulevard located on Lot 12. Through the new configuration, the traffic wanting to access the development will be directed to the entrance at Chapel Street, thereby removing one existing driveway from Estero Boulevard.

The site configuration as shown on the proposed Master Concept Plan - Option “B” allows the removal of one access from Estero Boulevard while still allowing limited access for the delivery and removal of mobile vendor/transient merchant equipment. The new proposed configuration of the site reduces conflicts on Estero Boulevard and redirects traffic along Chapel Street thus supporting the intent of LDC Section 34-706(d). The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.



DEVIATION #4 seeks relief from the LDC Section 34-706(a) which requires that off-street parking lots be placed in side or rear yards. This deviation will allow the parking lot to be located along Chapel Street between Estero Boulevard and Cottage Avenue.

Justification: The proposed CPD Amendment provides a Master Concept Plan "Option B" which is for the use of a mobile vendor/transient merchant park with additional public parking to a beach front access. The subject property has three street frontages, it is bounded by Estero Boulevard to the north, Chapel Street to the west and Cottage Avenue to the south, therefore, it is not possible to locate the proposed off-street parking in a side or rear yard. The MCP is designed with the proposed off-street parking to be located on the west side of the property with vehicular access from Chapel Street. Although the off-street parking is not located in a true side or rear yard, the configuration of the site provides access to the site from Chapel Street and removes the primary access from Estero Boulevard.

The proposed mobile vendor/transient merchant area and 10' buffer with a 6' high decorative fence, will provide separation from the adjacent residential multi-family property to the east. While 10' buffers and the rights-of-way for Chapel Street and Cottage Avenue will provide separation from other residential multi-family properties to the west and south. This site design is appropriately located to provide excess off-street parking to be used by the public for access to the Chapel Street Public Beach Access #26, which can be reached via a short walk along Chapel Street. Due to the configuration of the property, the granting of this deviation will allow the applicant to develop the property in a manner that will benefit the island, its residents and visitors through providing much needed parking close to its public beach access.

DEVIATION #5 seeks relief from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface to allow for a crushed shell or lime rock surface.

Justification: The proposed use of a mobile vendor/transient merchant park with public parking is not proposed to be the "permanent" use of the property but will allow the applicant a source of income until such time as the island recovery has stabilized and the market will support the development of Option "A" on the subject property. As such, the applicant is requesting relief from LDC Sec. 34-2017 to allow a high turnover parking lot to be developed with a crushed shell or lime rock surface. The use of a crushed shell or lime rock surface will provide a stabilized area for parking with low maintenance and efficient drainage. Crushed shell and lime rock parking areas are currently used throughout Fort Myers Beach and other coastal areas as a means to provide a more natural environment. Based on the above justification, the granting of this deviation from LDC Sec. 34-2017 will not be injurious to the neighborhood or negatively impact the overall health, safety and welfare of the island or its residents.



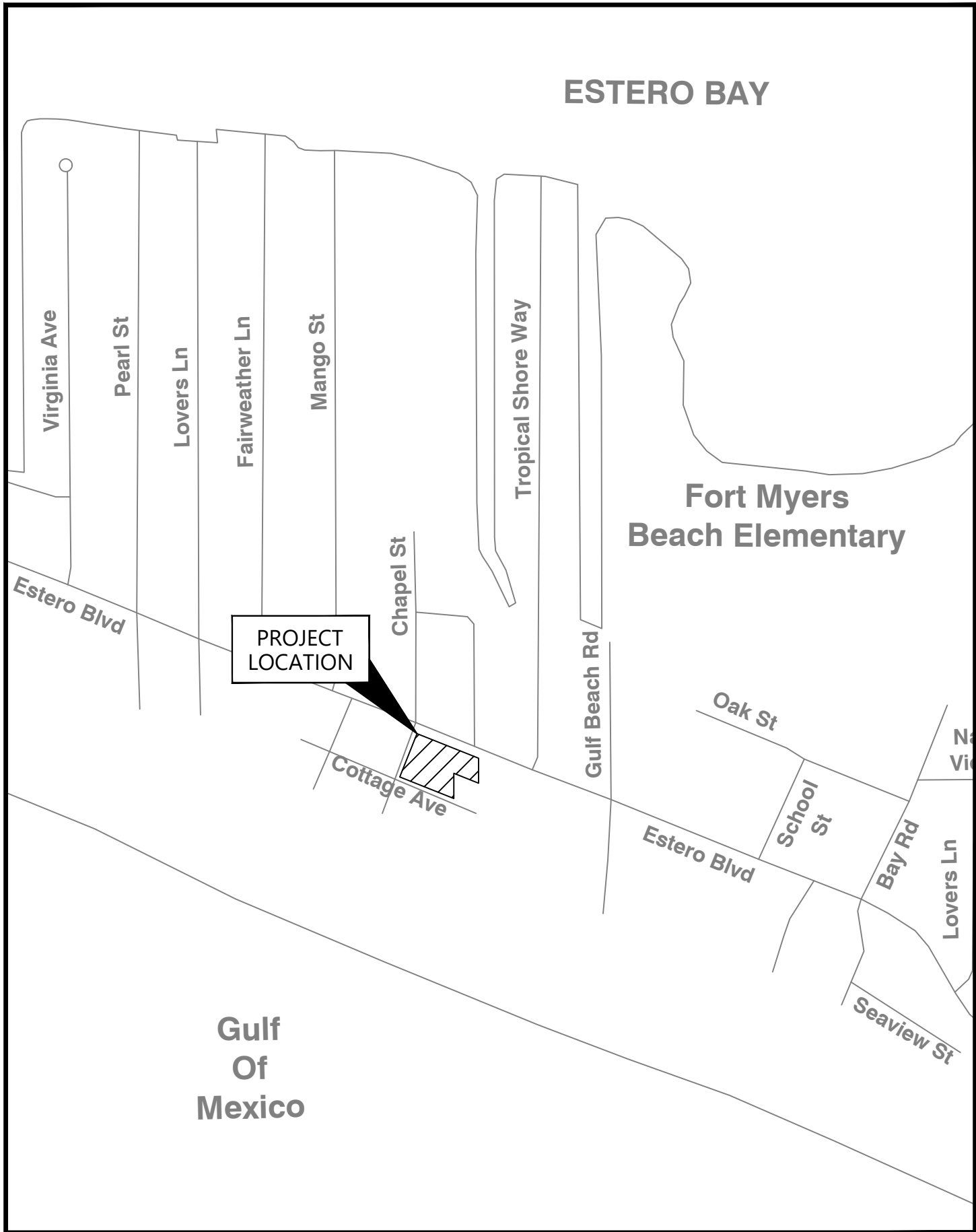
DEVIATION #6 seeks relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

Justification: The Master Concept Plan, Option “B” proposes a minimum 10-foot-wide buffer for a portion of the property containing the parking area abutting the Estero Boulevard right-of-way. This is a minor 5-foot reduction from the required 15 feet and is consistent with the prior buffering condition under Resolution #07-28 allowing for 10 foot-wide buffers for areas abutting rights-of-way. The proposed 10-foot-wide buffer will contain a minimum of 10 trees per 100 linear feet and a minimum 3-foot-high hedge planted in a double staggered row, which is an enhancement of an additional 5 trees per 100 linear feet or a doubling of the number of trees normally required in this buffer area. The additional trees will provide and ensure a positive and appealing aesthetic along the boulevard, support the goal of framing Estero Boulevard, create a hospitable environment for pedestrians and still achieve the purpose and intent of the buffer between parking areas and the right-of-way. The granting of this deviation will not be injurious to the health, safety and welfare of the island’s residents and visitors.

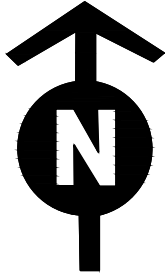
MASTER CONCEPT PLAN FOR

2500 ESTERO CPD

SECTION 19, TOWNSHIP 46S, RANGE 24E,
FORT MYERS BEACH, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

EMPIRE HOLDING CORPORATION

6104 E. 21ST STREET
INDIANAPOLIS, IN 46219

CONTENTS		
SHEET NUMBER	SHEET DESCRIPTION	
1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
December, 2024	230035.01.01	1 OF 3



2500 EST



2500 ESTERO BLVD















**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Rezone (Amendment) Application**

Supplemental Parking Analysis

The Town of Fort Myers Beach Land Development Code (LDC) does not currently address parking standards for a mobile vendor/transient merchant park use. Research was conducted to analyze mobile vendor/transient merchant parks parking requirements within southwest Florida jurisdictions (City of Bonita Springs, City of Cape Coral, and City of Fort Myers). The following information is presented to support the parking calculation we have determined to be appropriate for a mobile vending park at this location.

1) City of Bonita Springs

a) LDC Sec. 4-2159 Mobile Food Vendor Park (6)

Parking will be provided at three spaces per mobile food vendor, plus one additional parking space per 15 seats.

2) City of Cape Coral

a) Section 5.11.16.C.8. **A minimum of three parking spaces shall be provided per vending space plus one additional parking space per 15 seats.** Additional parking spaces for on-site accessory uses such as bars or restaurants are required per LDC Article 6, as amended.

3) City of Fort Myers

a) LDC Sec. 118.3.5.F.7.B.8. **A minimum of three parking spaces per food truck** is required unless located in downtown or midtown where it can be demonstrated that enough public parking and on-street parking is available within a quarter mile walking distance to the food truck park. A shared parking agreement may also be entered with nearby uses subject to approval by the community development director. The director is authorized to approve an alternative number of parking spaces based upon a parking demand study submitted by the applicant.



Based on the above research, the proposed parking requirement for a mobile vending park is to allow a minimum of three parking spaces per mobile vendor/transient merchant and one additional parking space per 15 seats. The proposed development is for 5 mobile vendor/transient merchant spaces, park support structure, and a maximum of 60 seats for patrons.

2500 ESTERO BOULEVARD CPD AMENDMENT Vehicle Parking Calculations	
Requirements	Spaces
3 spaces per mobile vendor/transient merchant Five (5) mobile vendor/transient merchants	15
1 parking space per 15 seats Seventy-five (75) seats (Includes outdoor tables and beverage service counter seating)	5
Proposed Park Support Structure (Max. 1500 SF):	
• Office Area (2 spaces/1,000 SF): 150+/- SF	3.3
• Storage Area: 400+/- SF	N/A
• Restrooms: 120+/- SF	N/A
• Beverage Service Area Supporting Mobile Vendors (8 spaces/1,000 SF): 400+/- SF service area plus and counter seating	3.2
SubTotal Number of Parking Spaces Required	26.5
Parking Reduction: 1 space eliminated per 4 bicycle spaces provided. 4 bicycle spaces provided	(1)
TOTAL Number of Parking Spaces Required	25.5 (26)
TOTAL Number of Parking Spaces Provided	45



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Rezone (Amendment) Application**

CONDITIONS AND COMMITMENTS (DRAFT)

Existing Conditions from Resolution #07-28 to remain or as amended (Strikethrough and Underlined):

1. The development of this project must be consistent with the six (6) page Master Concept Plan entitled "2500 Estero," stamped received October 6, 2006, or Option B, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

The project is limited to a maximum of 23,067 square feet and a maximum of 3 dwelling units of 13,115 square feet

a. Schedule of Uses

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY - MAXIMUM OF 3 UNITS
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773 - MAXIMUM OF 3 UNITS

LODGING:

- RENTAL OF ANY PERMITTED DWELLING UNIT TO A SINGLE FAMILY FOR PERIODS OF ONE WEEK OR LONGER PURSUANT TO SECTION LDC 34- 2391 THROUGH 34-2410.

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)



- FOOD SERVICE/RESTAURANT/ BAR
- MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING, ENTERTAINMENT, RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B
- OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B
- COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN – OPTION B ONLY)

CIVIC:

- ESSENTIAL SERVICES
- DAYCARE CENTER, ADULT OR CHILD (BY ADMINISTRATIVE APPROVAL)

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

b. **Site Development Regulations**

Minimum Lot Size: ~~23,067.00± Square Feet or 0.52± acres~~ 30,099.96 Square Feet or 0.691± acres

Minimum Lot Width: ~~160± feet~~ 213± feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: ~~119± feet~~ 187± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)
10 feet (Chapel Street)
10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

Maximum Height: 40 feet above base flood elevation /3 stories

3. At the time of Development Order, the applicant must provide the following buffers:

- Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row.
- Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.



- Along the southeast property lines that depicts a 6-foot-high wall, a 3 foot high hedge planted in a double staggered row to be planted on the outside of the wall. Option B: Along the southeast property lines a minimum 10 foot wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.
 - Along Cottage Avenue,(the south property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row to be planted in between the driveways to the residential units. Option B: A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
 5. The local development order must be in compliance with ~~LDC Section 14-71 through 14-79~~ all applicable federal, state, and local regulations regarding sea turtle and outdoor lighting.
 6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").
 7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by the conditions and deviations approved as part of this planned development.
 8. Prior to local development order approval, the construction plans must indicate that pervious pavement and exfiltration will be incorporated throughout the project to maximize the overall stormwater management capacity.
 9. Prior to local development order approval, the project developer will partner with the Town to coordinate survey, site preparation, and infrastructure improvements for the project with the Town's plans for work in the adjacent public rights-of-way.

**Proposed Commitments/Conditions DRAFT - PROPOSED LANGUAGE LIKELY TO BE AMENDED
BASED ON LEGAL REVIEW**

1. Mobile vendors or impacted/displaced businesses that were legally operating within the Town prior to Hurricanes Ian, Helene, or Milton and now operating as mobile vending business legally within the town will be given "first right of refusal" or priority for locating or re-locating to the mobile vending park.
2. A minimum of five (5) mobile vending pads shall be provided within the mobile vending park. Any additional mobile vending pads shall require town approval.



3. All mobile vendors shall be required to connect to onsite utilities. Generator use is only allowed when electrical service is disrupted or temporarily non-available due to designated disaster related events.
4. All mobile vendors will be associated with either food or merchandise. There shall be no cannabis or smoke/vape related merchandise vendors allowed.
5. All mobile vendors will be required to evacuate the property when evacuation orders are issued by Lee County Emergency Management.
6. Consumption on premises will be limited to beer and wine only.
7. All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
8. Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the Option B Master Concept Plan. Outdoor entertainment or music will be restricted to only solo and duo performers. No bands (3 or more performers) or drums/percussion unless approved through the town's special event permitting process.
9. Access to and from the property via the Estero Boulevard access point will not be allowed during typical peak season traffic times, which are 8 am – 11 am and 4 pm – 7 pm.
10. Hours of operation:
 - a. Mobile Vending Park hours will be open to the public from 7 am until 10 pm.
 - b. Parking lot will be available for use 24 hours a day, 7 days a week.
11. A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will be integrated within the proposed park support structure.



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
Planned Development Rezone (Amendment) Application**

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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

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

TIME: 9 AM

DATE: LPA January 9th, 2025; 1st Town Council February 3rd, 2025; 2nd Town Council February 18th, 2025

CASE: DCI20240137

ADDRESS: 2500/2510/2518 Estero Blvd & 2543 Cottage Ave.

APPLICANT: Empire Holding Corp. TR for Ann Trust/The Neighborhood Company

REQUEST: Requesting a rezoning from CPD (Reso. 07-28) to an expanded boundary CPD (to include 2543 Cottage Ave and 2518 Estero Blvd.) with a food truck park with outdoor seating and a commercial parking lot.

TOWN CONTACT: JUDITH FRANKEL [JFRANKEL@FMBGOV.COM](mailto:jfrankel@fmbgov.com)

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

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



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Fort Myers Beach, FL 33931

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Fort Myers Beach, FL 33931

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

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

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

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«OwnerName»
«MailAddress»
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**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2025-168**

1. Request:

Meeting Date: January 9, 2025

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 07-28 FOR PARCELS LOCATED AT 2500 AND 2510 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000, TO ADD PARCELS 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

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

What the action accomplishes:

Approval of the CPD will allow the applicant to add two adjacent parcels to the CPD zoning.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

This ordinance expands the boundary of the CPD approved in Resolution 07-28 to include two adjacent parcels.

Attachments:

1. Ordinance 25-xx expanded CPD boundaries for 2500 Estero 1 of 2
2. Exhibit A: 07-28, Resolution 2500 Estero (1)
3. Exhibit B: Expanded boundary survey
4. LPA Staff Report expanded boundary cpd 1.3.24

Financial Impact:

Unknown

6. Alternative Action

Approve with conditions

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: January 03, 2025

Frankie Kropacek, Operations & Compliance Director

Date: January 03, 2025

nancy stuparich, Town Attorney

Date: January 04, 2025

Date: January 04, 2025

ORDINANCE 25-XX

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 07-28 FOR PARCELS LOCATED AT 2500 AND 2510 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000, TO ADD PARCELS 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH,; 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, Empire Holding Corp. an Indiana Corporation as Trustee for Ann Trust, the owner, and The Neighborhood Company, as agents for the property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Ft Myers Beach, FL 33931, parcels generally identified as STRAP numbers 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD adopted in Resolution 07-28 (for 2500 and 2510 Estero Blvd.) to CPD with expanded boundaries (addition of 2518 Estero Blvd. and 2543 Cottage Avenue; and

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

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on January 9th, 2025; and

WHEREAS, at the January 9th, 2025 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 January 9th, 2025 public hearing the LPA found that the request **is/is not** consistent with the comprehensive plan and the requirements of the LDC and voted to recommend **approval/approval with conditions/denial**; and

WHEREAS, on February ___, 2025 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 _____ 2025; and

WHEREAS, at the _____ 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 provides Resolution 07-28 which created the subject CPD; and

WHEREAS, Exhibit B demonstrates the expanded boundaries which future development shall maintain; and

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. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- b. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- e. Urban services are available and adequate to serve the proposed use.
- f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- h. The rezoning would not place an undue burden upon existing transportation or other

services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

- i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council made the following formal findings before making final decisions on the 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 25-xx which is, **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/approve with conditions/deny** 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** meet its burden of proof, that the request to approve Town of Fort Myers Beach's Ordinance 25-xx and the conditions of approval for the commercial planned development zoning, **does/does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVE/APPROVE WITH CONDITIONS/DENY** the requested application.

Section 3. Town Ordinance 25-XX is adopted and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A and the attached Master Concept Plan in Exhibit B, attached hereto and incorporated herein by this reference are approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

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

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

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

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

DULY PASSED AND ADOPTED on this ____ day of _____ 2025.

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 2025.

Attachments:

A –Resolution 07-28

B – Expanded Boundary Map

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-28

WHEREAS, McHarris Planning and Design (Applicant) has requested the Town Council rezone an approximately .52+/- acres from Commercial Boulevard (CB) to Commercial Planned Development (CPD) to allow the development of commercial, offices and residential multi-family units at 2500 Estero Boulevard; and

WHEREAS, Applicant has proposed two (2) options to the Town of Fort Myers Beach for consideration in the aforesaid application; and

WHEREAS, Option "A" as presented by Applicant offers a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus three (3) residential units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories; and

WHEREAS, Option "B" as presented by Applicant offers a maximum of 22,990 square feet that consists of 6,795 square feet of commercial and office and four (4) residential units with a total of 16,195 square feet in two (2) buildings not to exceed a height of 35 feet above base flood elevation/3 stories; and

WHEREAS, the subject property is located at 2500 Estero Blvd, Fort Myers Beach, FL 33931(follow Estero Blvd South to 2500), in S19-T46S-R24E, in Fort Myers Beach, Lee County, FL; and

WHEREAS, Applicant has indicated the property's current STRAP numbers are 19-46-24-W3-0120A.0100 and 19-46-24-W3-01302.0000 with the legal description set forth on Exhibit "A" which is attached hereto and hereby incorporated by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on June 19, 2007, at which time the LPA recommended that the Town Council approve the Applicant's request, with three (3) members recommending Option A and three (3) members recommending Option B, with the approval subject to various conditions as set forth more fully in the LPA Resolution 2007-13; and

WHEREAS, the Town Council gave full and complete consideration to recommendations of staff, the LPA resolution, the documents in the file, and the testimony of all interested persons.

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

The Town Council hereby **APPROVES Option A and DISAPPROVES Option B** to rezone the subject property from CB and RC to CPD, subject to the nine (9) conditions and one deviation set forth with specificity below.

A. CONDITIONS AND DEVIATIONS

A. CONDITIONS

1. The development of this project must be consistent with the six (6) page Master Concept Plan entitled "2500 Estero," stamped received October 6, 2006, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

The project is limited to a maximum of 23,067 square feet and a maximum of 3 dwelling units of 13,115 square feet

a. **Schedule of Uses**

Residential

Dwelling Unit:

Multi-family - maximum of 3 units

Live/work pursuant to LDC Section 34-1773 - maximum of 3 units

Lodging

Rental of any permitted dwelling unit to a single family for periods of one week or longer pursuant to Section LDC 34-2391 through 34-2410

Office

Administrative Offices

Retail

Retail Store, small (less than 5,000 square feet)

Civic

Essential Services

Daycare center, adult or child (by Administrative Approval)

Cultural Facilities (by Administrative Approval)

b. **Site Development Regulations**

Minimum Lot Size: 23,067.00± Square Feet or 0.52 ± acres

Minimum Lot Width: 160 feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: 119± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)

10 feet (Chapel Street)

10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

Maximum Height: 40 feet above base flood elevation /3 stories

3. At the time of Development Order, the applicant must provide the following buffers:

Along Chapel Street (the west property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3 foot high hedge planted in a double staggered row.

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row.

Along the southeast property lines that depicts a 6 foot high wall, a 3 foot high hedge planted in a double staggered row to be planted on the outside of the wall.

Along Cottage Avenue,(the south property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row to be planted in between the driveways to the residential units.

4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
5. The local development order must be in compliance with LDC Section 14-71 through 14-79 regarding sea turtle lighting.
6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").
7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
8. Prior to local development order approval, the construction plans must indicate that pervious pavement and exfiltration will be incorporated throughout the project to maximize the overall stormwater management capacity.
9. Prior to local development order approval, the project developer will partner with the Town to coordinate survey, site preparation, and infrastructure improvements for the project with the Town's plans for work in the adjacent public rights-of-way.

B. DEVIATION

Deviation #1 is from Section 10-285 that requires driveways to be located at least 250 feet from the centerline of a local street such as Chapel Street, to allow a distance of 100 feet from Estero Boulevard. Chapel Street is a local

street that is maintained by Town of Fort Myers Beach. The previous development on the site used this driveway as an access point and the proposed development will continue to use this driveway. The applicant is unable to meet the 250 foot separation distance, therefore the Town Council **APPROVES** this application with a condition that the property owner voluntary donate a 5 foot easement along Estero Boulevard to the Town of Fort Myers Beach for roadway, utility, drainage and reasonably related purposes.

FINDINGS AND CONCLUSIONS

Based upon the presentations by Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for planned development zoning approval, the Town Council makes the following findings and conclusions:

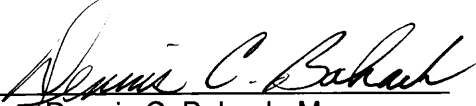
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests:
 - i. Policies 4-B-5 and 4-C-3 on commercial and residential uses in the "Boulevard" future land use category; and
 - ii. Policy 4-C-5 on maximum residential densities for properties; and
 - iii. Policy 4-C-4 on maximum height limitations; and
 - iv. Policy 4-E-4 on flood proofing of commercial buildings.
2. The proposed use or mix of uses, as conditioned above, **IS** appropriate at the subject location.
3. Sufficient safeguards to the public interest **ARE** provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions **ARE** reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviation, as conditioned:
 - a. Each item **DOES** enhance the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **WILL** be preserved and promoted; and
 - c. Each deviation **DOES** operate 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.

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

Dennis C. Boback, Mayor	<u>aye</u>
Larry Kiker, Vice Mayor	<u>aye</u>
Herb Acken	<u>aye</u>
Charles Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>

DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

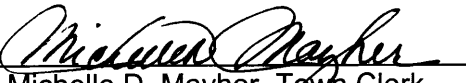
By: 
Michelle D. Mayher, Town Clerk

EXHIBIT (A 1/2)

LAND SURVEY

LOT 2, **BLAKES SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 4, PAGE 44, AND LOTS 10, 11, 12, AND PART OF LOT 13, BLOCK A, **SEAGRAPE SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 4, PAGE 17, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 13, BLOCK A: THENCE N 68°32'41"W, FOR A DISTANCE OF 67.20 FEET TO THE POINT OF BEGINNING; THENCE N 68°32'41"W, ALONG THE NORTH RIGHT OF WAY LINE OF COTTAGE AVENUE (30' WIDE) FOR A DISTANCE OF 119.95 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 10; THENCE N 21°27'19"E, FOR A DISTANCE OF 150.00 FEET, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF CHAPEL STREET, (30' WIDE), FOR A DISTANCE OF 150.00 FEET TO THE NORTHWESTERLY PROPERTY CORNER OF SAID LOT 12; THENCE S 68°32'41"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (50' WIDE), FOR A DISTANCE OF 160.59 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE S 00°00'00"E, ALONG THE EAST LINE OF SAID LOT 2, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE N 68°32'41"W, FOR A DISTANCE OF 42.94 FEET; THENCE N 00°00'00"W, FOR A DISTANCE OF 10.45 FEET; THENCE N 72°57'20"W, FOR A DISTANCE OF 27.81 FEET; THENCE S 17°02'40"W, FOR A DISTANCE OF 3.61 FEET; THENCE N 72°57'20"W, FOR A DISTANCE OF 7.68 FEET; THENCE S 17°02'40"W, FOR A DISTANCE OF 60.50 FEET TO THE POINT OF BEGINNING. CONTAINING 23.067 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

**ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.**

1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 277-7332 FAX

RECEIVED
JAN 04 2007

COMMUNITY DEVELOPMENT
REC'D SECOND PLAT

Applicant's Legal Checked
by CS 1/5/07

LARRY GARDNER, SURVEYOR AND MAPPER #4294
NOT VALID WITHOUT EMBOSSED SEAL

JOB NUMBER: 05-1430A1

EXHIBIT (A 2/2)

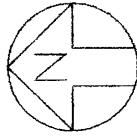
LAND SURVEY

LOT 2, BLAKE'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 4, PAGE 44, AND LOTS 10, 11, 12, AND PART OF LOT 13, BLOCK A, SEAGRAPE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 4, PAGE 17, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 13, BLOCK 'A', THENCE N 68°32'41"W, FOR A DISTANCE OF 67.20 FEET TO THE POINT OF BEGINNING; THENCE N 68°32'41"E, ALONG THE NORTHEASTLY CORNER OF SAID LOT 13, BLOCK 'A', FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE S 68°32'41"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD 130' WIDE, FOR A DISTANCE OF 160.59 FEET TO THE NORTHEASTLY CORNER OF SAID LOT 2; THENCE S 00°00'00"E, ALONG THE EAST LINE OF SAID LOT 2, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHEASTLY CORNER OF SAID LOT 2; THENCE N 68°32'41"W, FOR A DISTANCE OF 10.45 FEET; THENCE N 68°32'41"E, FOR A DISTANCE OF 27.91 FEET; THENCE S 17°02'40"W, FOR A DISTANCE OF 17.02 FEET; THENCE S 68°32'41"E, FOR A DISTANCE OF 60.50 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THE PROPERTY SHOWN HEREON IS LYING IN ZONE A12 OF THE NATIONAL FLOOD INSURANCE PROGRAM, ELEVATION - 14'

PROPERTY ADDRESS:
2500/2510 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA



BENCHMARK
FOUND NAIL & DISK
ELEVATION: 5.2
NGVD 1929

SCALE 1 INCH = 50 FEET

Applicant's Legal Checked
by *CSJ* 1/5/06

DATE:
AUGUST 1, 2005

THIS SURVEY IS HEREBY CERTIFIED AS BEING THE MINIMUM REQUIRED SURVEYING ACCORDING TO THE FLORIDA STATUTES, CHAPTER 472, FLORIDA STATUTES AND CHAPTER 472.01, F.A.C. AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE. ZONING OR FREEDOM FROM ENCUMBRANCES UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL EMPLOYED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. THIS SURVEY IS NOT VALID FOR ANY OTHER PURPOSES WITHOUT WRITTEN AUTHORIZATION.

LAST SURVEYED, SURVEYOR AND MAPPER 44294
NOT VALID WITHOUT EMBOSSED SEAL

JOB NUMBER: 05-1430

LINE	BEARING	DISTANCE
L 1	N 68°32'41"W	42.94'
L 2	N 00°00'00"E	10.45'
L 3	N 72°57'20"W	27.91'
L 4	S 17°02'40"W	9.61'
L 5	N 72°57'20"W	7.88'

BENCHMARK
RIM OF MANHOLE
ELEVATION: 5.5
NGVD 1929

SURVEYORS NOTES:

- 1) FIR - FOUND 1/2" IRON ROD
- 2) UNLESS SHOWN OTHERWISE
- 3) THE EAST LINE IS ASSUMED TO BEAR AS SHOWN.
- 4) ELEVATIONS SHOWN THUS 4.2 REFER TO NGVD 1929 AND ARE RELATIVE TO BENCHMARK SHOWN.

THIS SURVEY IS CERTIFIED TO:
2500 ESTERO BOULEVARD, L.L.C.,
BANK LEUMI, USA.

RUTHERFORD MULHALL, P.A.,
CHICAGO TITLE INSURANCE COMPANY

RECEIVED
COMMUNITY DEVELOPMENT
RECORDS AND PLANS
AUG 11 2005

REVISION:

WROTE NEW LEGAL 1-4-07
CERTIFICATIONS 8/28/2005
FILE DISK: AUG 05-1
CREW: LEWIS/RICE/RODRIGUEZ

ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.

1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 277-7332 FAX

BENCHMARK
RIM OF MANHOLE
ELEVATION: 6.1
NGVD 1929

ESTERO BOULEVARD
50' WIDE

CHAPEL STREET
30' WIDE

SEAGRAPE SUBDIVISION

VACANT

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LOT 11

LOT 12

LOT 13

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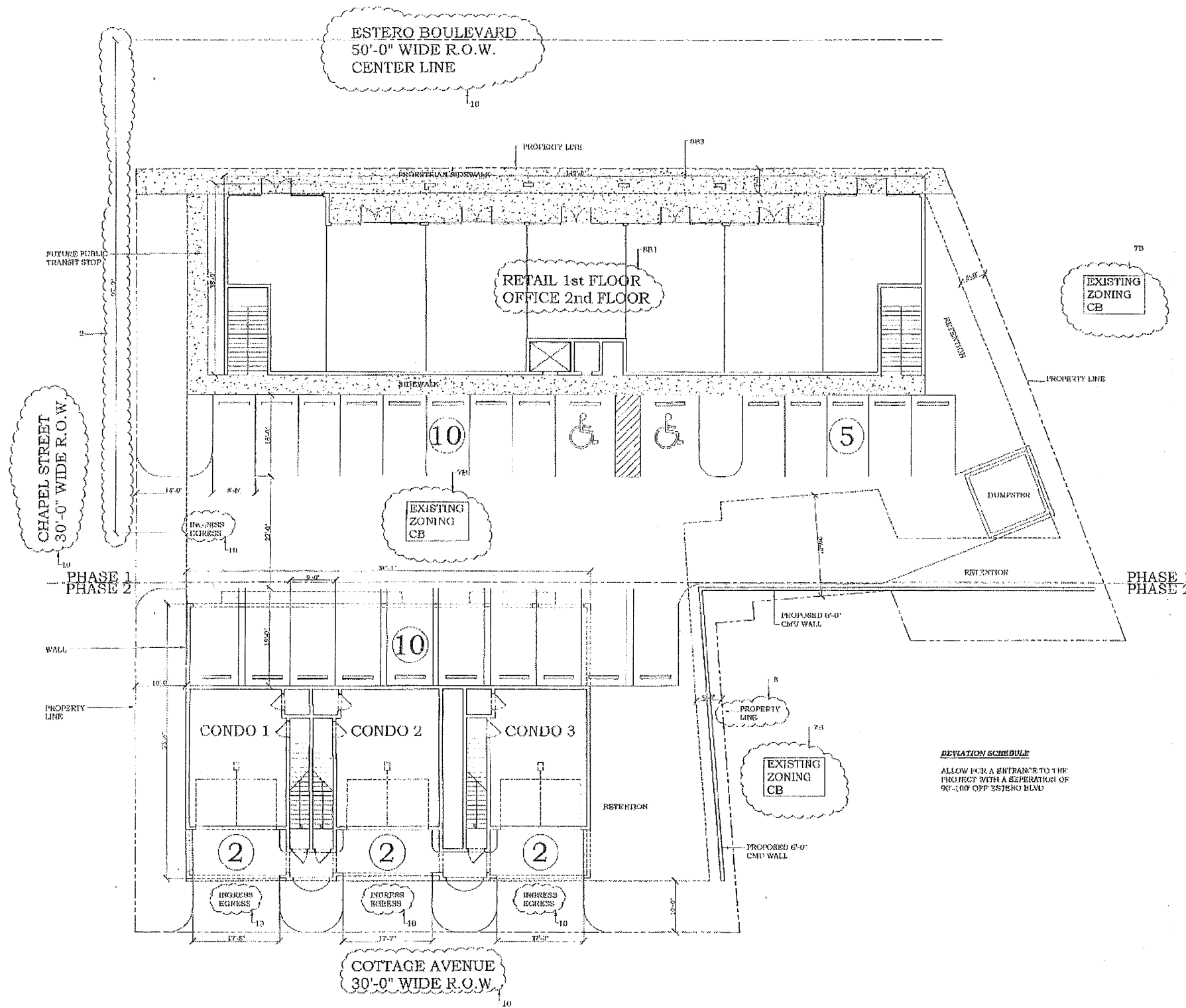
LOT 229

LOT 230

LOT 231

LOT 232

LOT 233



KEY

PROPERTY LINE
SETRASK LINE
PARKING SPACES
SIDEWALKS

SITE DATA

COMMERCIAL BLVD 23,067 SQ FT

DEVELOPMENT REGULATIONS

FROM SETBACK (ESTERO BLVD) 5'-0"
SETBACK (CHAPEL STREET) 10'-0"
SIDE SETBACK (SOUTH SIDE) 5'-0"
SETBACK (COTTAGE AVE) 10'-0"
REAR SETBACK (ESTERO BLVD) 20'-0"

LOT COVERAGE (P.A.R.) 1.0
BUILDING HEIGHT MAX 40'-0" ABOVE FLOOD
MAX STORIES 5

F.A.R. (FLOOR AREA RATIO) CALC

TOTAL LAND AREA 23,067 SQ FT

FIRST FLOOR RETAIL 5,189 SQ FT

SECOND FLOOR RETAIL 4,793 SQ FT

FIRST FLOOR CONDO 4,244 SQ FT

SECOND FLOOR CONDO 4,411 SQ FT

THIRD FLOOR CONDO 4,420 SQ FT

TOTAL FLOOR AREA 23,067 SQ FT

FLOOR AREA RATIO

1

OPEN SPACE CALCULATIONS

17.1%

PARKING CALCULATIONS

OFFICE (2 PER 1000) 10

RETAIL (3 PER 1000) 15

MULTIFAMILY (2 PER UNIT) 5

SPACES REQUIRED 31

SPACES PROVIDED 31

SCHEDULE OF USE CHART

RESIDENTIAL MULTIFAMILY

WORK (34-1728)

LODGING

RENTAL OF ANY UNIT FOR OVER A WEEK

OFFICE

ADMINISTRATIVE OFFICES

COMMERCIAL

RETAIL STORE

CIVIL

ESSENTIAL SERVICES

DAYCARE

CULTURAL FACILITIES

GENERAL LANDSCAPE REQUIREMENTS

1 TREE PER 3,000 SF DEVELOPMENT AREA

(23,067 / 3,000)

8 TREES REQUIRED

TREE CREDIT

NONE

PARKING LANDSCAPE REQUIREMENTS

10% INTERNAL LANDSCAPING REQUIRED

(6,321 x 10%)

1 TREE PER 250 SQ FT OF INTERNAL AREA

612.1 SQ FT

3 TREES REQUIRED

PROPERTY BUFFERS

NORTH PROPERTY LINE

COMMERCIAL BLVD TO R.O.W.

NO BUFFER REQUIRED

SOUTH PROPERTY LINE

COMMERCIAL BLVD TO COMMERCIAL BLVD

NO BUFFER REQUIRED

EAST PROPERTY LINE

COMMERCIAL BLVD TO R.O.W.

NO BUFFER REQUIRED

WEST PROPERTY LINE

COMMERCIAL BLVD TO R.O.W. (NORTHERN)

NO BUFFER REQUIRED

COMMERCIAL BLVD TO R.O.W. (SOUTHERN)

NO BUFFER REQUIRED

GENERAL BUFFER NOTES

THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE #1 OR BETTER.

NO BUFFER PLANT MATERIAL SHALL BE INSTALLED IN BASEMENT.

THE TREES SHALL BE A MINIMUM OF 10 FEET IN HEIGHT WITH TWO INCH TRUNK DIAMETER MEASURED AT ONE FOOT ABOVE GROUND AND A MINIMUM CANOPY OF 4 FEET AT TIME OF INSTALLATION.

A MINIMUM OF 75% OF TREES REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE VARIETIES.

A MINIMUM OF 50% OF SHRUBS REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE VARIETIES.

ANY AND ALL EXOTIC VEGETATION (PER LEE COUNTY & THE TOWN OF FORT MYERS BEACH) ON THE PARCEL SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF SITE BY CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INDIGENOUS EXOTIC VEGETATION IN PERMANENCY.

BUILDING EDGE PLANTINGS

REQUIRED TO BE INSTALLED ALONG & LEAST 5% OF THE LENGTH OF ALL WALK THAT FACE ON SITE PARKING WITH MORE THAN 25 PARKING SPACES.

MINIMUM WIDTH OF 5'-0"

MINIMUM OF 50% COVERAGE AT TIME OF PLANTING

NONE REQUIRED

MASTER CONCEPT PLAN (A)

SCALE: 3/32"=1'-0"

001 2006-00033



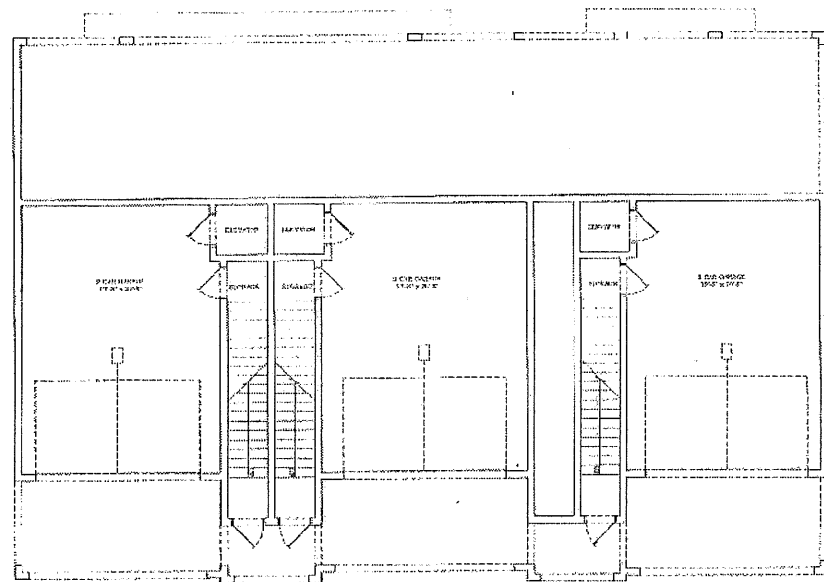
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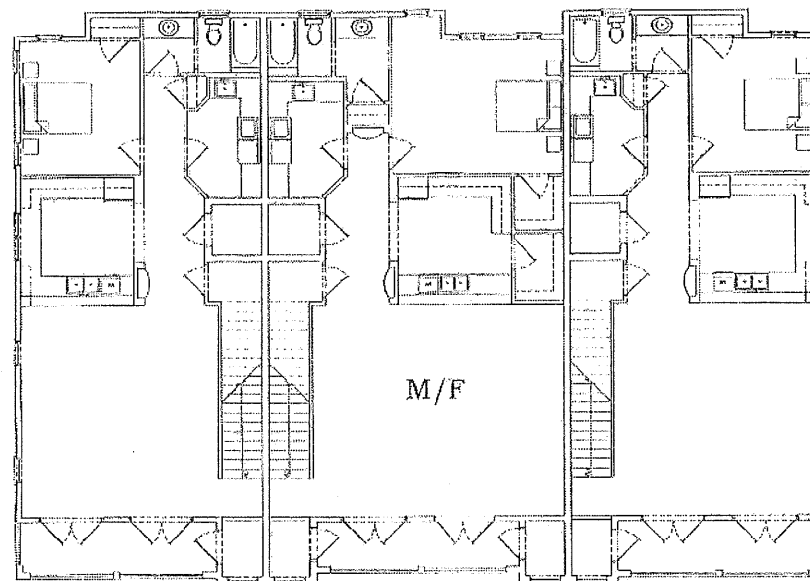
2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Check By	JOE MARRAS
Drawn By	CHRISTOPHER
Scale	AS NOTED
Project No.	05-0024
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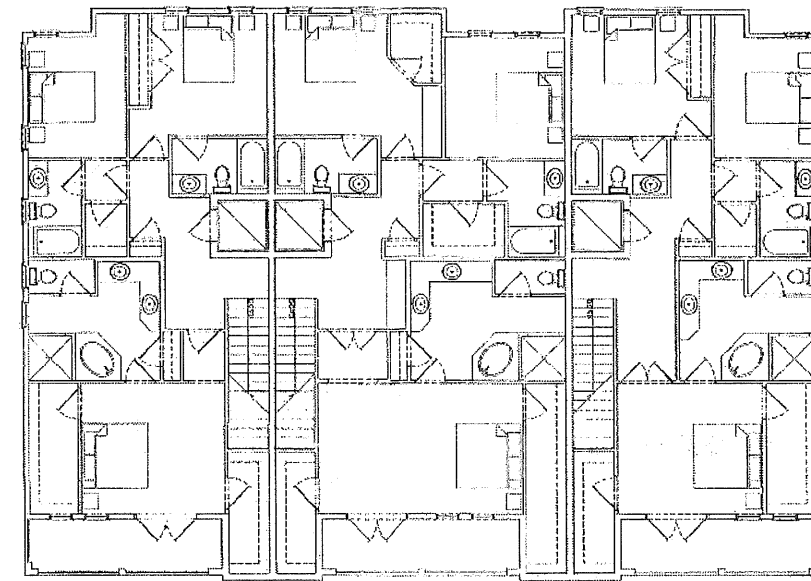
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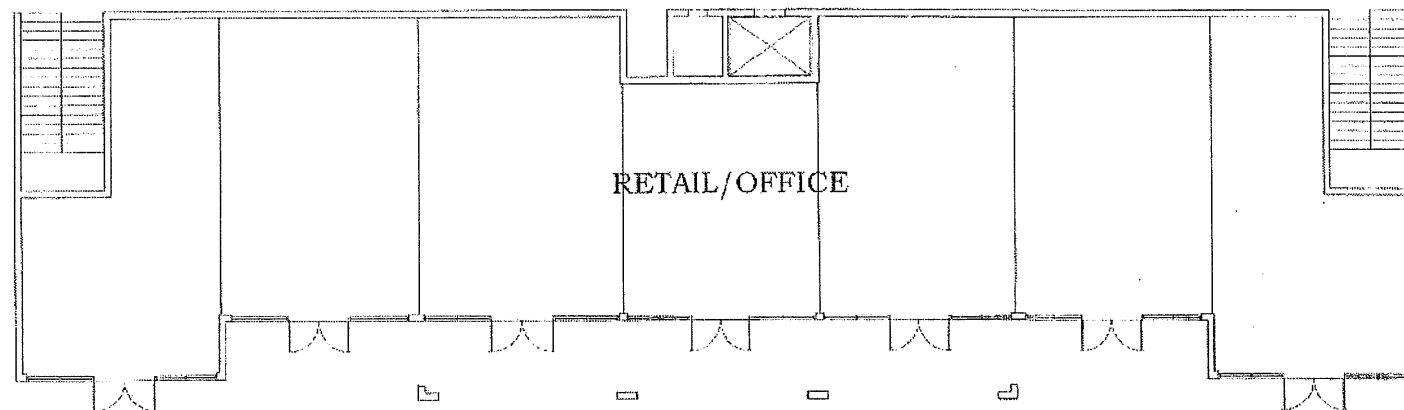
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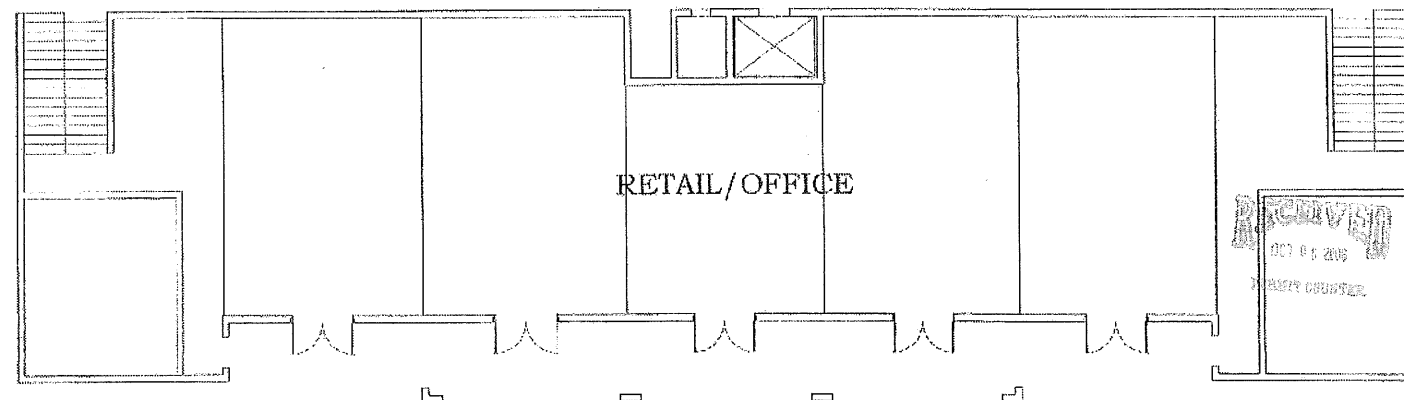
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CONCEPT 3rd FLOOR PLAN (A)
SCALE: 1/8"=1'-0"



CONCEPT 1st FLOOR PLAN (A)
SCALE: 1/8"=1'-0"



CONCEPT 2nd FLOOR PLAN (A)
SCALE: 1/8"=1'-0" DCI 2006-00033



NOT TO SCALE
FOR INFORMATION ONLY
THIS PLAN IS NOT A CONTRACT
IT IS A CONCEPTUAL DESIGN
AND IS NOT TO BE USED FOR
CONSTRUCTION OR FOR ANY
OTHER PURPOSES WITHOUT THE
WRITTEN CONSENT OF MCHARRIS
PLANNING & DESIGN, INC.

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2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Drawn by: JUDY MCHARRIS
Reviewed by: CYNTHIA GOODWIN
Scale: AS SHOWN
Title: CONCEPT A
Sheet: C0-0024

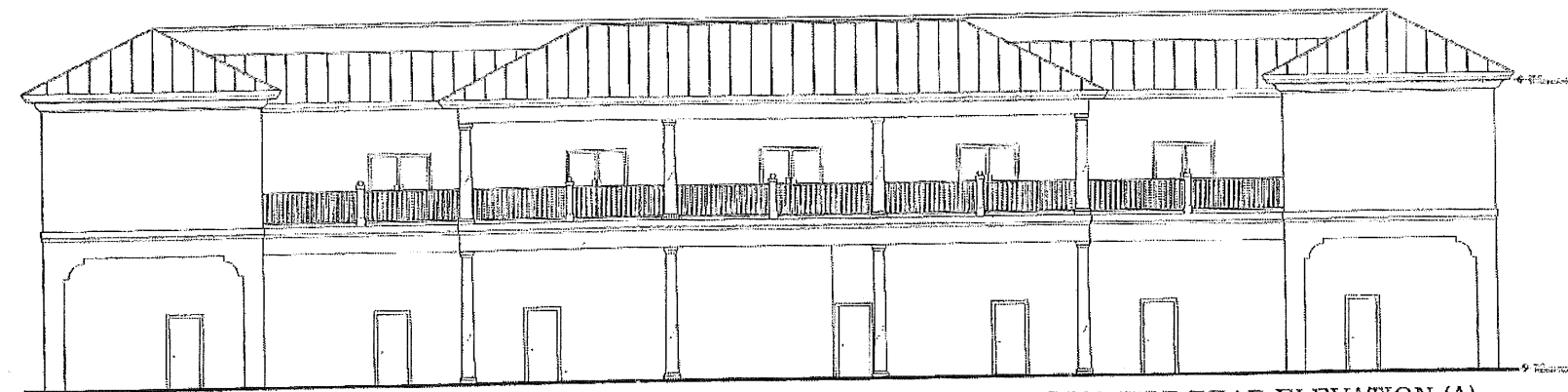
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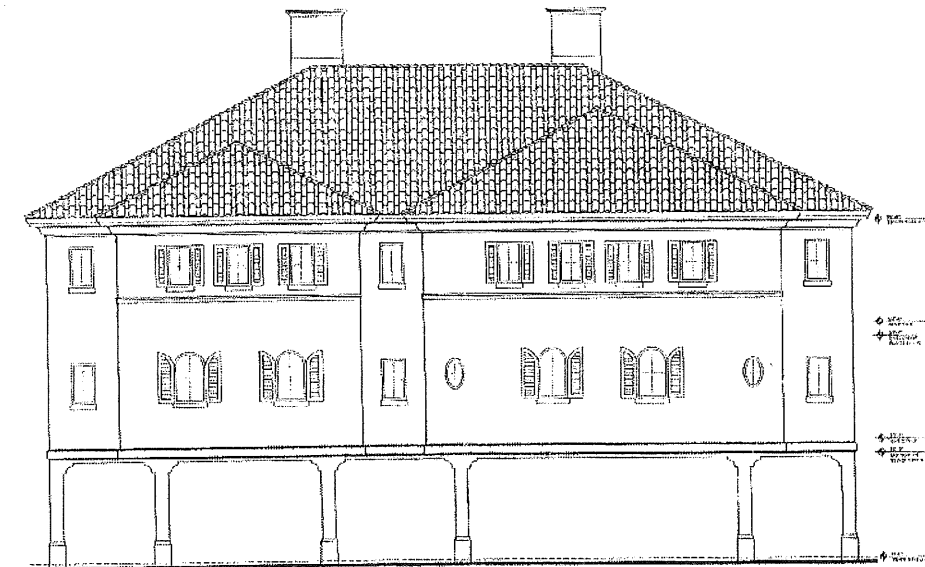
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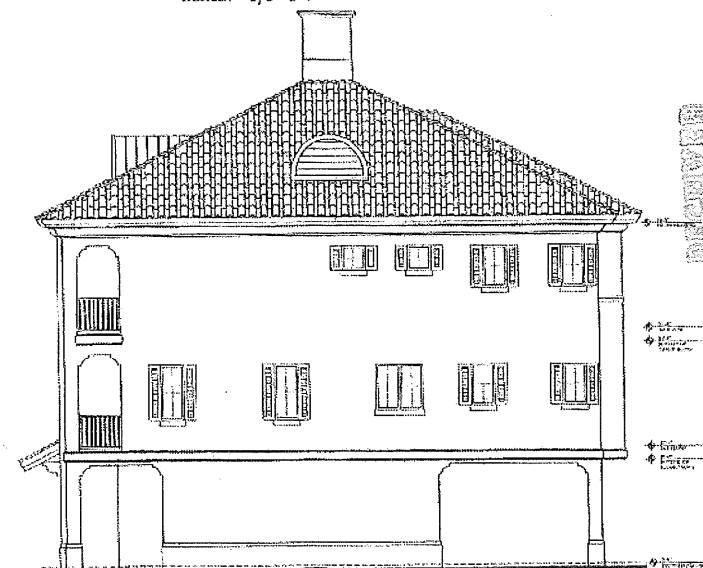
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CONCEPT REAR ELEVATION (A)
SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (A)
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CONCEPT SIDE ELEVATION (A)
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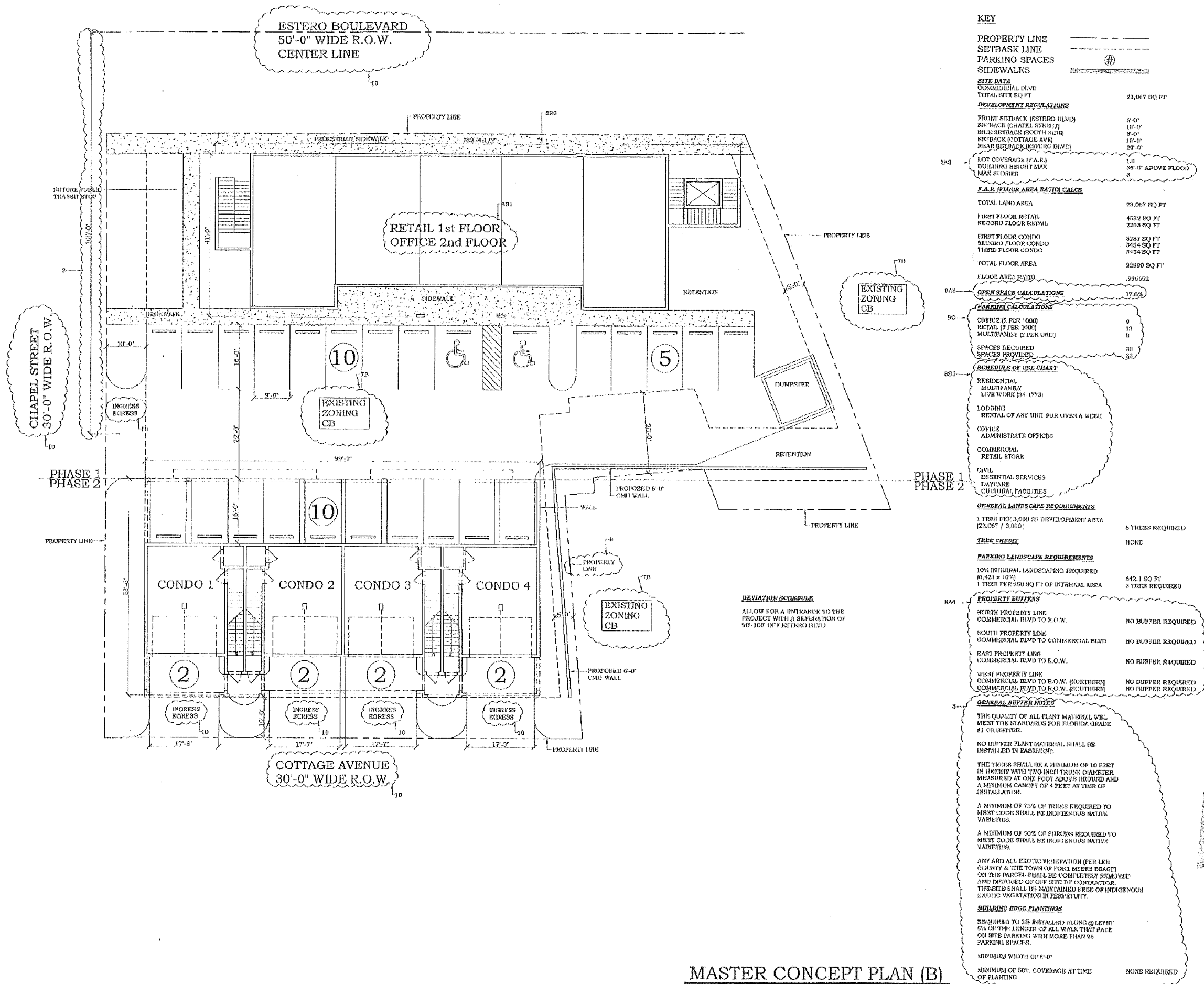
THESE PLANS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF FLORIDA. I CERTIFY THAT I AM A MEMBER IN GOOD STANDING OF THE FLORIDA ARCHITECTURAL BOARD. I AM NOT PROVIDING THESE PLANS FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE.

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2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MEERS BEACH, FL

Project Name and Address
2500 ESTERO BLVD.
FORT MEERS BEACH, FL
33435
Project No. CS-0024

Project No. CS-0024
Sheet No. A-3.1



MCHARRIS
PLANNING & DESIGN
8001 Highland Trade Blvd.
Suite 1
Fort Myers, FL 33905
Phone: (239) 744-4882
Fax: (239) 744-4889
Mobile: (239) 744-4883

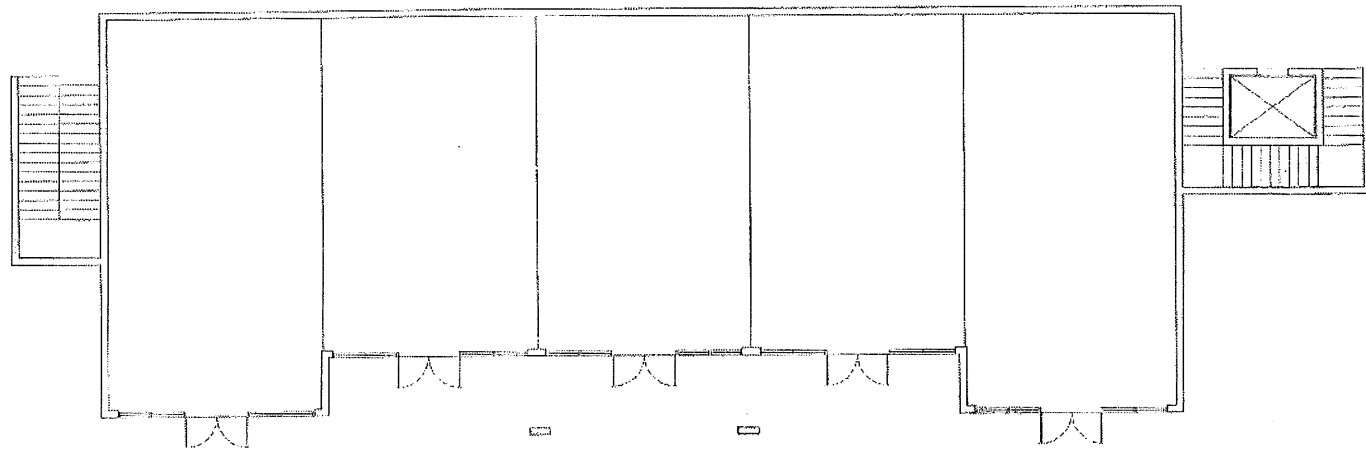
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CONCEPT B
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Check by: JULE REINHARDT
Drawn by: JAMES H. HARRIS
Scale: AS NOTED
Project No: CS 0024

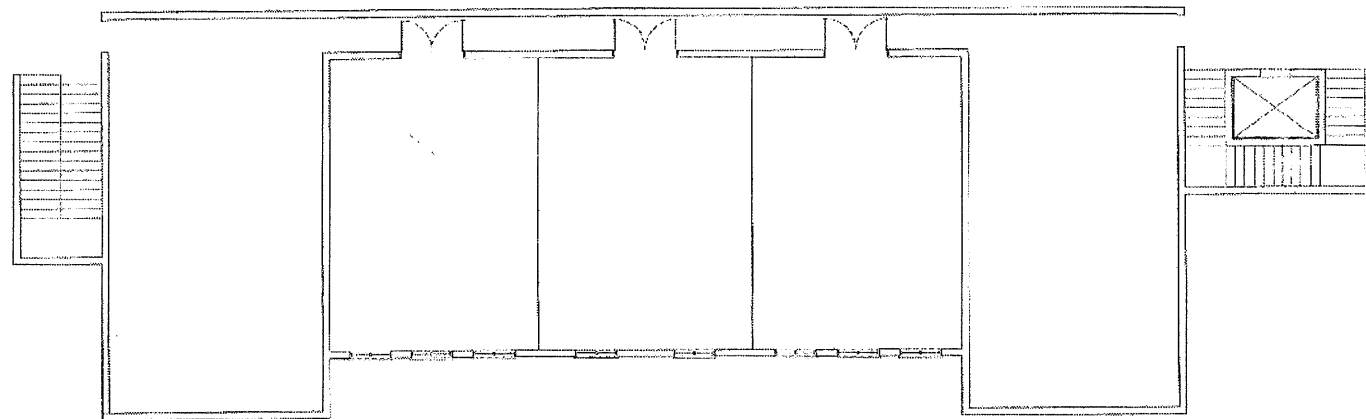
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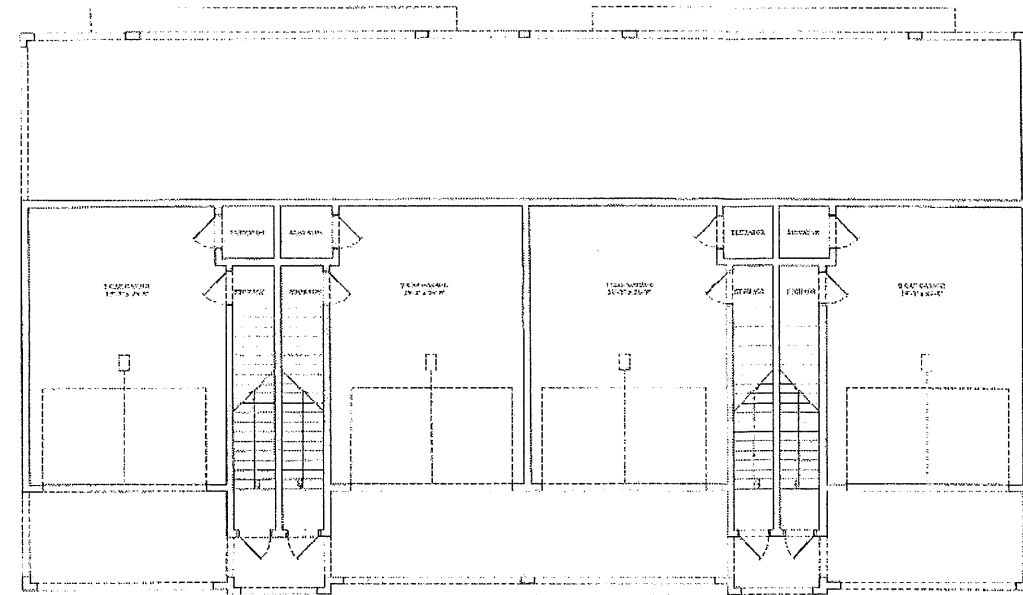
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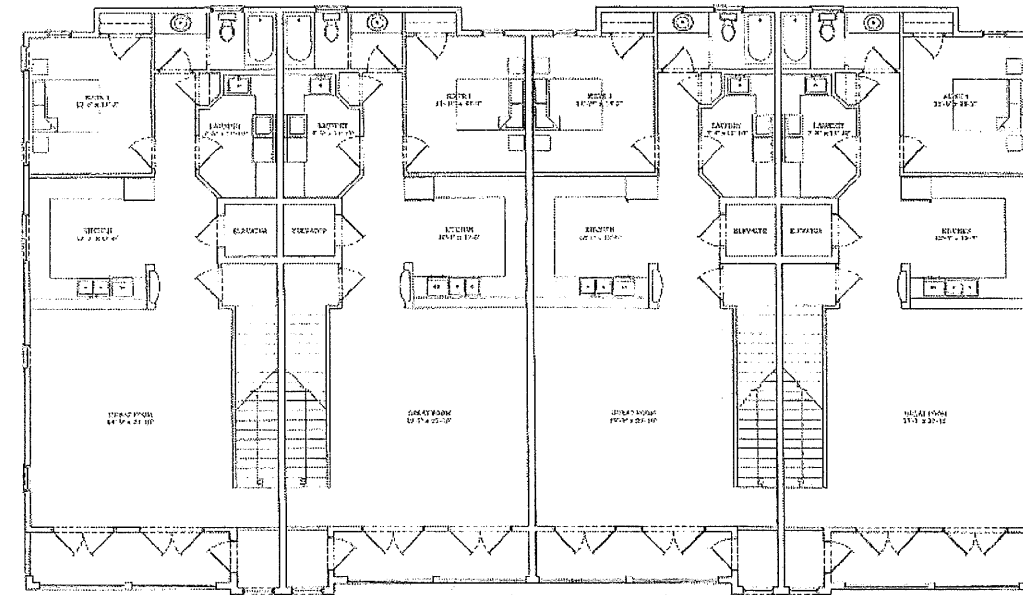
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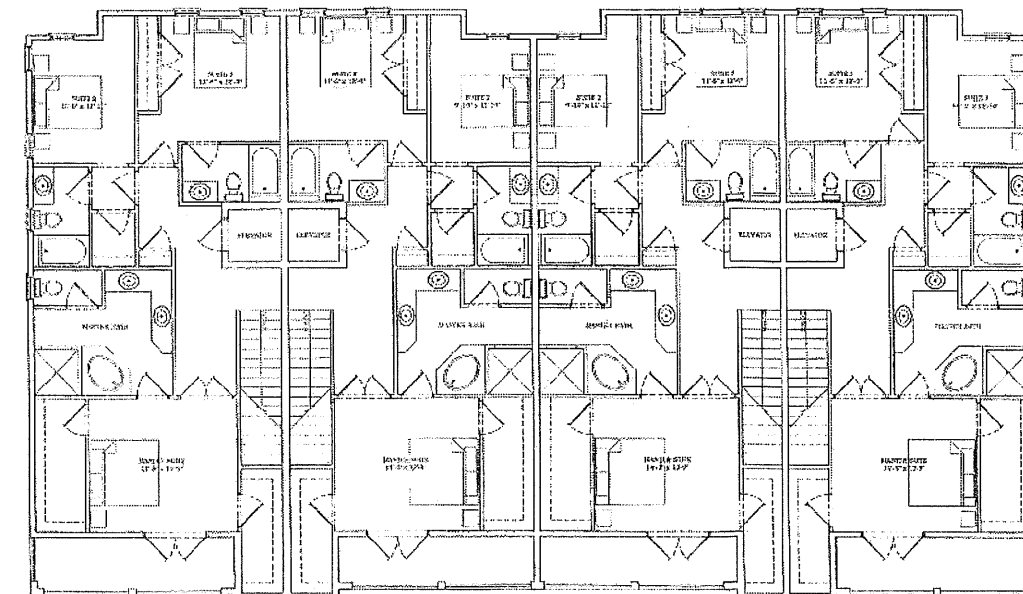
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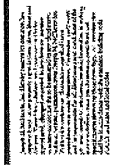
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CONCEPT 2nd FLOOR PLAN (B)



CONCEPT 3rd FLOOR PLAN (B)
SCALE: 1/8"=1'-0"



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**2500 ESTERO
CONCEPT B**
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Project: 2500 ESTERO BLVD.
Client: CDDO CLINIC
Architect: JPM McHARRIS
Scale: AS NOTED
Project No.: C5-0024

A-2.1

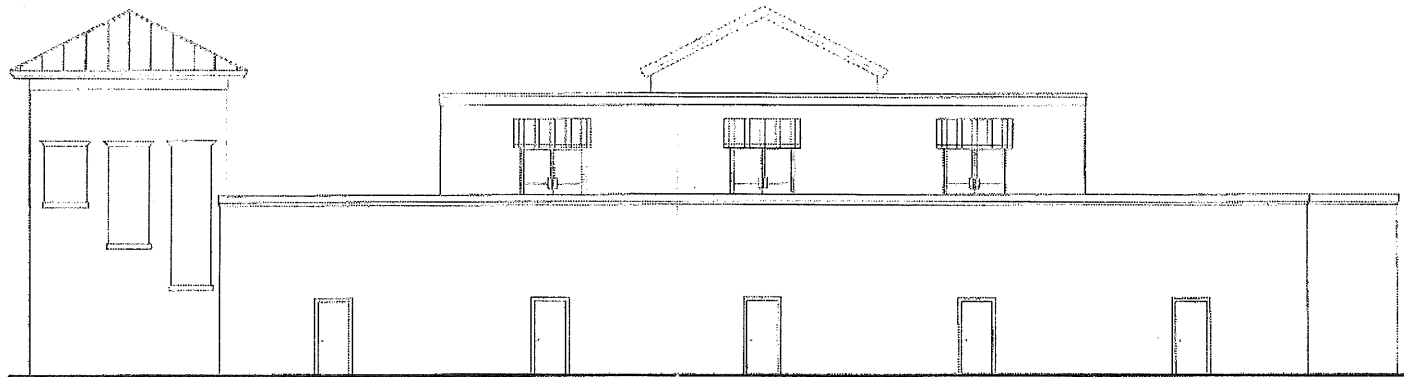
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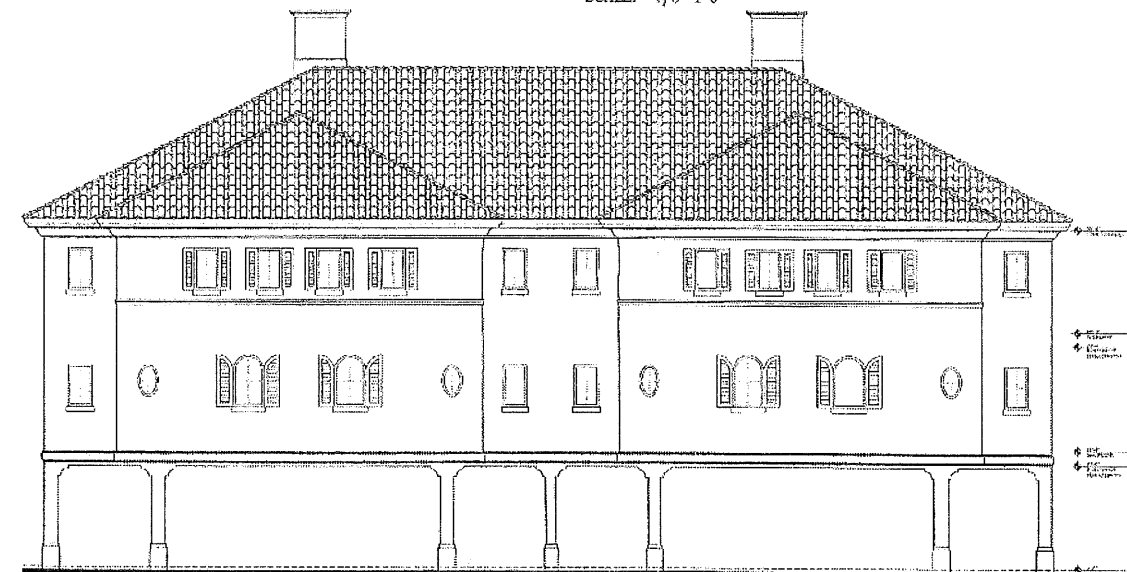
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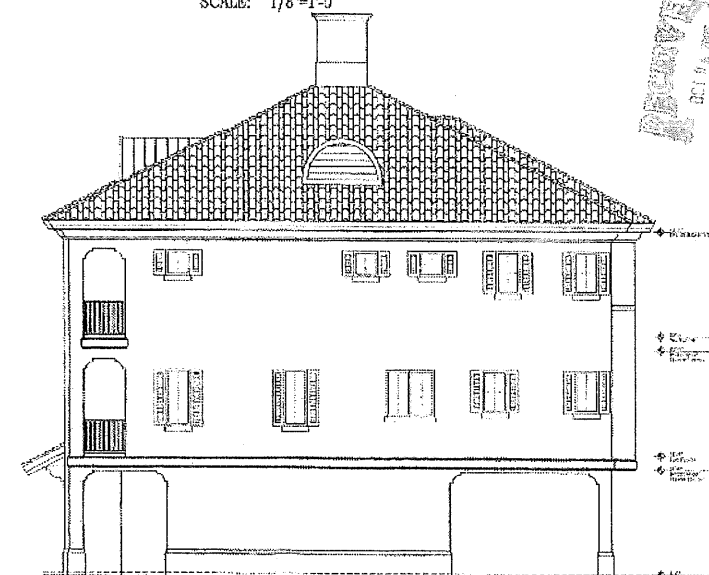
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CONCEPT REAR ELEVATION (B)
SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (B)
SCALE: 1/8"=1'-0"



CONCEPT SIDE ELEVATION (B)
SCALE: 1/8"=1'-0"



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2500 ESTERO
CONCEPT B
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Check by: JOE M. BAEZ
Reviewed: CERO GONZALEZ
Approved: AD RUPPEL
Drawing No: CS-0024

Sheet No: A-3.1

2500 Estero Blvd.



US 41
Other Highways
Other Roads

Air Photos: 2023 Hi-Res (3 inch)

	HospitalLocations	School Locations
		
	Library Locations	School Local
		
		CCC_Parks
		

--- County Boundary
 Major Roads Medium
 I - 75
 US 41
 Other Highways
 Other Roads

Parcels Near

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



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Commercial Planned Development Amendment

CASE NUMBER: DCI Rezoning 20240137.1

CASE NAME: Food Truck Park

LPA

HEARING DATE: January 9th, 2025

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP/Jason Smalley, Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Empire Holding Corp. TR for Ann Trust/Neighborhood Company

Request: Amend the existing CPD RES#07-28 to: 1) expand the boundary to include and rezone Lot 1 (2518 Estero Boulevard) from Commercial Boulevard to CPD.; and 2) expand the boundary to include and rezone the remainder of Lot 13 (2543 Cottage Avenue) from Residential Multifamily (RM) to CPD

Subject property: See Exhibit B

Physical Address: 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave

STRAP #: 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000;
19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A

FLU: Boulevard

Zoning: CPD/Commercial Boulevard/Residential Multi-family

Adjacent zoning and land uses:

North: INSTITUTIONAL (IN)
Boulevard

South: RESIDENTIAL MULTIFAMILY (RM)

East: Boulevard
COMMERCIAL BOULEVARD (CB)
Boulevard
West: RESIDENTIAL MULTIFAMILY (RM)
Boulevard

II. BACKGROUND AND ANALYSIS

The applicant, Neighborhood Company on behalf of the property owner Empire Holding Corp, is requesting to expand the CPD boundaries approved by Resolution 07-28. The existing CPD consists of a 0.52+ acre parcel (at 2500 and 2510 Estero Blvd.) with a maximum of 23,067 square feet, consisting of 9,952 square feet of commercial and office plus (3) three dwelling units developed as either 3 multi-family or 3 live/work units with a total of 13,115 square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories and an FAR of 1.0. The CPD approved by Resolution 07-28 allowed “Option A” as a part of the Master Concept Plan. The site was not developed.

Since the approval of the original CPD in 2007, the owner has purchased two abutting parcels located at 2518 Estero and 2543 Cottage Avenue. These lots each contained a single-family home. Both homes were destroyed by Hurricane Ian in 2022. The applicant is requesting an extension of the CPD boundaries to include these two additional properties. This would increase the CPD boundary area to a total of +/- 0.691 acres. This ordinance is necessary to enable the applicant to develop the site as one entity.

Analysis:

The site is located in the designated “Civic Complex” neighborhood and with a “Boulevard” land use designation in the Comprehensive Plan. The Boulevard land use category permits a maximum 1.5 F.A.R. LDC Section 34-953, states that building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CB zoning district for CPDs that are not primarily lodging. The CB zoning district permits a maximum FAR of 1.0. The proposed redevelopment being brought to the LPA and Town Council under a separate ordinance, in “Option B” MCP will be well below that maximum, which is compliant with Town regulations.

Neighborhood Compatibility:

The subject property is located approximately 1.07 miles from Times Square and is southwest of the area known as the Civic Center of Fort Myers Beach. The properties front on the southside of Estero Boulevard; north of Cottage Avenue; and to the east of Chapel Street. The project is surrounded by vacant commercial properties as well as single and multifamily residential properties.

IV. 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:

LDC Sec. 34-85 (b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

Staff response: No errors or ambiguities exist.

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

Staff response: The purchase of two adjacent properties initiated the request for expanded boundary.

(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, although the LPA may desire to consider additional regulation to govern this use in the future.

(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 expanded boundary is consistent with the Town of Fort Myers Beach Comprehensive Plan.

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

Staff response: The proposed development will be required to meet performance standards set forth in 34-2031 and 34-2032.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on designated environmentally critical areas and natural resources. The request does not include any revision to the environmentally critical areas.

(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 expanded boundary is compatible.

(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: The location is compatible.

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

LDC Sec. 34-85 (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.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes.

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

LDC Sec. 34-216(b)(2) The recommendation made to the town council must be supported by the guidelines set forth in [§ 34-85](#) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

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

Staff response: The proposed uses are not being altered under this ordinance.

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 through required buffering at the property boundaries.

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: No special conditions are requested as part of this application.

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

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

Staff response: Not applicable.

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

Staff response: **IV. 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:

LDC Sec. 34-85 (b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

Staff response: No errors or ambiguities exist.

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

Staff response: The site was vacant prior to Hurricane Ian. The redevelopment of the site makes the requests appropriate. Food Truck Parks are growing in popularity, and this use is not directly addressed in the LDC, which makes the CPD process appropriate to resolve any potential conflicts with this new use.

(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, although the LPA may desire to consider additional regulation to govern this use in the future.

(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 density and intensity request are consistent with the Town of Fort Myers Beach Comprehensive Plan. The proposed food truck park will program a space that has been vacant for many years preceding Hurricane Ian. It is, by its scale, pedestrian-oriented for the existing neighbors and the several newly approved development projects in nearby locations as addressed in Goal 7. Also, the location is accessible from LeeTran service and a reasonable distance from the downtown zoning district on bicycle. Food truck operators, in general, are small business owners who may add to Fort Myers Beach "small-town" character as addressed in Goal 4. The outdoor nature of the proposed development lends itself to integration with the public realm as addressed in Policy 4-A-2. The following policies are addressed by the applicant in the project narrative:

1. Policy 4-C-3:

2. Policies 4-B-5 and 4-C-3

3. Policy 4-C-4:

4. Policy 4-C-8:
5. Policy 4-E-1: The proposed redevelopment of the property will be well below the allowed intensity (FAR 1.0) as approved in Resolution 07-28 prior to the natural disaster (Hurricane Ian).
6. Policy 7-D-3 Alternate Travel Mode

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

Staff response: The proposed development will be required to meet performance standards set forth in 34-2031 and 34-2032.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on designated environmentally critical areas and natural resources. The request does not include any revision to the environmentally critical areas.

(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 request in "Option B" is compatible with the surrounding land uses. The potential for nuisance is minimized through provided buffers as well as several staff recommended conditions for approval. These suggested conditions include limited hours of operation to reduce the potential for noise nuisance to surrounding properties.

(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: The "Option B" request is less intense than the currently approved "Option A" and should not place an undue burden on transportation services.

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

LDC Sec. 34-85 (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 regards 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

LDC Sec. 34-216(b)(2) The recommendation made to the town council must be supported by the guidelines set forth in [§ 34-85](#) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

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

Staff response: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use. The expanded boundary area, additions to the Schedule of Uses and the "Option B"-MCP are appropriate. The Food Truck Park concept with

commercial parking area is not directly anticipated in the Comprehensive Plan or LDC but is not in conflict with either regulation.

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 through required buffering at the property boundaries. Additionally, staff have suggested several conditions to further safeguard the public.

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

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

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

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

Staff response: Not applicable.

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

Staff response: **IV. 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:

LDC Sec. 34-85 (b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

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

Staff response: No errors or ambiguities exist.

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

Staff response: The site was vacant prior to Hurricane Ian. The redevelopment of the site makes the requests appropriate. Food Truck Parks are growing in popularity, and this use is not directly addressed in the LDC, which makes the CPD process appropriate to resolve any potential conflicts with this new use.

(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, although the LPA may desire to consider additional regulation to govern this use in the future.

(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 density and intensity request are consistent with the Town of Fort Myers Beach Comprehensive Plan. The proposed food truck park will program a space that has been vacant for many years preceding Hurricane Ian. It is, by its scale, pedestrian-oriented for the existing neighbors and the several newly approved development projects in nearby locations as addressed in Goal 7. Also, the location is accessible from LeeTran service and a reasonable distance from the downtown zoning district on bicycle. Food truck operators, in general, are small business owners who may add to Fort Myers Beach "small-town" character as addressed in Goal 4. The outdoor nature of the proposed development lends itself to integration with the public realm as

addressed in Policy 4-A-2. The following policies are addressed by the applicant in the project narrative:

1. Policy 4-C-3:
2. Policies 4-B-5 and 4-C-3
3. Policy 4-C-4:
4. Policy 4-C-8:
5. Policy 4-E-1: The proposed redevelopment of the property will be well below the allowed intensity (FAR 1.0) as approved in Resolution 07-28 prior to the natural disaster (Hurricane Ian).
6. Policy 7-D-3 Alternate Travel Mode

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

Staff response: The proposed development will be required to meet performance standards set forth in 34-2031 and 34-2032.

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

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on designated environmentally critical areas and natural resources. The request does not include any revision to the environmentally critical areas.

(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 request in "Option B" is compatible with the surrounding land uses. The potential for nuisance is minimized through provided buffers as well as several staff recommended conditions for approval. These suggested conditions include limited hours of operation to reduce the potential for noise nuisance to surrounding properties.

(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: The "Option B" request is less intense than the currently approved "Option A" and should not place an undue burden on transportation services.

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

LDC Sec. 34-85 (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 regards 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

LDC Sec. 34-216(b)(2) The recommendation made to the town council must be supported by the guidelines set forth in [§ 34-85](#) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

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

Staff response: The proposed mix of uses is appropriate in this location, it is in the Boulevard Future land use. The expanded boundary area, additions to the Schedule of Uses and the "Option B"-MCP are appropriate. The Food Truck Park concept with commercial parking area is not directly anticipated in the Comprehensive Plan or LDC but is not in conflict with either regulation.

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 through required buffering at the property boundaries. Additionally, staff have suggested several conditions to further safeguard the public.

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

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

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

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

Staff response: No additional height is requested.

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: There are no anticipated adverse traffic impacts

V. RECOMMENDATION

Staff finds that the CPD amendment meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC. Staff recommends **approval** of DCI20240137.1.

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

Yellow Sheet Number: **2025-152**

1. Request:

Meeting Date: January 9, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240233, REQUESTING FOUR VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1479 ESTERO BLVD., GENERALLY REFERRED TO AS "LANI KAI" STRAP NUMBER 19-46-24-W4-0060B.0070, IN FORT MYERS BEACH 1) WAIVING REQUIRED PARKING FOR THE 25-UNIT HOTEL, REQUIREMENTS FOR 2) PARKING LOT CONFIGURATION, 3) LANDSCAPING REQUIREMENTS AND 4) DRIVEWAY WIDTH REDUCTIONS FOR ENTRANCES ON ESTERO BLVD.; 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 applicant must design their parking lot to meet the LDC requirements, the applicant has proposed to variance those non-compliant aspects of the existing lot and they will be held to the plan approved in a previous Limited Development Order (LDO) from 2020.

What the action accomplishes:

Allows the applicant an exemption from bringing non-compliant aspects of the parking lot into conformity with the current LDC.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant was notified that they must obtain prior approval from Town Council before engaging in commercial parking at their 1479 Estero site. The applicant wishes to remove parking requirements for the 25-unit hotel building on this site, allowing for the use of all parking spaces to be used for commercial parking, while also requesting to remove landscape buffers, required parking lot configuration requirements and LDC-required reductions of their driveway width.

This item was continued at the December 10, 2024, LPA meeting. After the meeting staff consulted with the Town Attorney and determined that this Variance request was necessary for the approval of the concurrent Special Exception application.

Attachments:

1. Resolution 24-XXX -- Lani Kai Special Exception Resolution
2. LPA Staff Report
3. Variance Application and Supporting Documents
4. [Historical] Adjacent Neighbor's LDO

Financial Impact:

N/A

6. Alternative Action

Approve with conditions

7. **Staff Recommendations:**

N/A

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: December 30, 2024

Frankie Kropacek, Operations & Compliance Director

Date: December 30, 2024

nancy stuparich, Town Attorney

Date: January 02, 2025

Amy Baker, Town Clerk

Date: January 03, 2025

RESOLUTION NUMBER 24-XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE 43 COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 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 Robert Burandt on behalf of LKLB of Florida Inc. is requesting use of an existing lot to provide 43 commercial parking spaces in the Downtown zoning district per Sections 34-2011(2)(a) and 34-2019(a) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0060B.0100; 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 noticed and held before the Local Planning Agency (LPA) on December 10, 2024, and at the hearing the LPA gave full and complete consideration to the request of the Applicant recommendations of staff, the documents in the record, 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 with conditions of the Special Exception; and

WHEREAS, on the ___ day of _____, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request for a Special Exception.

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

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

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the Special Exception to allow reconstruction of a major accessory structure in the EC zoning district per section 6-366.

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 Applicant and the subject property:

1. A new special exception must be applied for each time an LDO/ DO is applied for, or any structures are developed/ reconstructed.
2. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

3. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
4. Any violation of the conditions of approval shall render the special exception null and void.
5. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
6. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
7. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.

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 _____, 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240233

CASE NAME: 1479 Estero Blvd.; requesting a variance from Sec. 34-2020(d)(2)(e) for the removal of required parking spaces to serve 25 hotel/ motel units, Sec. 34-2015 removing requirements to design the parking lot with sufficient lighting, on-site turnaround area, vehicle stacking and drainage and landscaping design, Sec. 34-2016(1) requiring two-way drive-aisle widths to be at least 22-feet wide, Sec. 34-2013 requiring minimum and maximum driveway widths at the entrance/ exit.

LPA

HEARING DATE: December 10, 2024, at 9 AM

STAFF

RECOMMENDATION: DENIAL

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

I. APPLICATION SUMMARY

Applicant/Owner: Robert Burandt, Esq./ LKLB of Florida Inc.

Request(s): **1)** A variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** A variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row, the ability to turn-around and exit the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** A variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** A variance to allow internal aisle width for two-way traffic be no less than 22-feet in width.

Subject property: See attached site plan

Physical Address: 1479 Estero Blvd

STRAP #: 19-46-24-W4-0060B.0070

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North: CANAL

South: DOWNTOWN
Commercial Parking Lot

East: DOWNTOWN
Multi-Family Condominium

West: DOWNTOWN
Commercial Parking Lot

II. BACKGROUND AND ANALYSIS

Background:

Robert Burandt, Esq., the authorized representative for 1479 Estero Blvd, is requesting four variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC 34-2020(d)(2)(e) requiring a minimum of 30 parking spaces to accommodate the hotel/ motel use of 25-units which are less than 450 square-feet per room (25 units x 1.2/ unit $\leq$ 450 s.f. = 30 required spaces; 13 remaining spaces which can be utilized for commercial parking should that use be approved by Council).

The second (2) is a variance from the Town's LDC 34-2015 which requires parking lots to be designed with internal landscaping and drainage to meet current land development code standards. The applicant is also seeking relief from stacking, turning radius and lighting requirements. The elimination of these requirements may impact the free-flow of traffic on Estero Blvd.,

The third (3) variance is from the Town's LDC 34-2013 which limits maximum driveway widths is 25-feet, the northernmost driveway is approximately 30-feet wide.

The fourth (4) is a variance from the Town's LDC 34-2016 which requires drive aisle widths of at least 22-feet, the applicant's previously approved Limited Development Order (LDO) shows that the existing aisle width is approximately 20-feet according to Lee Property Appraisers online GIS tools.

Analysis:

The first (1) variance request is for a reduction of the minimum required parking to accommodate the hotel/ motel use which calls for 1.2 spaces per accommodation unit which are ≤ 450 s.f. The Town's LDC Sec. 34-2020 (d)(2)(e) would require that 30 of the 43 available parking spaces would need to be dedicated for use by the 25 hotel/ motel units, allowing them a maximum of 13 spaces dedicated to commercial use. The applicant is requesting that all 43 spaces be allocated for a commercial parking lot, a 100-percent reduction of required parking associated with the hotel/ motel use

The second (2) variance request is to remove parking lot design requirements. The Town's LDC Sec. 34-2015 states that applicants shall provide landscaping, drainage to accommodate the use of the site as a 25-unit hotel/ motel, space to allow for stacking to occur entirely on the applicant's site, vehicle/ pedestrian lighting and end spaces to provide sufficient turn-around space in dead-end aisles. The applicant is seeking to keep the site as it currently exists. A commercial parking lot is anticipated to have a greater impact to Estero Blvd, with an increase to vehicle move in and out of the property.

The third (3) variance request is to remove requirements in the Town's LDC Sec. 34-2013 that driveways/ entrances/ exits cannot be wider than 25-feet, the current northernmost driveway is between 25-30 wide.

The fourth (4) variance request is to remove requirements in the Town's LDC Sec. 34-2016 which requires that two-way drive-aisles be a minimum of 22-feet wide when vehicles utilize 90-degree parking spaces, perpendicular to the drive-aisle. This requirement would be addressed during the Fire Department's eventual review of a LDO/ DO, the applicant has not provided assurances to staff that even if given approval to remove that aisle width requirement that the Fire reviewer would be able to approve the parking lot layout as has been presented in this variance application.

"The purpose of the Downtown district is [to] create the desired quality and character for the center of pedestrian-oriented commercial activities within the town. New commercial buildings are expected to accommodate pedestrians by providing storefronts near sidewalks and by offering shade and shelter along major streets." The lot varies in width from approximately 108 feet to 130 feet. The lot depth is approximately 270-feet with a portion that extends into the adjoining waterway.

Neighborhood Compatibility:

The subject property is a 25-unit hotel/ motel use with 43 parking spaces including one ADA-compliant space (per LDO20230196; attached). The lot sits directly adjacent

to a condominium and an existing commercial parking lot (1397 Estero Blvd) and another commercial parking lot across Estero Blvd. (1450 and 1478 Estero Blvd.)

While the commercial parking use is in-line with the mix of uses in the area, the proposed layout would not be in-line with the previously approved Special Exception for 1397 Estero Blvd. (SEZ 2003-00028).

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there are/**are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property is already developed and has been in generally the same layout going back to at least 1998, which is as far back as LEEPA aerials can be obtained through the LEEPA website. Staff cannot assess whether commercial parking had been allowed previously by the Town or the County on this site. Asking to utilize all 43 parking spaces, rather than the 13 spaces which would be allowed if the parking requirements were applied to this lot is not a de minimis ask.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The applicant has stated that there had been commercial parking for decades, even prior to the Town's incorporation, the staff cannot assess the validity of this claim, but there have been no measurable changes to the site since Hurricane Ian.

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

The applicant can develop commercial parking on this site and provide for the minimum requirements that they are asking for relief from.

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

The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed variances will not materially affect the existing uses if they continue their uses as they have been.

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

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

III. RECOMMENDATION

Staff has reviewed the request for **1)** a variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** a variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row the ability to turn-around and exist the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** a variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** a variance to allow internal aisle width for two-way traffic be no less than 22-feet in width and found that the variance requests does not meet the requirements set forth in sec. 34-87.

It seems that the variance requests per LDC Sec. 34-87 do not meet the requirements outlined in sections A and C of the findings and conclusions of this staff report. However, they do meet the requirements set forth in sections B, D and E of the findings and conclusions of this staff report.

Therefore, staff recommends **Denial** of VAR20240233, a **1)** a variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** a variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row the ability to turn-around and exist the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** a variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** a variance to allow internal aisle width for two-way traffic be no less than 22-feet in width

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances 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 variance shall only apply to the lot as shown on the provided site plan. Demolition or substantial damage to the commercial structure shall render the variances to be null and void.
- 3) Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
- 4) Requirements and agreements made in LDO20230196 including:
 - a. Minimum standard parking space dimensions (18' x 9') and ADA parking space (18' x 12' with a 5' wide striped loading aisle)
 - b. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
 - c. Any lighting proposed must obtain proper permits and must obtain FDEP approval.

V. EXHIBITS

- A. Previously Approved LDO Site Plan
- B. Variance Application

BURANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

ATTORNEYS AND COUNSELORS-AT-LAW

1714 CAPE CORAL PARKWAY EAST

CAPE CORAL, FLORIDA 33904

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LEE G. RENDEIRO, ESQ.
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Telephone No.: (239) 542-4733
Facsimile No.: (239) 542-9203
E-mail: Robert@capecoralattorney.com

SEPTEMBER 4, 2024

Via Email & Delivery

Jason Smalley

Senior Planner, Community Development

Town of Fort Myers Beach

2731 Oak St

Fort Myers, FL 33931

Re: Lani Kai Application

Dear Mr. Smalley:

The Lani Kai intends to continue to lease spaces only to their patrons and only agreed to this application after discussion with the Town of Fort Myers Beach staff. They don't intend to invest additional sums of money into their parking lot at this time.

Pursuant to your July 24, 2024, correspondence, my client (Lani Kai) needs the following variances.

1. Waiving the number of required spaces to accommodate the 25-guest unit calculation and allow the applicant to rely on the limited development order attached hereto (Bates stamp # 012).
2. Variance from providing a parking lot configuration and rely on the limited development order. (Bate stamp # 013).
3. Variance from landscaping requirements.
4. Variance requiring the applicant to reduce the entry driveway width from Estero Blvd. and to allow the existing two (2) driveways to be in compliance with the limited development order. (Bate stamp # 012 and 013).

Thank you for your time and consideration regarding this matter. If you have listed any additional variances, please let me know. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

/s/ Robert B. Burandt

Robert B. Burandt, Esq.

Attorney-At-Law

Burandt, Adamski, Feichthaler & Sanchez, PLLC

Town of Fort Myers Beach

SEP 5 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. Please do not submit the instructions at the end of the application.

Site Address: 1479 Estero Blvd, Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-0060B.0070

Applicant: LKLB of Florida Inc. Phone: 239-463-3111

Contact Name: Robert B. Burandt, Esq. Phone: 239-542-4733

Email: robert@capecoralattorney.com Fax: 239-542-9203

Current Zoning District: Hotel/Motel

Future Land Use Map (FLUM) Category: Mixed Use

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*: LKLB of Florida Inc., Robert B. Burandt, Esq. Phone: 239-542-4733

**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: 1714 Cape Coral Parkway East, Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: 239.542.9203

Contact Name: Robert B. Burandt Phone: 239-542-4733



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Robert B. Burandt, Esq. Phone: 239-542-4733

Address: 1714 Cape Coral Parkway East, Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: 239.542.9203

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☒ Other. Please Explain: Special Exception to allow paid public parking. Need the following
variances: #1 variance from only using 13 parking spaces. #2 need variance from re-design of parking.

PART III - Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Robert B. Burandt, Esq. 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

Robert Barandi
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 5 day of June, 2024, by

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

_____ as identification.



Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office	Percentage of Stock
Robert Conidaris	100%

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

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Ownership

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

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature

Printed Name

AFFIDAVIT

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

I, Robert B. Borandt, Esq. (name), as Attorney (title)
of L.K.B. of Florida Inc. (company), swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

LKLB of Florida Inc.
Name of Entity (corporation, partnership, LLP, LLC, etc)
[Signature] Attorney
Signature Title
Robert D. Burandt, Esq. 6/5/24
Typed or Printed Name Date

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 5 day of June, 2024 by [Signature], ☒ who is personally known to me OR ☐ who has produced _____ as identification.



PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-00608,0070

Property Address: 1479 Estero Blvd., Fort Myers Beach, FL 33931

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

☒ Yes. Property identified in subdivision: Venetian Gardens

Book: 6 Page: 70 Unit: _____ Block: B Lot(s): 7+8+E 1/2
of Lot 9+28+29+ VAC RD R/W OR 553 PG 797

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) Front 125' Back 100' _____ feet

Depth (please provide an average width if irregular in shape) 270 _____ feet

Frontage on street: 125 _____ feet. Frontage on waterbody: _____ feet

Total land area: 30,725 _____ ☐ acres ☒ square feet

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

Go over the bridge and turn left, go down 1/5 of a mile on your left-hand side.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☒ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



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: Lani Kai Bay Front
Authorized Applicant: Robert B. Burandt, Esq.
LEIPA STRAP Number(s): 19-46-24-W4-0060B.0070

Current Property Status:	
Current Zoning: Hotel/Motel	
Future Land Use Map (FLUM) Category: Proposed mixed use	
Platted Overlay?	yes no FLUM Density Range:

Requested Action:

☐	Use of premises in the EC (Environmentally Critical) zoning district for:
☒	Use of premises in the _____ zoning district for:
The Property is a 25-unit Motel with 43 parking spaces which are 18 x 9 feet. The drive aisle width is 20 feet with one handicapped parking space see Exhibit #1 attached hereto and incorporated herein	



Case# _____ Date Received: _____

PART I Narrative Statements

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

Applicant is requesting to continue to use the parking lot for the Bayside Hotel for public paid parking.
without modifications to the parking lot, landscaping or other requirements.

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:

This property has been used for public paid parking since before the town was incorporated and will have no
adverse effect on the surrounding property or their use.
The Times Square area of the Beach needs more public parking. Traffic is very congested because visitors
have no place to park.



Case# _____ Date Received: _____

Granting the requested Special Exception could impact surrounding properties as follows:

There would not be any adverse effect. The property is bordered by Norms parking to the North and property to the right of Norms parking which is owned by the Applicant or its affiliates

There is a canal to the right of the property and a Condominium to the South. This property has continually been used as public parking since the late 80s early 90s.

**PART 2
Submittal Requirements**

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

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3500.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement



Simon Holmes

November 10, 2023

RE: 1479 Estero Blvd, Fort Myers Beach
Strap # 19-46-24-W4-0060B.0070
LDO Application 20230196- Type 8- Resub 2

Dear Mr. Holmes,

Your application for a Limited Development Order has been **approved** by the Town of Ft. Myers Beach for the modifications proposed on the property located at 1479 Estero Blvd.

Request: request to reseal/ restripe of the parking lot and add 1 handicap stall will be striped.

THIS LIMITED DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF UP TO THREE (3) YEARS AND IS SCHEDULED TO EXPIRE ON 11/10/2026.

Please contact the Town's Planning Department to schedule a final inspection once the job is complete by emailing zoningpermits@fmbgov.com.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and Local permits. If you have any questions concerning this matter, please contact the Community Development Department office at (239) 765-0202.

Sincerely,
Sakshi
Planner
Town of Fort Myers Beach
Community Development Department

10/26/23, 10:00 AM

LDO20230196- Approved job site

Lani Kai permit 1.jpg

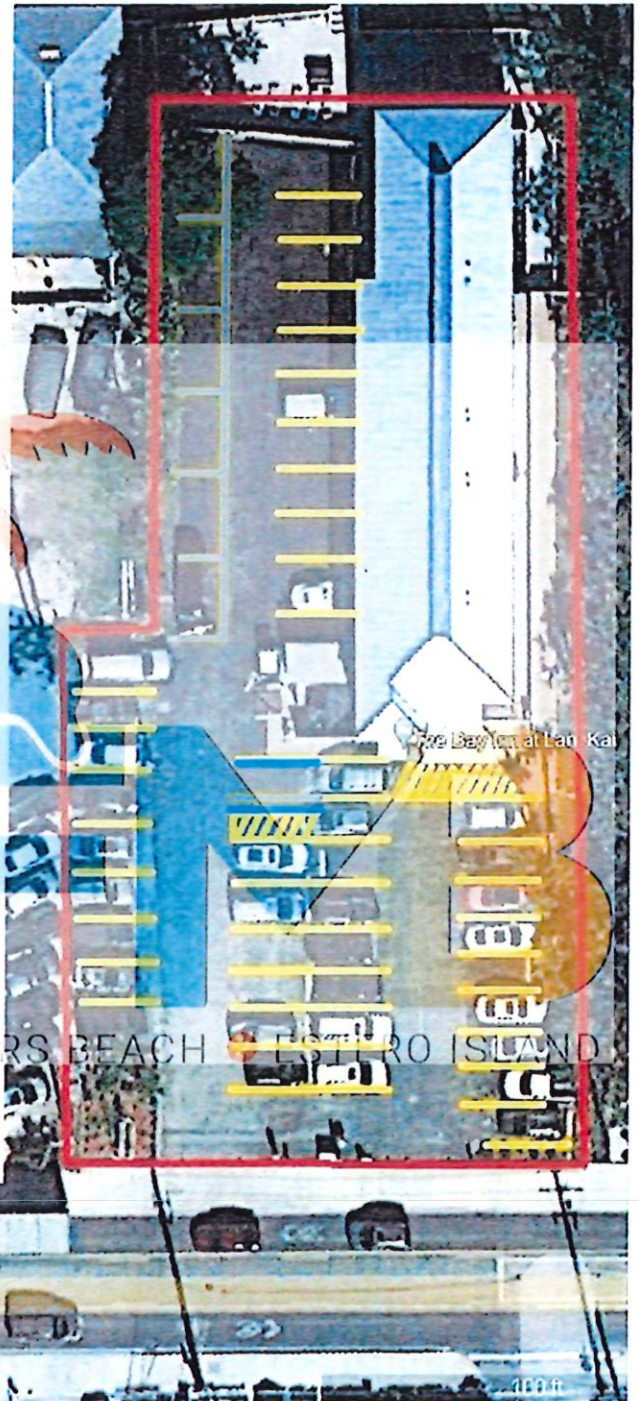
Lani Kai

Address:

1401 Estero Blvd
Fort Myers, FL

Work Description:

- Sealcoat parking lot within the red boundary line. Restripe all existing parking stall lines (yellow) and 6" linear line (yellow).
- No changes to parking lot, strictly sealcoating and restriping only. Each parking stall has the dimensions of 18' x 9'.
- The drive aisle width is 20 feet. There are a total of 43 regular parking spaces and no handicap spaces.
- We are adding zero pole mounted or building mounted lights on site.
- Parallel parking spaces will be removed to accommodate a wide enough drive aisle for the nearby parking.
- One (1) handicap stall will be striped. The dimensions are 18' x 12' with 5' access aisle (ADA compliant).



Property Data

STRAP: 19-46-24-W4-00608.0070 Folio ID: 10477703

Hurricane Ian Tax Roll Value Letter Tax Refund Status

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Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)

LKLB OF FLORIDA INC
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

Site Address

Site Address maintained by 911 Program Addressing

1479 ESTERO BLVD
FORT MYERS BEACH FL 33931

ALTERNATE ADDRESS INFORMATION:

1401 ESTERO BLVD

Property Description

Do not use for legal documents!

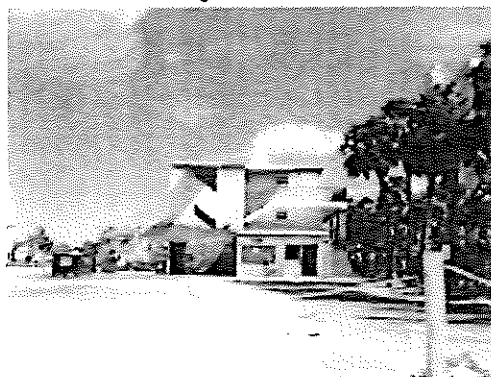
VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 7 + 8 + E 1/2
OF LOT 9 + 28 + 29 + VAC RD RAW OR 553 PG 797

[View Recorded Plat at LeeClick.org](#) - Use this link to do an Official
Records search on the Lee County Clerk of Courts website, using 6 and
70 for the book and page numbers

Attributes and Location Details

Total Bedrooms / Bathrooms 0 / 2.0
Gross Building Area 11,128
1st Year Building on Tax Roll 1984
Historic Designation No

Image of Structure



< Photo Date March of 2023 > ☐ View other photos

Township 46 Range 24E Section 19 Block 00608 Lot 0070
Municipality Latitude Longitude
Town of Fort Myers Beach 26.45166 -81.95067

Last Inspection Date: 01/30/2024

[View Parcel on Google Maps](#)

Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
	Current	3,365,424	2,422,703	3,335,424	1,766,318	0	0	1,766,318
2023 Values / Additional Info	2023	2,422,713	2,422,703	2,422,713	1,523,925	0	0	1,023,925
2022 Values / Additional Info	2022	1,931,798	1,247,740	1,931,798	1,476,235	0	0	1,476,235
2021 Values / Additional Info	2021	1,430,932	968,123	1,430,932	1,342,066	0	0	1,342,066
2020 Values / Additional Info	2020	1,418,708	633,430	1,418,708	1,220,076	0	0	1,220,076
2019 Values / Additional Info	2019	1,192,733	632,550	1,192,733	1,109,182	0	0	1,109,182
2018 Values / Additional Info	2018	1,149,876	650,705	1,149,876	1,008,329	0	0	1,008,329
2017 Values / Additional Info	2017	1,232,621	697,531	1,232,621	916,663	0	0	916,663

2016 Values	2016	1,232,461	696,837	1,232,461	833,330	0	0	833,330
2015 Values	2015	1,159,494	533,520	1,159,494	757,573	0	0	757,573
2014 Values	2014	996,101	531,765	996,101	688,703	0	0	688,703
2013 Values	2013	1,098,712	650,000	1,098,712	628,094	0	0	628,094
2012 Values	2012	569,176	303,852	569,176	569,176	0	0	569,176
2011 Values	2011	521,836	278,579	521,836	521,836	0	0	521,836
2010 Values	2010	777,189	550,285	777,189	675,532	0	0	675,532
	2009	893,360	681,490	893,360	893,360	0	0	893,360
	2008	1,090,900	860,910	1,090,900	1,090,900	0	0	1,090,900
	2007	1,418,620	1,115,680	1,418,620	1,418,620	0	0	1,418,620
	2006	1,747,370	1,369,520	1,747,370	1,747,370	0	0	1,747,370
	2005	1,632,800	1,455,440	1,632,800	1,632,800	0	0	1,632,800
	2004	991,690	885,670	991,690	991,690	0	0	991,690
	2003	988,290	885,250	988,290	988,290	0	0	988,290

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard (F.S. 193.011). For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment (F.S. 193.461 (6)(a)).

The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.

(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for *Homestead* properties OR 10% for non-*Homestead* properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead*, etc.) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	36753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
DOCK - BOAT - WOODEN	1984	1,000

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1986

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
POF - FAIR OFFICE	Y	247

FCP - FINISHED OPEN PORCH	N	1,277
FCP - FINISHED OPEN PORCH	N	1,317
FOP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,527
FUS - FINISHED UPPER STORY	Y	3,527
STP - STOOP	N	301
UST - UNFINISHED UTILITY	N	176

Building Front Photo

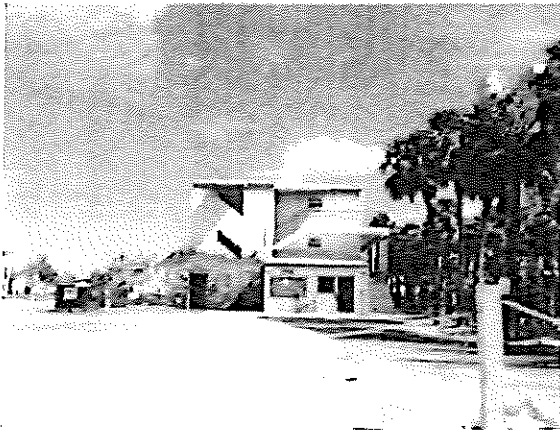
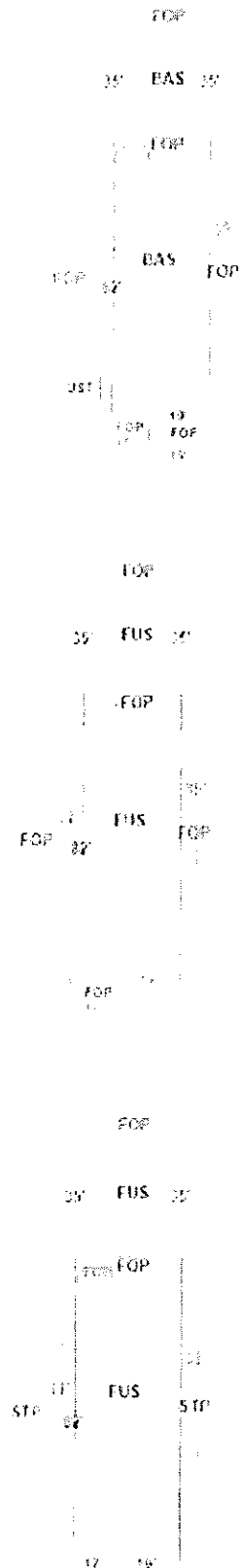


Photo Date: March of 2023

Building Footprint



Property Details (2023 Tax Roll)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	30753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
DOCK - BOAT - WOODEN	1984	1,000

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bathrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1985

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
FOF - FAIR OFFICE	Y	247
FOP - FINISHED OPEN PORCH	N	1,277
FOP - FINISHED OPEN PORCH	N	1,317
FOP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,627
FUS - FINISHED UPPER STORY	Y	3,627
STP - STOOP	N	801
UST - UNFINISHED UTILITY	N	176

Building Front Photo

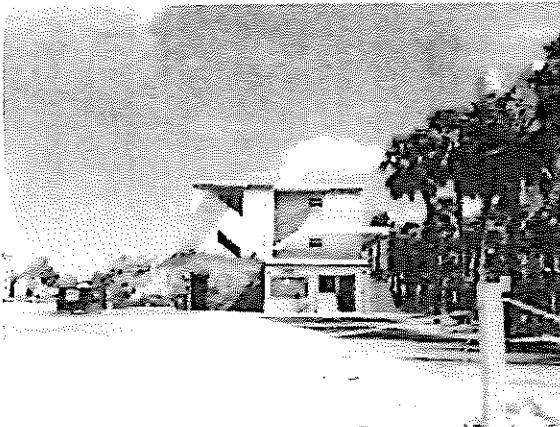
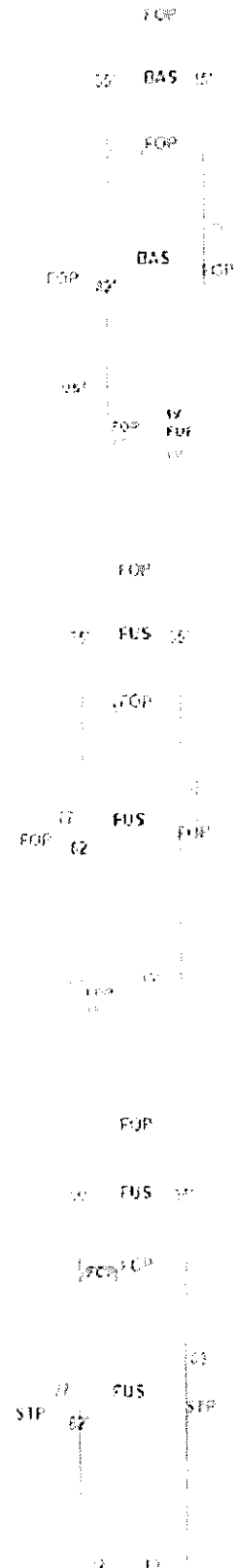


Photo Date: March of 2023

Building Footprint



Taxing Authorities

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TOWN OF FM BCH / FM BCH DOWNTOWN REDEV / 277

Item / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 188 MOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2817 FORT MYERS BEACH FL 33932-2817
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 33425-2480
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3302 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	SFWMD 3331 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

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Sale Price	Date	Clerk File Number	Type	Notes	Variant Improved
618,400.00	08/22/2002	<u>3711/181</u>	03		1
100.00	07/01/1953	<u>1679/972</u>	04		1

[View Recorded Plat at LeeClerk.org](http://LeeClerk.org)

Use the above link to do a search on the Lee County Clerk of Records website using 553 and 70 for the book and page numbers and
Official Records for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free Property Fraud Alert.

Building / Construction Permit Data

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Permit Number	Permit Type	Date
<u>231223</u>	AC New / Change out	02/10/2023
<u>224606</u>	Electric	12/06/2022
<u>221248</u>	Electric	08/05/2022
<u>RGF17-0048</u>	Roof	06/07/2017
<u>SCN15-0023</u>	Building Miscellaneous	09/09/2015

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the appropriate permit issuing agency.

Parcel Numbering History

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Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
19-46-24-W4-0060A.0290	<u>10177752</u>	Split (From another Parcel)	05/09/2003
19-46-24-W4-03600.2040	<u>10228544</u>	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W3-03500.2050	<u>N/A</u>	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W4-03600.1010	<u>10228543</u>	Combined (With another parcel-Delete Occurs)	05/09/2003

Solid Waste (Garbage) Roll Data

Generated on 5/17/2024 3:44 PM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	C - Commercial Category	D	11855	1,243.75
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

Flood and Storm Information

Generated on 5/17/2024 3:44 PM

Flood Insurance Find my flood zone					Evacuation Zone
Community	Panel	Version	Date		
071C	0554	G	11/17/2022		A

Generated on 5/17/2024 3:44 PM

SURVEY PLAT

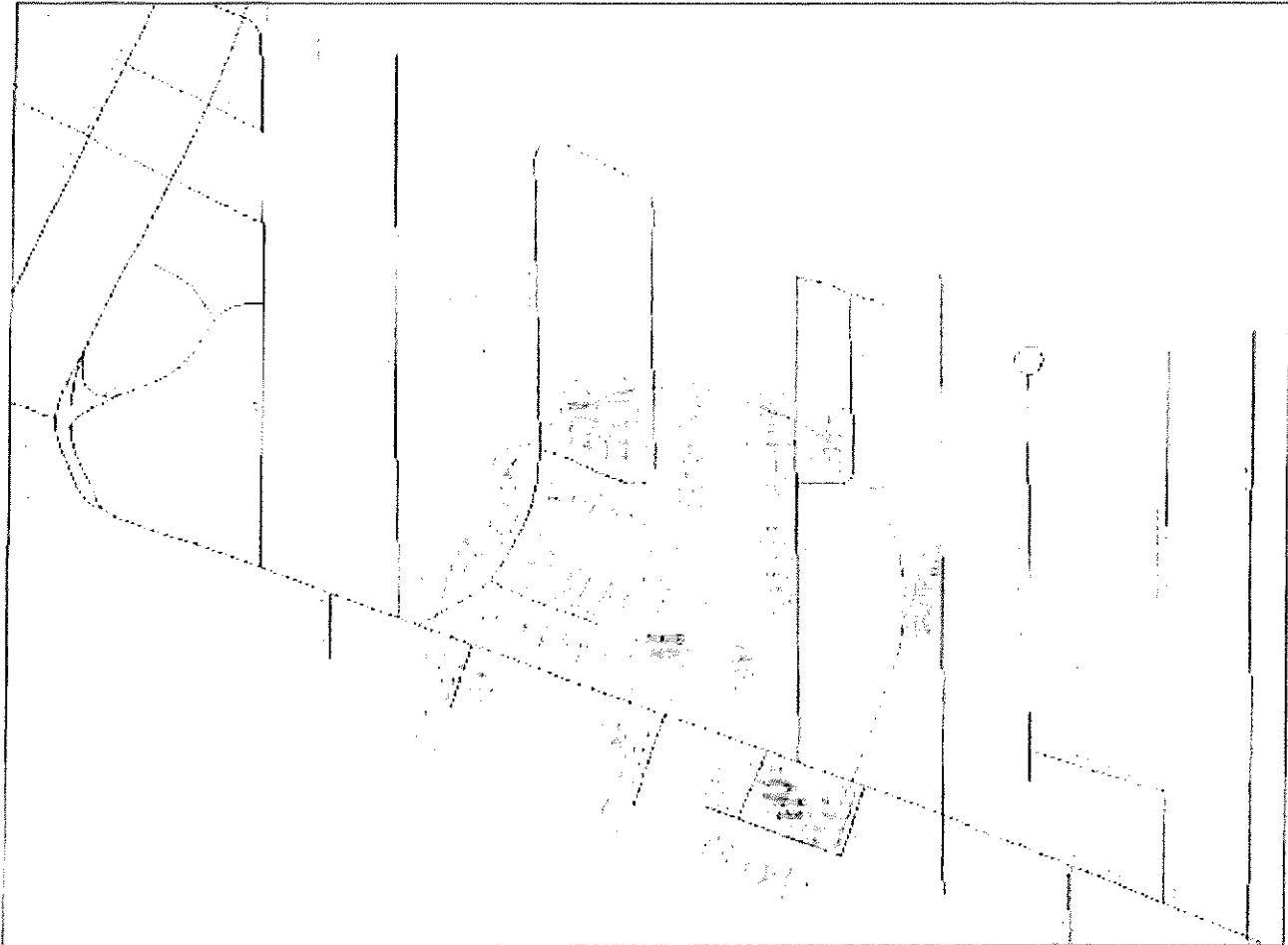
OF
A PARCEL OF LAND
LYING IN
SECTION 19, TOWNSHIP 46, SOUTH, RANGE 74, EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

EXPLANATION
1/4" = 100' and 1/8" = 50' and 1/16" = 25' and 1/32" = 12.5' and 1/64" = 6.25' and 1/128" = 3.125' and 1/256" = 1.5625' and 1/512" = 0.78125' and 1/1024" = 0.390625' and 1/2048" = 0.1953125' and 1/4096" = 0.09765625' and 1/8192" = 0.048828125' and 1/16384" = 0.0244140625' and 1/32768" = 0.01220703125' and 1/65536" = 0.006103515625' and 1/131072" = 0.0030517578125' and 1/262144" = 0.00152587890625' and 1/524288" = 0.000762939453125' and 1/1048576" = 0.0003814697265625' and 1/2097152" = 0.00019073486328125' and 1/4194304" = 9.5367431640625E-5' and 1/8388608" = 4.76837158203125E-5' and 1/16777216" = 2.384185791015625E-5' and 1/33554432" = 1.1920928955078125E-5' and 1/67108864" = 5.9604644775390625E-6' and 1/134217728" = 2.98023223876953125E-6' and 1/268435456" = 1.4901161193847656E-6' and 1/536870912" = 7.450580596923828E-7' and 1/1073741824" = 3.725290298461914E-7' and 1/2147483648" = 1.862645149230957E-7' and 1/4294967296" = 9.313225746154785E-8' and 1/8589934592" = 4.656612873077392E-8' and 1/17179869184" = 2.328306436538696E-8' and 1/34359738368" = 1.164153218269348E-8' and 1/68719476736" = 5.82076609134674E-9' and 1/137438953472" = 2.91038304567337E-9' and 1/274877906944" = 1.455191522836685E-9' and 1/549755813888" = 7.275957614183425E-10' and 1/1099511627776" = 3.637978807091712E-10' and 1/2199023255552" = 1.818989403545856E-10' and 1/4398046511104" = 9.09494701772928E-11' and 1/8796093022208" = 4.54747350886464E-11' and 1/17592186044416" = 2.27373675443232E-11' and 1/35184372088832" = 1.13686837721616E-11' and 1/70368744177664" = 5.6843418860808E-12' and 1/140737488355328" = 2.8421709430404E-12' and 1/281474976710656" = 1.4210854715202E-12' and 1/562949953421312" = 7.105427357601E-13' and 1/1125899906842624" = 3.5527136788005E-13' and 1/2251799813685248" = 1.77635683940025E-13' and 1/4503599627370496" = 8.88178419700125E-14' and 1/9007199254740992" = 4.440892098500625E-14' and 1/18014398509481984" = 2.2204460492503125E-14' and 1/36028797018963968" = 1.11022302462515625E-14' and 1/72057594037927936" = 5.551115123125781E-15' and 1/144115188075855872" = 2.7755575615628905E-15' and 1/288230376151711744" = 1.3877787807814452E-15' and 1/576460752303423488" = 6.938893903907226E-16' and 1/1152921504606846976" = 3.469446951953613E-16' and 1/2305843009213693952" = 1.7347234759768065E-16' and 1/4611686018427387904" = 8.673617379884032E-17' and 1/9223372036854775808" = 4.336808689942016E-17' and 1/18446744073709551616" = 2.168404344971008E-17' and 1/36893488147419103232" = 1.084202172485504E-17' and 1/73786976294838206464" = 5.42101086242752E-18' and 1/147573952589676412928" = 2.71050543121376E-18' and 1/295147905179352825856" = 1.35525271560688E-18' and 1/590295810358705651712" = 6.7762635780344E-19' and 1/1180591620717411303424" = 3.3881317890172E-19' and 1/2361183241434822606848" = 1.6940658945086E-19' and 1/4722366482869645213696" = 8.470329472543E-20' and 1/9444732965739290427392" = 4.2351647362715E-20' and 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1.31579044289179220920725569220222539830464360139875893437668641529296875E-49' and 1/5986310706507378352962293074805895248510699696029696" = 6.5747550064544604184145113844044507966092872027975178687533728305859375E-50' and 1/1197262141301475670592458614961179049702

Architectural drawing of a building with multiple wings and a central tower. The drawing includes a north arrow pointing towards the top right. The building is labeled 'Bayside Motel' in the upper right corner. The drawing is a detailed floor plan showing various rooms, corridors, and structural elements. The text 'Bayside Motel' is written in a stylized font in the upper right corner of the drawing area.

Bayside Motel





Date of Report: June 04, 2024

Buffer Distance: 500 feet

Parcels Affected: 165

Subject Parcel: 19-46-24-W4-0060B.0070

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.01CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 RIO DEL LIDO CANAL	1
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.02CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 CANAL GRANDE CANAL	2
KEY ESTERO SHOPS LLC 3220 PINE CONE CT MILFORD NJ 08831	19-46-24-W4-00402.0010 1661 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 DESC OR 1468 PG 1697 LESS N 275 FT	3
REALBOOK LLC 12 SEQUOIA DR DAYTON NJ 08810	19-46-24-W4-00402.001A 200 CAROLINA AVE FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 N 275 FT OF OR 1468 PG 1697	4
GIBB CAPITAL LLC 1700 MEDICAL LN #101 FORT MYERS FL 33907	19-46-24-W4-00402.0030 211 OSTEGO DR FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BUK J LOT 13 1ST EDITION VENETIAN GARDENS	5
AMBERJACK PROPERTIES LLC PO BOX 446	19-46-24-W4-00402.0050 210 OSTEGO DR	HILLS T P SUBD PB 3 PG 84 PT LOT 11	6

OTTOVILLE OH 45876	FORT MYERS BEACH FL 33931	DESC IN OR 1351 PG 1680	
PIEC DANIEL J & JOYCE A TR 230 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-00402.0120 230 CAROLINA AVE FORT MYERS BEACH FL 33931	HILL STP SURD PB 3 PG 84 PT LOT 11 DESC OR 1365 PG 760	7
MOORE ERIK & SUSAN + 8136 KRONLOKKEN LANE LA FAYETTE IN 47909	19-46-24-W4-00402.0200 231 OSTEGO DR FORT MYERS BEACH FL 33931	PARLIN S 1/4 AS DESC IN OR 1361 PG 1551 AKA BLK J LOT 15 VENETIAN GARDENS	8
EE44 LLC 1951 PINE RIDGE DR JENISON MI 49428	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	9
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0110 259 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 11	10
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0120 257 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 12	11
RATISBONA INC 3665 BONITA BEACH RD SW #1-3 BONITA SPRINGS FL 34134	19-46-24-W4-0060A.0130 251/255 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 13	12
ZIEGLER MICHAEL W & NANCY A 437 AUBURN ST ALLEN TOWN PA 18102	19-46-24-W4-0060A.0140 249 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 14	13
CANTRELL JASON ALAN & DEBRA 620 GREENFORD TRAIL W CARMEL IN 46032	19-46-24-W4-0060A.0150 245 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 15	14
PETERSON DAVID CHARLES 85 LAKEVIEW AVE EXCELSIOR MN 55331	19-46-24-W4-0060A.0160 239 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 16	15
WIDMEIER INVESTMENTS LLC 4390 DODGE ST DUBUQUE IA 52003	19-46-24-W4-0060A.0170 237 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 17	16
MALONEY JAMES P TR 235 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0180 233/235 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 18 + N 25 FT LOT 19	17
ESH ANDREW CHARLES + 15833 SUNSET RD MINNETONKA MN 55345	19-46-24-W4-0060A.0200 223 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 20 + S 1/2 OF LOT 19	18
SZYPERSKI KEITH P 219 CAROLINA AV FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0210 219 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 21	19
LANI KAI LP 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0300 1403 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 30 31 LESS W 12 FT	20
LANI KAI LP 1400 ESTERO RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0320 1401 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 32 + W 12 FT LOT 31	21
AULLS PATRICIA E D/E 7241 BERGAMO WAY UNIT 101 FORT MYERS FL 33966	19-46-24-W4-0060A.0330 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	22
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0340 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 34	23
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	24
CONNER CHARLES R & GAIL D 53 POMPAÑO ST FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70	25

		LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0370 1331 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 37	26
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0100 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 - 11	27
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0120 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	28
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	29
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	30
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	31
7-ELEVEN INC CORP INCOME TAX DEPT 3200 HYACKBERRY RD IRVING TX 75063	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	32
455 PALERMO CIRCLE LLC 1421 EAST LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0100 455 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 10	33
VAN FAM PROPERTIES LLC 7325 INDIGO RIDGE SW BYRON CENTER MI 49315	19-46-24-W4-0060D.0110 459 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 11	34
DAR LAND HOLDINGS LLC 3487 COUNTY LINE RD LUXEMBURG WI 53217	19-46-24-W4-0060D.0120 461 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 12	35
463 PALERMO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0130 463 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 13 + N 1/2 OF LOT 14	36
499 PALERMO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0150 499 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 PT LOT 15 + S 1/2 LOT 14 DESC IN OR BK 3404 PG 4545	37
MILLER JONATHAN T PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0060E.0010 501 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 1 + 2 + PT LOT 15 + 20 FT STRIP N OF AND ADJ TO LOTS 1 - 2 DESC IN OR BK 3404 PG 4545	38
TEZAK HELEN C TR 50 CHAPEL ST APT 4 FORT MYERS BEACH FL 33931	19-46-24-W4-0060E.0030 505 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 3 + 4	39
R & D ENTERPRISES OF 3436 CHURCH ST STEVENS POINT WI 54481	19-46-24-W4-0060E.0050 551 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 5	40
WEIGERT ANTIJE & MARTIN 415 CAPE CORAL PKWY W	19-46-24-W4-0060E.0060 561 PALERMO CIR	VENETIAN GARDENS BLK E PB 6 PG 70	41

CAPE CORAL FL 33914	FORT MYERS BEACH FL 33931	LOT 6	
JAMES R BRATLEY & JOAN E BRATLEY 15120 W ILIFF PL LAKEWOOD CO 80228	19-46-24-W4-0060E.0070 571 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 7	42
GNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HOEHE 61348 GERMANY	19-46-24-W4-0060E.0080 581 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 8 + LOT PT 9	43
STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLLINS CO 80528	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	44
HENNESSEY PATRICIA J & 460 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060E.0010 460 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 1	45
NORTH KEY INC 7150 RED LION FIVE POINTS RD SPRINGBORO OH 45066	19-46-24-W4-0060E.0020 552 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 2	46
DONNA M BYRD TRUST + 5701 BLUNK KNOB RD ELIZABETH IN 47117	19-46-24-W4-0060E.0030 580 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 3	47
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.0040 584/586 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 4	48
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.0050 588/590 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 5	49
DEL BUSTO GEORGE & 2212 EVEREST PKWY CAPE CORAL FL 33904	19-46-24-W4-0060E.0060 456 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 6	50
450 PALERMO LLC 1421 E LAKE STR SPRINGFIELD IL 62712	19-46-24-W4-0060E.0070 450 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 7	51
LUSSIER TARA CORBISHLEY & 745 BIMINI LN PUNTA GORDA FL 33950	19-46-24-W4-0060E.0280 312 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	52
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.028A ACCESS UNDETERMINED FORT MYERS BEACH FL	VENETIAN GARDENS BLK F PB 6 PG 70 REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	53
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	54
LUMP THOMAS F & ANN C 145 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 18	55
SLOMSKI STEVEN A & PO BOX 2428 PMB 25382 PENSACOLA FL 32513	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	56
ARLINGTON GREEN HOMES LLC LARRY SMITH 434 SPINNAKER DR MARCO ISLAND FL 34145	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 27	57
KALIDINDI RAMA USHA + 44354 APACHE CIR ASHBURN VA 20147	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	58
1249 ESTERO ADVENTURES LLC 290 BAHIA VIA	19-46-24-W4-0060H.0300 1249 ESTERO BLVD	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31-32	59

PORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	+ PT LT 29 OR 2414-2433	
NAUTICAL MARKETING LLC	19-46-24-W4-0070B.001A	CRESCENT BEACH BLK B	60
189 SABAL DR	1698 ESTERO BLVD	PB 4 PG 45 E 1/2 OF LT 1	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	+ N 1/2 OF E 1/2 OF LT 4	
MOFFA ROBERT H	19-46-24-W4-0070B.001B	CRESCENT BEACH	61
37728 LOIS DR	1660 ESTERO BLVD	BLK B PB 4 PG 45	
STERLING HEIGHTS MI 48316	FORT MYERS BEACH FL 33931	W 1/2 LOTS 1 + 4	
WEIT MARTIN & DAWN +	19-46-24-W4-0070B.004A	CRESCENT BEACH BLK B PB 4	62
275 TROPICAL SHORES WAY	71 AVENUE E	PG 45 S 1/2 OF E 1/2 OF LOT 4 + E	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	1/2 OF LOT 5	
BLODHAHL LEASING LLC	19-46-24-W4-0070B.005A	CRESCENT BEACH	63
3538 TIMBER RIDGE TRAIL	1667 1ST	BLK B PB 4 PG 45	
CEDAR RAPIDS IA 52411	FORT MYERS BEACH FL 33931	W 1/2 OF LOT 5	
CROWLEY THERESA M	19-46-24-W4-0070B.0070	CRESCENT BEACH	64
60 ALVA DR	60 ALVA DR	BLK B PB 4 PG 45	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	LOT 7	
BERTSCHINGER INVESTMENTS LLC	19-46-24-W4-0070B.0080	CRESCENT BEACH	65
SEEBLICK 13	1662 1ST	BLK B PB 4 PG 45	
WOLLERAU 8832	FORT MYERS BEACH FL 33931	LOT 8	
SWITZERLAND			
BERTSCHINGER INVESTMENTS LLC	19-46-24-W4-0070B.0090	CRESCENT BEACH	66
SEEBLICK 13	1664 1ST	BLK B PB 4 PG 45	
8832 WOLLERAU	FORT MYERS BEACH FL 33931	LOT 9 + LOT PT 10	
SWITZERLAND			
CGRT LLC +	19-46-24-W4-0070B.010B	CRESCENT BEACH	67
573 LONGWOOD AVE	1666 1ST	BLK B PB 4 PG 45	
GLENCOE IL 60022	FORT MYERS BEACH FL 33931	LOT PT 10	
MAUHI ENTERPRISES INC	19-46-24-W4-0070C.0010	CRESCENT BEACH	68
44 W CLEVELAND AV	1560 ESTERO BLVD	BLK C PB 4 PG 45	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	LOTS 1 + 4	
SMART PARK OF FMB LLC	19-46-24-W4-0070C.0020	CRESCENT BEACH	69
11330 LONG WATER CHASE COURT	1510 ESTERO BLVD	BLK C PB 4 PG 45	
FORT MYERS FL 33908	FORT MYERS BEACH FL 33931	LOTS 2 3 6	
WATERFRONT PROPERTIES LLC	19-46-24-W4-0070C.0050	CRESCENT BEACH	70
4411 CLEVELAND AVE	7173 ALVA DR	BLK C PB 4 PG 45	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	LOT 5	
HASSELHOFF LLC	19-46-24-W4-0070C.0070	CRESCENT BEACH	71
414 MARKET ST	60/64 AVENUE C	BLK C PB 4 PG 45	
IOWA CITY IA 52245	FORT MYERS BEACH FL 33931	LOTS 7 + PT LOT 8 W 1/2 OF	
1560 I STREET 62 LLC	19-46-24-W4-0070C.0090	CRESCENT BEACH	72
4795 LELAND DR	1560 1ST #62	BLK C PB 4 PG 45	
CUMMING GA 30041	FORT MYERS BEACH FL 33931	LT 9 + E 1/2 LT 8 + VAC ALLEY	
UNDERWOOD LLC	19-46-24-W4-0070C.0100	CRESCENT BEACH	73
414 MARKET ST	1550 1ST	BLK C PB 4 PG 45	
IOWA CITY IA 52245	FORT MYERS BEACH FL 33931	LOT 10	
HOY MARSHA L/E	19-46-24-W4-0070C.0110	CRESCENT BEACH	74
61 ALVA DR	61 ALVA DR	BLK C PB 4 PG 45	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	LOT 11	
GANIM GEORGE W & JOSEPHINE TR	19-46-24-W4-0070D.001A	CRESCENT BEACH	75
4666 MAIN ST	1478 ESTERO BLVD	BLK D PB 4 PG 45	
BRIDGEPORT CT 06606	FORT MYERS BEACH FL 33931	LOTS 1 + 4 LESS WLY 43 FT	
GANIM GEORGE W & JOSEPHINE TR	19-46-24-W4-0070D.001B	CRESCENT BEACH	76
4666 MAIN ST	1450 ESTERO BLVD	BLK D PB 4 PG 45	
BRIDGEPORT CT 06606	FORT MYERS BEACH FL 33931	WLY 43 FT LOTS 1 + 4	
LANI KAI LP	19-46-24-W4-0070D.0020	CRESCENT BEACH PB 4 PG 45	77
ROBERT G CONIDARIS	1400 ESTERO BLVD	BLKS D + E + VAC R/W DESC	
1400 ESTERO BLVD	FORT MYERS BEACH FL 33931	OR 1293 PG 1208	
FORT MYERS BEACH FL 33931			

STEPNEY LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0050 71 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 5	78
GANIM GEORGE W SR & 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0100 1450 1 ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 10	79
ATWATER LLC WALTER RAY SIMMONS 12711 CHATHAM DR FORT MYERS FL 33908	19-46-24-W4-0070D.0110 6165 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 11	80
RIGHT CHOICE INVESTMENTS LLC 13500 TELEGRAPH RD TAYLOR MI 48180	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 - ESTRY 2.5 FT LT 3 - CRESCENT BEACH LTS 1-5 BLK F LESS ESTRCLY 45FT OF NRTHLY 2.7 LT 3	81
OUR BEACH SAND LLC 12483 SUMMERWOOD DR FORT MYERS FL 33908	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	82
PE RENTALS LLC 1107 KANE ST LA CROSSE WI 54603	19-46-24-W4-0080B.0080 157 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 8	83
BARKER JOHN + 5262 OLYMPIA DR INDIANAPOLIS IN 46228	19-46-24-W4-0080B.0090 159 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 9	84
VALAZQUEZ TIMOTHY + 163 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0100 163 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 10	85
RUSK CHRISTOPHER J & 193 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0110 193 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 11	86
KOSTER RODNEY A & THERESA A 880 3RD ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0120 201 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 12	87
BATIKI WEST CONDO ASSN INC SUITOR MIDDLETON COX + ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	19-46-24-W4-02200.00CE BATIKI WEST CONDO C/E FORT MYERS BEACH FL 33931	BATIKI WEST CONDO DESC OR BK 1055 PG 1455 COMMON ELEMENTS POOL/DOCK	88
TROPICAL CENTER CONDO ASSOC 1300 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02300.00CE TROPICAL CENTER C/E FORT MYERS BEACH FL 33931	CONDO IN SW 1/4 SEC 19 TWP 46 R 24 RECORDED IN OR 1123 P 323 THRU 364 COMMON ELEMENTS	89
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL 33931	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445 COMMON ELEMENTS	90
PARKER HARRY W & BEVERLY J 17838 US HIGHWAY 61 SIKESTON MO 63801	19-46-24-W4-02200.2000 1511 ESTERO BLVD #200 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 200	91
PETRICH PAUL E & GAY G TR 860 HENN HYDE RD WARREN OH 44484	19-46-24-W4-02200.2010 1511 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 201	91
WILLIAM L & JOYCE J HENDREN T 28033 N 1850 EAST RD GRIDLEY IL 61744	19-46-24-W4-02200.2020 1511 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 202	91
WILLIAMS JEANNE L TR 1511 ESTERO BLVD # PHH FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2030 1511 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 203	91
HANY JOHN A TR 3405 STEPHANIE RD	19-46-24-W4-02200.2040 1511 ESTERO BLVD #204	BATIKI WEST CONDO OR 1055 PG 1455	91

BLOOMINGTON IL 61704	FORT MYERS BEACH FL 33931	UNIT 204	
BUTLER JAMES H & TERESA A 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2050 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 205	91
LAY DANIEL F TR 7583 N 1300 E ROAD SHIRLEY IL 61772	19-46-24-W4-02200.2060 1511 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 206	91
FRANKLIN JAY STAHAN TRUST 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2070 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 207	91
FILM CAROLYN A 64 CARROLLS GROVE RD TROY NY 12180	19-46-24-W4-02200.2080 1511 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 208	91
BROWN JOANNE M TR PO BOX 96 OMEN MI 49674	19-46-24-W4-02200.2090 1511 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 209	91
JONES MALINDA ETZLER 2445 S FILLMORE ST DENVER CO 80210	19-46-24-W4-02200.3000 1511 ESTERO BLVD #300 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 300	91
PENN CYNTHIA TR 14248 FOUNTAIN HILLS CT NE PRIOR LAKE MN 55372	19-46-24-W4-02200.3010 1511 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 301	91
FRANA THERESA L 2789 TRAILWOOD LN LEXINGTON KY 40511	19-46-24-W4-02200.3020 1511 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 302	91
1511 ESTERO 303 LLC MICHELLE YOUNKHANA 495 THOMAS DR NORTH BARRINGTON IL 60010	19-46-24-W4-02200.3030 1511 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 303	91
OBRIEN CAROL & WINSTON 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3040 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 304	91
DANIELSON BRIAN 1300 WILD ROSE TRAIL EDMOND OK 73034	19-46-24-W4-02200.3050 1511 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 305	91
KARBLER LARRY L L/E 6558 OHENRY CIR NORTH RIDGEVILLE OH 44039	19-46-24-W4-02200.3060 1511 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 306	91
JOHNSTON DALE MICHAEL & 118 MEADOW CREEK CT LEXINGTON IL 61753	19-46-24-W4-02200.3070 1511 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 307	91
SEXTON MICHAEL ZEPH & 1511 ESTERO BLVD # 308 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3080 1511 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 308	91
RAPP DALE A & RUTH ANN 104 PRAIRIE DR LEXINGTON IL 61753	19-46-24-W4-02200.3090 1511 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 309	91
LAW MICHAEL M & SHEILA K PO BOX 584 HEYWORTH IL 61745	19-46-24-W4-02200.4000 1511 ESTERO BLVD #400 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 400	91
MEZERA CHRISTINA M TR 5229 W 62ND ST EDINA MN 55436	19-46-24-W4-02200.4010 1511 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 401	91
QUARTELLO BETTY A TR 1511 ESTERO BLVD # 402 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4020 1511 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 402	91
SUNSET VIEWS LLC PO BOX 70	19-46-24-W4-02200.4030 1511 ESTERO BLVD #403	BATIKI WEST CONDO OR 1055 PG 1455	91

AUBURN IN 46706	FORT MYERS BEACH FL 33931	UNIT 403	
DARIANO KELLER TR 79 SUNNY LN TIEFFIN OH 44883	19-46-24-W4-02200.4040 1511 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 404	91
MOORE ROBERT J & CYNTHIA S 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4050 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 405	91
STRIBLING MARK TR PO BOX 408 ASHLAND IL 62612	19-46-24-W4-02200.4060 1511 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 406	91
STOCKER REBECCA L & JAMES A APT 407 1511 ESTERO BLVD JACKSONVILLE IL 62650	19-46-24-W4-02200.4070 1511 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 407	91
SMITH GARY B & RONY R 3734 WESLEY CHAPEL RD ZANESVILLE OH 43701	19-46-24-W4-02200.4080 1511 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 408	91
HOLZAPFEL CHARLES JOHN & 301 S 4TH CIR BRANDON SD 57005	19-46-24-W4-02200.4090 1511 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 409	91
GREEN BURLEY & TAMMY PO BOX 44 OWENSVILLE MO 65066	19-46-24-W4-02200.5000 1511 ESTERO BLVD #500 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 500	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.5010 1511 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 501	91
CHARLES DANNY TR 9751 EASTERN AVE BYRON CENTER MI 49315	19-46-24-W4-02200.5020 1511 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 502	91
DOUGLAS RAYMOND & JENNIFER 3 PELHAM RD BARGATE GRIMSBY LINCOLNSHIRE DN34 4SU UNITED KINGDOM	19-46-24-W4-02200.5030 1511 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 503	91
41 DEVOE STREET CORP 26 UPLAND RD GREAT NECK NY 11020	19-46-24-W4-02200.5040 1511 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 504	91
GLACKIN BARBARA Q TR 1673 MOUNT EVEREST LN TOMS RIVER NJ 08753	19-46-24-W4-02200.5050 1511 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 505	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5060 1511 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 506	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5070 1511 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 507	91
GUILES JON R TR PO BOX 2706 FORT MYERS BEACH FL 33932	19-46-24-W4-02200.5080 1511 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 508	91
STERNER RACHEL V TR 2303 KINGS CROSSING DR # 321 KINGWOOD TX 77345	19-46-24-W4-02200.5090 1511 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 509	91
WOOD SAMUEL L PO BOX 342 PETERSBURG IL 62675	19-46-24-W4-02200.6000 1511 ESTERO BLVD #600 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 600	91
SMITH BRIAN I - PO BOX 235 HEYWORTH IL 61745	19-46-24-W4-02200.6010 1511 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 601	91
WOOD SAMUEL L - PO BOX 342	19-46-24-W4-02200.6020 1511 ESTERO BLVD #602	BATIKI WEST CONDO OR 1055 PG 1455	91

PETERSBURG IL 62675	FORT MYERS BEACH FL 33931	UNIT 602	
HANSEN LOUISE E TR 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6030 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 603	91
RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOW RD CAPE MAY COURT HOUSE NJ 08210	19-46-24-W4-02200.6040 1511 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 604	91
NELSON BRADLEY A TR 803 IRONWOOD CC DR NORMAL IL 61761	19-46-24-W4-02200.6050 1511 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 605	91
FOUR P INVESTMENTS LTD 1511 ESTERO BLVD APT 606 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6060 1511 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 606	91
WOLOS MICHAEL C & SHAREN A PO BOX 381 FLUSHING MI 48433	19-46-24-W4-02200.6070 1511 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 607	91
TMS INVESTMENTS 185 HIGH ST NE WARREN OH 44481	19-46-24-W4-02200.6080 1511 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 608	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.6090 1511 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 609	91
SMITH JULIA V TR 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00A0 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE A	92
CALHAN FLP 189 SADDLEBROOK DR OAK BROOK IL 60523	19-46-24-W4-022PHI.00B0 1511 ESTERO BLVD #PHB FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE B	92
CALHAN LEO D & JOAN C 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00C0 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE C	92
LADWIG MARY TR 16019 ISOLA WAY MIROMAR LAKES FL 33913	19-46-24-W4-022PHI.00D0 1511 ESTERO BLVD #PHD FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE D	92
MALAGOTTA PROPERTIES LLC ANTHONY MIRAGLIOTTA 31 JOHN ALDEN ST CLIFTON NJ 07013	19-46-24-W4-022PHI.00E0 1511 ESTERO BLVD #PHE FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE E	92
LONI RODGER J - 2054 N NORDICA AVE CHICAGO IL 60707	19-46-24-W4-022PHI.00F0 1511 ESTERO BLVD #PHF FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE F	92
RICCIO NICHOLAS J & 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00G0 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE G	92
WILLIAMS JEFFREY M TR 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00H0 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE H	92
LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND PARK IL 60462	19-46-24-W4-022PHI.00I0 1511 ESTERO BLVD #PHI FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE I	92
BUTLER WILLIAM PATRICK 732 GKUMA DR CHESTER VA 23836	19-46-24-W4-022PHI.00J00 1511 ESTERO BLVD #PHJ FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE J	92
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230A.0000 1600 ESTERO BLVD #A FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT A	93
MAUHI ENTERPRISES INC 4411 CLEVELAND AV	19-46-24-W4-0230B.0000 1600 ESTERO BLVD #B	TROPICAL CENTER COND OR 1123 PG 323	94

FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT B	
MAUHI ENTERPRISES INC	19-46-24-W4-0230C.0000	TROPICAL CENTER CONDO	95
4411 CLEVELAND AV	1600 ESTERO BLVD #C	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT C	
MAUHI ENTERPRISES INC	19-46-24-W4-0230D.0000	TROPICAL CENTER CONDO	96
4411 CLEVELAND AV	1600 ESTERO BLVD #D	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT D	
MAUHI ENTERPRISES INC	19-46-24-W4-0230E.0000	TROPICAL CENTER CONDO	97
4411 CLEVELAND AV	1600 ESTERO BLVD #E	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT E	
1300 ESTERO BLVD LLC	19-46-24-W4-02600.1010	CRESCENT SHORE CONDO	98
32 BAYVIEW BLVD	1300 ESTERO BLVD #101	OR 1464 PG 445	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNITS 101 102 + 103	
BEYER TAMMY E TR	19-46-24-W4-02600.1040	CRESCENT SHORE CONDO	98
9656 HALYARDS CT # 24	1300 ESTERO BLVD #104	OR 1464 PG 445	
FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	UNIT 104	
ANDRESEN EDWIN TR	19-46-24-W4-02600.1050	CRESCENT SHORE CONDO	98
7960 PRESERVATION DR	1300 ESTERO BLVD #105	OR 1464 PG 445	
INDIANAPOLIS IN 46278	FORT MYERS BEACH FL 33931	UNIT 105	
BACCCELLA SALVATORE	19-46-24-W4-02600.1060	CRESCENT SHORE CONDO	98
4 POINT VIEW CT	1300 ESTERO BLVD #106	OR 1464 PG 445	
SICKLERVILLE NJ 08081	FORT MYERS BEACH FL 33931	UNIT 106	
JOHNSON NANCY ANN L/E	19-46-24-W4-02600.2010	CRESCENT SHORE CONDO	98
9 NANCY LN	1300 ESTERO BLVD #201	OR 1464 PG 445	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNIT 201	
HECK LLC	19-46-24-W4-02600.2020	CRESCENT SHORE CONDO	98
15561 CATALPA COVE DR	1300 ESTERO BLVD #202	OR 1464 PG 445	
FORT MYERS FL 33908	FORT MYERS BEACH FL 33931	UNIT 202	
CONANT DONNA TR	19-46-24-W4-02600.2030	CRESCENT SHORE CONDO	98
8122 S FOREST HILL CIR	1300 ESTERO BLVD #203	OR 1464 PG 445	
FRANKLIN WI 53132	FORT MYERS BEACH FL 33931	UNIT 203	
DENNIS R - CYNTHIA L LOKEN TRU	19-46-24-W4-02600.2040	CRESCENT SHORE CONDO	98
106 ICHABOD LN	1300 ESTERO BLVD #204	OR 1464 PG 445	
MANKATO MN 56001	FORT MYERS BEACH FL 33931	UNIT 204	
LANDOLFI STEVEN J	19-46-24-W4-02600.2050	CRESCENT SHORE CONDO	98
22 VETO ST	1300 ESTERO BLVD #205	OR 1464 PG 445	
PROVIDENCE RI 02908	FORT MYERS BEACH FL 33931	UNIT 205	
NIEMEIER RYAN & SUMMER	19-46-24-W4-02600.2060	CRESCENT SHORE CONDO	98
106 S WALNUT ST	1300 ESTERO BLVD #206	OR 1464 PG 445	
LA CRESCENT MN 55947	FORT MYERS BEACH FL 33931	UNIT 206	

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

KEY ESTERO SHOPS LLC
3220 PINE CONE CT
MILFORD MI 48381

REALBOOK LLC
12 SEQUOIA DR
DAYTON NJ 08810

GHARR CAPITAL LLC
1700 MEDICAL LN #101
FORT MYERS FL 33907

AMBERJACK PROPERTIES LLC
PO BOX 446
OFTOVBILLE OH 45876

PIEC DANIEL J & JOYCE A TR
230 CAROLINA AVE
FORT MYERS BEACH FL 33931

MOORE ERIK & SUSAN +
8116 KRONLOKKEN LANE
LAFAYETTE IN 47909

EE44 LLC
1931 PINE RIDGE DR
JENISON MI 49428

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

KATIBONA INC
3655 BONITA BEACH RD SW #1-3
BONITA SPRINGS FL 34134

ZIEGLER MICHAEL W & NANCY A
437 AUBURN ST
ALLENTOWN PA 18103

CANTRELL JASON ALAN & DEBRA
620 GREENFORD TRAIL W
CARMEL IN 46032

PETERSON DAVID CHARLES
85 LAKEVIEW AVE
EXCELSIOR MN 55331

WIDMEIER INVESTMENTS LLC
4350 DODGE ST
DUBUQUE IA 52003

MALONEY JAMES P TR
235 CAROLINA AVE
FORT MYERS BEACH FL 33931

ESH ANDREW CHARLES +
15833 SUNSET RD
MINNETONKA MN 55345

SZYPERSKI KEITH P
219 CAROLINA AV
FORT MYERS BEACH FL 33931

LANKA LLP
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO RD
FORT MYERS BEACH FL 33931

AULIS PATRICIA ELAE
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33946

WILCOX LANCE
1335 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
55 POMPANO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

455 PALERMO CIRCLE LLC
1421 EAST LAKE SHORE DR
SPRINGFIELD IL 62712

VAN FAM PROPERTIES LLC
7323 INDIGO RIDGE SW
BYRON CENTER MI 49315

DAR LAND HOLDINGS LLC
3457 COUNTY LINE RD
LUXEMBURG WI 54217

455 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

455 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

MILLER JONATHAN T
PO BOX 80190
FORT WAYNE IN 46898

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

R & D ENTERPRISES OF
3436 CHURCH ST
STEVENS POINT WI 54481

WEIGERT ANTJE & MARTIN
415 CAPE CORAL PKWY W
CAPE CORAL FL 33914

JAMES R BRATTLEY & JOANNE BRADY
15120 WILFIE PL
LAKEWOOD CO 80228

GNIRCK RAPHAEL -
AMMUEHLBERG 29A
BAD HOMBURG VD HOEHE 41148
GERMANY

STRECK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

HENNESSEY PATRICIA J &
460 PALERMO CIR
FORT MYERS BEACH FL 33931

NORTH KEY INC
7150 RED LION FIVE POINTS RD
SPRINGBORO OH 45066

DONNA M BYRD TRUST -
5701 BLUNK KNOB RD
ELIZABETH IN 47017

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DEL BUSTO GEORGE &
2212 EVEREST PKWY
CAPE CORAL FL 33904

450 PALERMO LLC
1421 E LAKE SHR
SPRINGFIELD IL 62712

LUSSIER TARA CORBISHEEY &
745 BIMINI LN
PUNTA GORDA FL 33950

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2628 PMB 25382
PENSACOLA FL 32513

ARLINGTON GREEN HOMES LLC
LARRY SMITH
434 SPINNAKER DR
MARCO ISLAND FL 34145

KATHINDIRAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH FL 33931

MOFFA ROBERT H
37728 LOIS DR
STERLING HEIGHTS MI 48310

BLODHAHL LEASING LLC
3558 TIMBER RIDGE TRAIL
CEDAR RAPIDS IA 52411

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
WOLLERAU 8832
SWITZERLAND

CORT LLC +
573 LONGWOOD AVE
GLENCOE IL 60022

SMART PARK OF FMB LLC
11350 LONG WATER CHASE COURT
FORT MYERS FL 33908

HASSELHOFF LLC
414 MARKET ST
IOWA CITY IA 52245

UNDERWOOD LLC
414 MARKET ST
IOWA CITY IA 52245

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

GANIM GEORGE W SR &
4666 MAIN ST
BRIDGEPORT CT 06606

WEIT MARTIN & DAWN +
275 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

CROWLEY THERESA M
60 ALVA DR
FORT MYERS BEACH FL 33931

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
8832 WOLLERAU
SWITZERLAND

MACHI ENTERPRISES INC
1411 CLEVELAND AV
FORT MYERS FL 33901

WATERFRONT PROPERTIES LLC
1411 CLEVELAND AVE
FORT MYERS FL 33901

1560 I STREET 62 LLC
4705 LELAND DR
CUMMING GA 30041

HOY MARSHALL F
61 ALVA DR
FORT MYERS BEACH FL 33931

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

STEPNEY LLC
4666 MAIN ST
BRIDGEPORT CT 06606

ATWATER LLC
WALTER RAY SIMMONS
12711 CHATHAM DR
FORT MYERS FL 33908

RIGHT CHOICE INVESTMENTS LLC
13500 TELEGRAPH RD
TAYLOR MI 48180

OUR BEACH SAND LLC
12481 SUMMERWOOD DR
FORT MYERS FL 33908

PE RENTALS LLC
1107 KANE ST
LA CROSSE WI 54603

BARKER JOHN +
5262 OLYMPIA DR
INDIANAPOLIS IN 46228

VALAZQUEZ TIMOTHY +
163 MIRAMAR ST
FORT MYERS BEACH FL 33931

RUSK CHRISTOPHER J &
193 MIRAMAR ST
FORT MYERS BEACH FL 33931

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

BANKI WEST CONDO ASSN INC
SUITOR MIDDLETON COX + ASSOC
15731 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

TROPICAL CENTER CONDO ASSOC
1330 ESTERO BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

PARKER HARRY W & BEVERLY J
17858 US HIGHWAY 61
SIKESTON MO 63801

PETRICH PAUL E & GAY G TR
860 HENN HYDE RD
WARREN OH 44181

WILLIAM L & JOYCE J HENDRENT
28033 N 1850 EAST RD
GRIDLEY IL 61744

WILLIAMS JEANNE L TR
1511 ESTERO BLVD # PHH
FORT MYERS BEACH FL 33931

HANY JOHN A TR
3405 STEPHANIE RD
BLOOMINGTON IL 61704

BUTLER JAMES H & TERESA A
1511 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

LAY DANIEL F TR
7583 N 1300 E ROAD
SHERLEY IL 61772

FRANKLIN JAY STAHAN TRUST
1511 ESTERO BLVD #207
FORT MYERS BEACH FL 33931

FILM CAROLYN A
61 CARROLLS GROVE RD
TROY NY 12180

BROWN JOANNE M TR
PO BOX 96
OMENA MI 49674

JONES MALINDA ETZLER
2445 S FILLMORE ST
DENVER CO 80210

FENN CYNTHIA TR
14248 FOUNTAIN HILLS CT NE
PRIOR LAKE MN 55372

FRANA THERESA I
2789 TRAILWOOD LN
LEXINGTON KY 40511

1511 ESTERO 303 LLC
MICHELLE YOUKHANA
493 THOMAS DR
NORTH BARRINGTON IL 60010

OBRIEN CAROL & WINSTON
1511 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

DANIELSON BRIAN
1300 WILD ROSE TRAIL
EDMOND OK 73134

KARBLER LARRY L DE
6554 OHENRY CIR
NORTH RIDGEVILLE OH 44039

JOHNSTON DALE MICHAEL &
118 MEADOW CREEK CT
LEXINGTON IL 61753

SEXTON MICHAEL ZEPH &
1511 ESTERO BLVD # 308
FORT MYERS BEACH FL 33931

RAPP DALE A & RUTH ANN
104 PRAIRIE DR
LEXINGTON IL 61753

LAW MICHAEL M & SHEILA K
PO BOX 584
HEYWORTH IL 61745

MEZERA CHRISTINA M TR
5229 W 62ND ST
EDINA MN 55436

QUARIELLO BETTY A TR
1511 ESTERO BLVD # 402
FORT MYERS BEACH FL 33931

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

DARIANO KELLER TR
79 SUNNY LN
TIFFIN OH 44883

MOORE ROBERT J & CYNTHIA S
1511 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

STRIBLING MARK TR
PO BOX 408
ASHLAND IL 62612

STOCKER REBECCA L & JAMES A
APT 407
1511 ESTERO BLVD
JACKSONVILLE IL 62650

SMITH GARY B & ROXY R
3734 WESLEY CHAPEL RD
ZANESVILLE OH 43701

HOLZAPFEL CHARLES JOHN &
801 S 4TH CIR
BRANDON SD 57005

GREEN BURLEY & TAMMY
PO BOX 44
OWENSVILLE MO 65066

CHARLES DANNY TR
9751 EASTERN AVE
BYRON CENTER MI 49315

41 DEVON STREET CORP
26 UPLAND RD
GREAT NECK NY 11020

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46781

GUILLES JON R TR
PO BOX 2706
FORT MYERS BEACH FL 33932

WOOD SAMUEL L
PO BOX 342
PETERSBURG IL 62675

WOOD SAMUEL L -
PO BOX 342
PETERSBURG IL 62675

RICCIO JOSEPH MICHAEL
24 SECLUDED HOLLOW RD
CAPE MAY COURT HOUSE NJ 08210

FOUR P INVESTMENTS LTD
1511 ESTERO BLVD APT 606
FORT MYERS BEACH FL 33931

TMS INVESTMENTS
185 HIGH ST NE
WARREN OH 44481

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

DOUGLAS RAYMOND & JENNIFER
3 PELHAM RD BARGATE GRIMSBY
LINCOLNSHIRE DN34 4SU
UNITED KINGDOM

GLACKIN BARBARA Q TR
1675 MOUNT EVEREST LN
TOMES RIVER NJ 08753

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46784

STERNER RACHEL V TR
2803 KINGS CROSSING DR # 321
KINGWOOD TX 77345

SMITH BRIAN T -
PO BOX 235
HEYWORTH IL 61745

HANSEN LOUISE E TR
1511 ESTERO BLVD #603
FORT MYERS BEACH FL 33931

NELSON BRADLEY A TR
803 IRONWOOD CC DR
NORMAL IL 61761

WOLOS MICHAEL C & SHAREN A
PO BOX 381
FLUSHING MI 48433

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

SMITH JULIA V TR
1511 ESTERO BLVD #PH1A
FORT MYERS BEACH FL 33931

CALHAN FLP
189 SADDLEBROOK DR
OAK BROOK IL 60521

CALHAN LEO D & JOAN C
1511 ESTERO BLVD #PHC
FORT MYERS BEACH FL 33931

LADWIG MARY TR
10019 ISOLA WAY
MIROMAR LAKES FL 33913

MALAGOTTA PROPERTIES LLC
ANTHONY MIRAGLIOTTA
31 JOHN ALDEN ST
CLIFTON NJ 07013

LONI ROGER J +
2054 N NORDICA AVE
CHICAGO IL 60707

RICCIO NICHOLAS J &
1511 ESTERO BLVD #PHG
FORT MYERS BEACH FL 33931

WILLIAMS JEFFREY M TR
1511 ESTERO BLVD #PHH
FORT MYERS BEACH FL 33931

LOIZZO DIANE L TR
8453 ROY ROY DR
ORLAND PARK IL 60462

BUTLER WILLIAM PATRICK
732 OKUMA DR
CHESTER VA 23836

MAUI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

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FORT MYERS FL 33901

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FORT MYERS FL 33901

MAUI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

1500 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08581

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

DENNIS R + CYNTHIA L LOREN TRU
106 ICHABOD LN
MANKATO MN 56001

LAMDOLE STEVEN J
22 VETO ST
PROVIDENCE RI 02908

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

Subjects: 1 Affected: 1 Buffer: 500 Date: 6/4/ List Size: 166

Index	Subject	Folios	STRAP	OwnerName	MailAddress	MailCity	MailState	MailZip	MailCountry	SiteNumber
0	TRUE	10477703	19-46-24-V	LKLB OF FLORIDA INC	1400 ESTERO BLVD	FORT MYER FL	33931	33931		1479
1	FALSE	10617008	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL	33931	33931		
2	FALSE	10617009	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL	33931	33931		
3	FALSE	10227974	19-46-24-V	KEY ESTERO SHOPS LL	3220 PINE CONE CT	MILFORD MI	48381	48381		1661
4	FALSE	10227975	19-46-24-V	REALBOOK LLC	12 SEQUOIA DR	DAYTON NJ	8810	8810		200
5	FALSE	10227976	19-46-24-V	GH3 RR CAPITAL LLC	1700 MEDICAL LN #10	FORT MYER FL	33907	33907		211
6	FALSE	10227978	19-46-24-V	AMBER JACK PROPERTY	PO BOX 446	OTTOVILLE OH	45876	45876		210
7	FALSE	10227985	19-46-24-V	PIEC DANIEL J & JOYCE	230 CAROLINA AVE	FORT MYER FL	33931	33931		230
8	FALSE	10227993	19-46-24-V	MOORE ERIK & SUSAN	8136 KRONLOKKEN LA	LAFAYETTE IN	47909	47909		231
9	FALSE	10228046	19-46-24-V	EE44 LLC	1951 PINE RIDGE DR	JENISON MI	49428	49428		125/127
10	FALSE	10626630	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL	33919	33919		259
11	FALSE	10626631	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL	33919	33919		257
12	FALSE	10228054	19-46-24-V	RATISBONA INC	3665 BONITA BEACH R	BONITA SPI FL	34134	34134		251/255
13	FALSE	10228055	19-46-24-V	ZIEGLER MICHAEL W &	437 AUBURN ST	ALLEN TOW PA	18103	18103		249
14	FALSE	10228056	19-46-24-V	CANTRELL JASON ALAN	620 GREENFORD TRAIL	CARMEL IN	46032	46032		245
15	FALSE	10228057	19-46-24-V	PETERSON DAVID CHA	85 LAKEVIEW AVE	EXCELSIOR MN	55331	55331		239
16	FALSE	10228058	19-46-24-V	WIDMEIER INVESTMEN	4390 DODGE ST	DURBUQUE IA	52003	52003		237
17	FALSE	10228059	19-46-24-V	MALONEY JAMES P TR	235 CAROLINA AVE	FORT MYER FL	33931	33931		233/235
18	FALSE	10228060	19-46-24-V	ESH ANDREW CHARLE	13833 SUNSET RD	MINNETON MN	55345	55345		223
19	FALSE	10228061	19-46-24-V	SZYBERSKI KEITH P	219 CAROLINA AV	FORT MYER FL	33931	33931		219
20	FALSE	10228062	19-46-24-V	LANI KAI LP	1400 ESTERO BLVD	FORT MYER FL	33931	33931		1403
21	FALSE	10228063	19-46-24-V	LANI KAI LP	1400 ESTERO RD	FORT MYER FL	33931	33931		1401
22	FALSE	10228064	19-46-24-V	AULLS PATRICIA E L/E	7241 BERGAMO WAY U	FORT MYER FL	33966	33966		1351
23	FALSE	10228065	19-46-24-V	WILCOX LANCE	1339 SANTOS RD	FORT MYER FL	33931	33931		1339
24	FALSE	10228066	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL	33931	33931		1335
25	FALSE	10228067	19-46-24-V	CONNER CHARLES R &	53 POMPANO ST	FORT MYER FL	33931	33931		126
26	FALSE	10228068	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL	33931	33931		1321
27	FALSE	10228069	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL	33629	33629		1397
28	FALSE	10228070	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL	33629	33629		1365/1375
29	FALSE	10228071	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931	33931		1345
30	FALSE	10228072	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931	33931		1331

31	FALSE	10228073	19-46-24-V LANI KAI LP ROBERT G (1400 ESTERO BLVD FORT MYER FL	33931	1325
32	FALSE	10228074	19-46-24-V 7-ELEVEN (CORP INC(3200 HYACKBERRY RD IRVING TX	75053	1301
33	FALSE	10228080	19-46-24-V 455 PALERMO CIRCLE 1421 EAST LAKE SHORISPRINGFIELD	62712	455
34	FALSE	10463011	19-46-24-V VAN FAM PROPERTIES 7323 INDICOR CORP SVYRON CE MI	49315	459
35	FALSE	10228090	19-46-24-V DAR LAND HOLDINGS 13487 COUNTY LINE RD LUXEMBUR WI	54217	461
36	FALSE	10469864	19-46-24-V 463 PALERMO LLC 1421 E LAKE SHORE OF SPRINGFIELD	62712	463
37	FALSE	10228091	19-46-24-V 499 PALERMO LLC 1421 E LAKE SHORE OF SPRINGFIELD	62712	499
38	FALSE	10228092	19-46-24-V MILLER JONATHAN I PO BOX 80490 FORT WAY IN	46898	501
39	FALSE	10228093	19-46-24-V TEZAK HELEN C TR 50 CHAPEL ST APT 4 FORT MYER FL	33931	505
40	FALSE	10228094	19-46-24-V R & D ENTERPRISES OF 3436 CHURCH ST STEVENS P WI	54481	551
41	FALSE	10558854	19-46-24-V WEIGERT ANTJE & MAR 415 CAPE CORAL PKW CAPE COR FL	33914	551
42	FALSE	10228095	19-46-24-V JAMES R BRATLEY & JO 15120 WILF PL LAKEWOOD CO	80228	571
43	FALSE	10228096	19-46-24-V CNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HO	61348	581
44	FALSE	10228097	19-46-24-V STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLL CO	80528	130
45	FALSE	10228098	19-46-24-V HENNESSEY PATRICIA 460 PALERMO CIR FORT MYER FL	33931	460
46	FALSE	10228099	19-46-24-V NORTH KEY INC 7150 RED LION FIVE PC SPRINGBO OH	45066	552
47	FALSE	10228100	19-46-24-V DONNA M BYRD TRUST 5701 BLUNK KNOB RD ELIZABETH IN	47117	580
48	FALSE	10228101	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA	90755	584/586
49	FALSE	10228102	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA	90755	588/590
50	FALSE	10228103	19-46-24-V DEL BUSTO GEORGE & 2212 EVEREST PKWY CAPE COR FL	33904	456
51	FALSE	10228104	19-46-24-V 450 PALERMO LLC 1421 E LAKE SHR SPRINGFIELD	62712	450
52	FALSE	10599453	19-46-24-V LUSSIER TARA CORBIS 745 BIMINI LN PUNTA GOI FL	33950	212
53	FALSE	10599454	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA	90755	155
54	FALSE	10228136	19-46-24-V DAY BILLY WAYNE 3708 SHANNON RUN T LOUISVILLE KY	40299	145
55	FALSE	10228137	19-46-24-V LUMP THOMAS F & ANN 145 PALERMO CIR FORT MYER FL	33931	139
56	FALSE	10228138	19-46-24-V SLOMSKI STEVEN A & PO BOX 241 PMB 25382 PENSACOL FL	32513	121
57	FALSE	10228164	19-46-24-V ARLINGTON LARRY SM III 434 SPINNAKER DR MARCO ISL FL	34145	117
58	FALSE	10228165	19-46-24-V KALINDI RAMA USHA 44354 APACHE CIR ASHBURN VA	20147	1249
59	FALSE	10228167	19-46-24-V 1245 ESTERO ADVENT 290 BAHIA VIA FORT MYER FL	33931	1698
60	FALSE	10228174	19-46-24-V NAUTICAL MARKETING 189 SABAL DR FORT MYER FL	33931	1660
61	FALSE	10228175	19-46-24-V MOFFA ROBERT H 37728 LOIS DR STERLING MI	48310	71
62	FALSE	10228176	19-46-24-V WEIT MARTIN & DAWN 275 TROPICAL SHORES FORT MYER FL	33931	1667
63	FALSE	10228177	19-46-24-V BLOCBAHL LEASING LI 3538 TIMBER RIDGE TR CEDAR RA FLA	52411	

64	FALSE	10228178	19-46-24-V CROWLEY THERESA M	60 ALVA DR	FORT MYER FL	33931	60
65	FALSE	10228179	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	WOLLERAU	8832 SWITZERLA	1662
66	FALSE	10228180	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	8832 WOLLERAU	SWITZERLA	1664
67	FALSE	10228181	19-46-24-V CGRT LLC +	573 LONGWOOD AVE	GLENCOE IL	60022	1666
68	FALSE	10228183	19-46-24-V MAUHI ENTERPRISES II	4411 CLEVELAND AV	FORT MYER FL	33901	1560
69	FALSE	10228184	19-46-24-V SMART PARK OF FMB L	11330 LONG WATER C	FORT MYER FL	33908	1510
70	FALSE	10228185	19-46-24-V WATERFRONT PROPER	4411 CLEVELAND AVE	FORT MYER FL	33901	71/73
71	FALSE	10228186	19-46-24-V HASSELHOFF LLC	414 MARKET ST	IOWA CITY IA	52245	60/64
72	FALSE	10228187	19-46-24-V 1560 I STREET 62 LLC	4705 LELAND DR	CUMMING GA	30041	1560
73	FALSE	10228188	19-46-24-V UNDERWOOD LLC	414 MARKET ST	IOWA CITY IA	52245	1550
74	FALSE	10228189	19-46-24-V HOY MARSHALVE	61 ALVA DR	FORT MYER FL	33931	61
75	FALSE	10228190	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1478
76	FALSE	10228191	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1450
77	FALSE	10228192	19-46-24-V LANI KALP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931	1400
78	FALSE	10228193	19-46-24-V STEPNEY LLC	4666 MAIN ST	BRIDGEPOICT	6606	71
79	FALSE	10228194	19-46-24-V GANIM GEORGE W SR	4666 MAIN ST	BRIDGEPOICT	6606	1480
80	FALSE	10228195	19-46-24-V ATWATER WALTER R	12711 CHATHAM DR	FORT MYER FL	33908	61/65
81	FALSE	10228196	19-46-24-V RIGHT CHOICE INVEST	13500 TELEGRAPH RD	TAYLOR MI	48180	1250
82	FALSE	10228197	19-46-24-V OUR BEACH SAND LLC	12403 SUMMERWOOD	FORT MYER FL	33908	1270
83	FALSE	10228229	19-46-24-V PE RENTALS LLC	1107 KANE ST	LA CROSSE WI	54603	157
84	FALSE	10228230	19-46-24-V BARKER JOHN +	5262 OLYMPIA DR	INDIANAPC IN	46228	159
85	FALSE	10228231	19-46-24-V VALAZQUEZ TIMOTHY +	163 MIRAMAR ST	FORT MYER FL	33931	163
86	FALSE	10228232	19-46-24-V RUSK CHRISTOPHER J.	193 MIRAMAR ST	FORT MYER FL	33931	193
87	FALSE	10228233	19-46-24-V KOSTER RODNEY A & TI	880 3RD ST	FORT MYER FL	33931	201
88	FALSE	10228395	19-46-24-V BATIKI WESSUITOR MIC	15751 SAN CARLOS BL	FORT MYER FL	33908	
89	FALSE	10462574	19-46-24-V TROPICAL CENTER COI	1300 ESTERO BLVD	FORT MYER FL	33931	
90	FALSE	10462572	19-46-24-V CRESCENT SHORE COI	PO BOX 2990	FORT MYER FL	33932	
91	FALSE	10228396	19-46-24-V PARKER HARRY W & BE	17858 US HIGHWAY 61	SIKESTON MO	63801	1511
91	FALSE	10228397	19-46-24-V PETRICH PAUL E & GAY	8601 IENN HYDE RD	WARREN OH	44484	1511
91	FALSE	10228398	19-46-24-V WILLIAM L & JOYCE J H	28033 N 1850 EAST RD	GRIDLEY IL	61744	1511
91	FALSE	10228399	19-46-24-V WILLIAMS JEANNE L TR	1511 ESTERO BLVD # P	FORT MYER FL	33931	1511
91	FALSE	10228400	19-46-24-V HANY JOHNA TR	3405 STEPHANIE RD	BLOOMING IL	61704	1511
91	FALSE	10228401	19-46-24-V BUTLER JAMES H & TFR	1511 ESTERO BLVD #2	FORT MYER FL	33931	1511

91	FALSE	10228402	19-46-24-V LAY DANIEL F TR	7583 N 1300 E ROAD	SHIRLEY IL	61772	1511
91	FALSE	10228403	19-46-24-V FRANKLIN JAY STAHAN	1511 ESTERO BLVD #21	FORT MYER FL	33931	1511
91	FALSE	10228404	19-46-24-V FILM CAROLYN A	64 CARROLLS GROVE	ITROY NY	12180	1511
91	FALSE	10228405	19-46-24-V BROWN JOANNE M TR	PO BOX 96	OMENA MI	49674	1511
91	FALSE	10228406	19-46-24-V JONES MALINDA ETZIE	2445 S HILLMORE ST	DENVER CO	80210	1511
91	FALSE	10228407	19-46-24-V FENN CYNTHIA TR	14248 FOUNTAIN HILL	PRIOR LAKE MN	55372	1511
91	FALSE	10228408	19-46-24-V FRANA THERESA L	2789 TRAILWOOD LN	LEXINGTON KY	40511	1511
91	FALSE	10228409	19-46-24-V 1511 ESTEL MICHELLE	495 THOMAS DR	NORTH BAY IL	60010	1511
91	FALSE	10228410	19-46-24-V OBRIEN CAROL & WINE	1511 ESTERO BLVD #31	FORT MYER FL	33931	1511
91	FALSE	10228411	19-46-24-V DANIELSON BRIAN	1300 WILD ROSE TRAIL	EDMOND OK	73034	1511
91	FALSE	10228412	19-46-24-V KARBELER LARRY L L/E	6558 OHILNY CIR	NORTH RIDGE OH	44039	1511
91	FALSE	10228413	19-46-24-V JOHNSON DALE MICH	118 MEADOW CREEK C	LEXINGTON IL	61753	1511
91	FALSE	10228414	19-46-24-V SEXTON MICHAEL ZEPI	1511 ESTERO BLVD # 3	FORT MYER FL	33931	1511
91	FALSE	10228415	19-46-24-V RAPP DALE A & RUTH A	104 PRAIRIE DR	LEXINGTON IL	61753	1511
91	FALSE	10228416	19-46-24-V LAW MICHAEL M & SHEP	PO BOX 584	HEYWORTH IL	61745	1511
91	FALSE	10228417	19-46-24-V MEZERA CHRISTINA M	5229 W 62ND ST	EDINA MN	55436	1511
91	FALSE	10228418	19-46-24-V QUARIELLO BETTY A TH	1511 ESTERO BLVD # 4	FORT MYER FL	33931	1511
91	FALSE	10228419	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228420	19-46-24-V DARIANO KELLER TR	79 SUNNY LN	TIFFIN OH	44883	1511
91	FALSE	10228421	19-46-24-V MOORE ROBERT J & CY	1511 ESTERO BLVD #41	FORT MYER FL	33931	1511
91	FALSE	10228422	19-46-24-V STRIBLING MARK TR	PO BOX 402	ASHLAND IL	62612	1511
91	FALSE	10228423	19-46-24-V STOCKER REBECCA L	APT 407 1511 ESTEL	JACKSONVILLE IL	62650	1511
91	FALSE	10228424	19-46-24-V SMITH GARY B & ROXY	3734 WESLEY CHAPEL	ZANESVILLE OH	43701	1511
91	FALSE	10228425	19-46-24-V HOLZAPFEL CHARLES	1801 S 4TH CIR	BRANDON SD	57005	1511
91	FALSE	10228426	19-46-24-V GREEN BURLEY & TAMM	PO BOX 414	OWENSVILLE MO	65066	1511
91	FALSE	10228427	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228428	19-46-24-V CHARLES DANNY TR	9751 EASTERN AVE	BYRON CENTER MI	49315	1511
91	FALSE	10228429	19-46-24-V DOUGLAS RAYMOND & 3	PELHAM T GRIMSBY	LINCOLNSHIRE	ON34 4SU UNITED KING	1511
91	FALSE	10228430	19-46-24-V 41 DEVOL STREET	COR 26 UPLAND RD	GREAT NECK NY	11020	1511
91	FALSE	10228431	19-46-24-V GLACKIN BARBARA Q T	1673 MOUNT EVEREST	TOMS RIVER NJ	8753	1511
91	FALSE	10228432	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228433	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228434	19-46-24-V GUILLES JON R TR	PO BOX 2706	FORT MYER FL	33932	1511

91	FALSE	10228435	19-46-24-V STERNER RACHEL V TR 2803 KINGS CROSSING KINGWOOD TX	77345	1511
91	FALSE	10228436	19-46-24-V WOOD SAMUEL I PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228437	19-46-24-V SMITH BRIANT + PO BOX 235 HEYWORTH IL	61745	1511
91	FALSE	10228438	19-46-24-V WOOD SAMUEL L + PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228439	19-46-24-V HANSEN LOUISE E TR 1511 ESTERO BLVD #61 FORT MYER FL	33931	1511
91	FALSE	10228440	19-46-24-V RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOV CAPE MAY NJ	8210	1511
91	FALSE	10228441	19-46-24-V NELSON BRADLEY A IR803 IRONWOOD CC DE NORMAL IL	61761	1511
91	FALSE	10228442	19-46-24-V FOUR P INVESTMENTS 1511 ESTERO BLVD AF FORT MYER FL	33931	1511
91	FALSE	10228443	19-46-24-V WOLOS MICHAEL C & S PO BOX 381 FLUSHING MI	49433	1511
91	FALSE	10228444	19-46-24-V TMS INVESTMENTS 185 HIGH ST NE WARREN OH	44481	1511
91	FALSE	10228445	19-46-24-V SUNSET VIEWS LLC PO BOX 70 AUBURN IN	46706	1511
92	FALSE	10228446	19-46-24-V SMITH JULIA V TR 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228447	19-46-24-V CALHAN FLP 189 SADDLEBROOK OF OAK BROOK IL	60523	1511
92	FALSE	10228448	19-46-24-V CALHAN LEO D & JOAN 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228449	19-46-24-V LADWIG MARY TR 10019 ISOLA WAY MIOMAR FL	33913	1511
92	FALSE	10228450	19-46-24-V MALAGOTT ANTHONY F 131 JOHN AIDEN ST CLIFTON NJ	7013	1511
92	FALSE	10228451	19-46-24-V LONI RODGER J + 2054 N NORDICA AVE CHICAGO IL	60707	1511
92	FALSE	10228452	19-46-24-V RICCIO NICHOLAS J & 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228453	19-46-24-V WILLIAMS JEFFREY M TI 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228454	19-46-24-V LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND PA IL	60462	1511
92	FALSE	10228455	19-46-24-V BUTLER WILLIAM PATR 732 OKUMA DR CHESTER VA	23836	1511
93	FALSE	10228457	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
94	FALSE	10228456	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
95	FALSE	10228459	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
96	FALSE	10228460	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
97	FALSE	10228461	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
98	FALSE	10228463	19-46-24-V 1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYER FL	33931	1300
98	FALSE	10228464	19-46-24-V BEYERTAMMY E TR 9656 HALYARDS CT #2 FORT MYER FL	33919	1300
98	FALSE	10228465	19-46-24-V ANDRESEN EDWIN TR 7960 PRESERVATION CINDIAN APC IN	46278	1300
98	FALSE	10228466	19-46-24-V BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE NJ	8081	1300
98	FALSE	10228467	19-46-24-V JOHNSON NANCY ANN 9 NANCY LN FORT MYER FL	33931	1300
98	FALSE	10228468	19-46-24-V HECK LLC 15561 CATALPA COVE FORT MYER FL	33908	1300
98	FALSE	10228469	19-46-24-V CONANT DONNA TR 8122 S FOREST HILL CI FRANKLIN WI	53132	1300

98	FALSE	10228470	19-46-24-V DENNIS R + CYNTHIA L 106 ICHAROD LN	MANKATO MN	56001	1300
98	FALSE	10228471	19-46-24-V LANDOLFI STEVEN J 22 VETO ST	PROVIDENCE RI	2908	1300
98	FALSE	10228472	19-46-24-V NIEMEIER RYAN & SUM 106 S WALNUT ST	LA CRESCENT MN	55947	1300

Site/Street	Site/Unit	Site/City	Site/Zip	Legal
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS <CR>BLK B PB 6 PG 70 <CR>LOTS 7 + 8 + E 1/2 OF LOT 9<CR>+ 28 + 29 +
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>RIO DEL LIDO CANAL
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>CANAL GRANDE CANAL
ESTERO BLVD		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84<CR>PT LT 11 DESC OR 1468<CR>PG 1697 LESS N 275 FT
CAROLINA AVE		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84<CR>PT LT 11 N 275 FT OF<CR>OR 1468 PG 1697
OSTEGO DR		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BLK J LOT 13 1ST EDITION VENETIAN GAI
OSTEGO DR		FORT MYER	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC IN OR 1351 PG 1680
CAROLINA AVE		FORT MYER	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC OR 1365 PG 760
OSTEGO DR		FORT MYER	33931	PARL IN S 1/4 AS DESC IN<CR>OR 1361 PG 1551 AKA BLK J<CR>LOT 15 VENETIAN GARDENS
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK Y PB 6 PG 70<CR>ALL BLK Y EXC NLY 11 FT
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 11
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 12
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 13
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 14
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 15
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 16
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 17
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 18 + N 25 FT LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 20 + S 1/2 OF LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 21
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 30 31 LESS W 12 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 32 + W 12 FT LOT 31
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 33
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 34
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 35
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 36 + S 1/2 OF BLK X<CR>LESS THE N 20 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 37
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>W 1/2 LOT 9 LOTS 10 + 11
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 12
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 13
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 14

ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 15
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 16 + 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 10
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS <CR>BLK D PB 6 PG 70 <CR>LOT 11
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 12
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS <CR>BLK D PB 6 PG 70 <CR>LOT 13 + N 1/2 OF LOT 14
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>PT LOT 15 + S 1/2 LOT 14<CR>DESC IN OR BK 3404 PG 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 1 + 2 + PT LOT 15 +<CR>20 FT STRIP N OF AND ADJ
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 3 + 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 8 + LOT PT 9
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS PB 6/70<CR>BLK E S 1/2 OF LOT 9 +<CR>ALL OF BLK X LESS S 20 FT
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 1
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 3
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>PORTION OF LOT 28 DESC IN INSTRUMENT 20200001154
ACCESS UNDETERMIN	FORT MYERS BEACH	VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 18
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 19 ONLY 11 FT BLK Y
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK H PB 6 PG 70<CR>LOT 27
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK H PB 6 PG 70<CR>LOT 28 + PT LOTS 26 + 29
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS BLK H<CR>PB 6 PG 70 LOTS 30 31+32<CR>+ PT LT 29 OR 24 14/2433
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK B<CR>PB 4 PG 45 E 1/2 OF LT 1<CR>+ N 1/2 OF E 1/2 OF LT 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 LOTS 1 + 4
AVENUE F	FORT MYER	33931 CRESCENT BEACH BLK B PB 4 PG 45 S 1/2 OF E 1/2 OF LOT 4 + E 1/2 OF LOT 5
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 OF LOT 5

ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 7
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 8
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 9 + LOT PT 10
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT PT 10
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 2 3 6
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 5
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 7 + PT LOT 8 W 1/2 OF
1ST	62 FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LT 9 + E 1/2 LT 8 + VAC ALLEY
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 10
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOTS 1 + 4 LESS WLY 43 FT
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>WLY 43 FT LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D + E + VAC RAW DESC<CR>OR 1293 PG 1208
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 5
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 10
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT PARK LOTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LOTS 1-5 BLK F LESS ESTRLY 45 FT OF NF
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK F<CR>PB 4 PG 45 PT LOTS 1 2 & 3<CR>DESC IN OR 1319 PG 1459
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 8
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 9
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 10
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 11
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 12
BATIKI WEST CONDO C	FORT MYER	33931 BATIKI WEST CONDO<CR>DESC OR BK 1055 PG 1455<CR>COMMON ELEMENTS POOL/DOCK
TROPICAL CENTER C/E	FORT MYER	33931 CONDO IN SW 1/4 SEC 19<CR>TWP 46 R 24 RECORDED IN<CR>OR 1123 P 323 THRU 364<CR>COMMON
CRESCENT SHORE C/E	FORT MYER	33931 A CONDO LOCATED IN SEC 19<CR>TWP 46 RGE 24 AS DESC IN<CR>OR 1464 PG 445<CR>COMMON ELEI
ESTERO BL	200 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 200
ESTERO BL	201 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 201
ESTERO BL	202 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 202
ESTERO BL	203 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 203
ESTERO BL	204 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 204
ESTERO BL	205 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 205

ESTERO BL	206 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 206
ESTERO BL	207 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 207	
ESTERO BL	208 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 208
ESTERO BL	209 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 209
ESTERO BL	300 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 300	
ESTERO BL	301 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 301
ESTERO BL	302 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 302
ESTERO BL	303 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 303	
ESTERO BL	304 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 304
ESTERO BL	305 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 305
ESTERO BL	306 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 306
ESTERO BL	307 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 307	
ESTERO BL	308 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1055<CR>UNIT 308
ESTERO BL	309 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 309
ESTERO BL	400 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 400	
ESTERO BL	401 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 401	
ESTERO BL	402 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 402
ESTERO BL	403 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 403
ESTERO BL	404 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 404
ESTERO BL	405 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 405
ESTERO BL	406 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 406	
ESTERO BL	407 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 407
ESTERO BL	408 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 408
ESTERO BL	409 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 409	
ESTERO BL	500 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 500	
ESTERO BL	501 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 501
ESTERO BL	502 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 502
ESTERO BL	503 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 503
ESTERO BL	504 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 504
ESTERO BL	505 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 505
ESTERO BL	506 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 506
ESTERO BL	507 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 507
ESTERO BL	508 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 508	

ESTERO BL	509 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 509
ESTERO BL	500 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 600
ESTERO BL	601 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 601
ESTERO BL	602 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 602	
ESTERO BL	603 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 603	
ESTERO BL	604 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 604
ESTERO BL	605 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 605
ESTERO BL	606 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 606
ESTERO BL	607 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 607	
ESTERO BL	608 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 608
ESTERO BL	609 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 609
ESTERO BL PHA	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE A
ESTERO BL PHB	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE B	
ESTERO BL PHC	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE C	
ESTERO BL PHD	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE D	
ESTERO BL PHE	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE E	
ESTERO BL PHF	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE F	
ESTERO BL PHG	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE G
ESTERO BL PHH	FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT PENTHOUSE H	
ESTERO BL PHI	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE I
ESTERO BL PHJ	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE J
ESTERO BL A	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT A
ESTERO BL B	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT B
ESTERO BL C	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT C
ESTERO BL D	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT D
ESTERO BL E	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT E
ESTERO BL	101 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNITS 101 102 + 103	
ESTERO BL	104 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 104	
ESTERO BL	105 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 105	
ESTERO BL	106 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 106	
ESTERO BL	201 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 201	
ESTERO BL	202 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 202	
ESTERO BL	203 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 203	

ESTERO BL	204 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 204
ESTERO BL	205 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 205
ESTERO BL	206 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 206

<CR>VAC RD R/W OR 553 PG 797

RDENS

545
TO LTS 1 + 2<CR>DESC IN OR BK 3404 PG 4545

371
'02000#115871

ETHLY 2.7 LT 3

ELEMENTS
MENTS

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

Yellow Sheet Number: **2025-156**

1. Request:

Meeting Date: January 9, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears special exception requests and makes recommendation to the Town Council.

What the action accomplishes:

The Town Council will consider the recommendation of the LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is requesting a special exception for the repair of their existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps. Portions of these repairs will take place in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). All construction will be like for like and no new elements will be added to the site. Beach access paths are shown on the plan but are not being proposed.

Attachments:

1. Resolution 24-XX
2. Staff Report
3. Exhibit A- Site Plan
4. Exhibit B: Application packet

Financial Impact:

Unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Approval with conditions

8. Recommended Approval:

Date: December 23, 2024

Judith Frankel, Principal Planner

Date: December 23, 2024

Frankie Kropacek, Operations & Compliance Director

Date: December 29, 2024

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: December 30, 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 SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 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 and owner Estero Beach Club East Condominium, Inc., is requesting a special exception to allow repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access stairs in the Environmentally Critical zoning district seaward of 1978 CCCL; and

WHEREAS, the STRAP number for the subject property is 119-46-24-W3-02100.00CE; and

WHEREAS, the Property is located in the “Boulevard” and “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “Multi-family residential” and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 9, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC and voted ____ to ____ to recommend approval/ approval with conditions/ denial of the special exception request; and

WHEREAS, on February 3, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 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 request to allow repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access path in Environmentally Critical zoning district seaward of 1978 CCCL.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. 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.
- B. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- C. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- D. Construction may not occur during sea turtle season.
- E. 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 3rd day of February, 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 February, 2025.

ATTACHMENTS

A – Site Plan



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20240257

CASE NAME: Special Exception for repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access stairs in EC zoning district seaward of 1978 CCCL.

LPA

HEARING DATE: January 9, 2024

STAFF

RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Estero Beach Club East Condominium, Inc.

Request: To repair the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps in the Environmentally Critical zoning district, like-for-like.

Subject property: See attached site plan

Physical Address: 2654 Estero Boulevard

STRAP #: 119-46-24-W3-02100.00CE

FLU: Boulevard and Recreational

Zoning: Residential, Multifamily and Environmentally Critical

Adjacent zoning and land uses:

North: BOULEVARD
Residential Conservation

South:	RECREATION Environmentally Critical (EC)
East:	BOULEVARD Residential Multifamily
West:	BOULEVARD Residential Multifamily

II. BACKGROUND AND ANALYSIS

Background:

The applicant is requesting a special exception for the repair of their existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps. Portions of these repairs will take place in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). All construction will be like for like and no new elements will be added to the site. Beach access paths are shown on the plan but are not being proposed.

Section 34-652(e)(3) of the Town's LDC allows reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage to existing primary structures, which encroach into the EC district and their customary accessory uses only by special exception. Therefore, the Applicant is requesting a special exception to allow the reconstruction of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps in the EC zoning district.

Analysis:

The site's current residential use has been in place since 1974, before the establishment of the 1978 CCCL. The Applicant is proposing the reconstruction of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps which lie partially in the EC district and beyond the 1978 CCCL. The total square footage of the proposed repairs is 4,020, and 3,225 square feet of that area lie beyond the 1978 CCCL. All repairs will be like-for-like and will not exceed the previous square footage of developed area beyond the CCCL. Paths are shown on the site plan but are not being proposed.

Neighborhood Compatibility:

Estero Beach Club East has been at this location with this pool layout since 1974. Granting a special exception for pool repair would not impact the character of the neighborhood.

Findings and Conclusions:

Special Exception Findings

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

1. *Any repairs must comply with all relevant local and state floodplain regulations.*
The development will comply with local and state floodplain requirements.
2. *Repairs may not damage existing dunes or dune vegetation.*
The repairs and proposed structures are proposed landward of the dunes. No dunes or native vegetation will be impacted. Construction will be completed by an experienced local contractor and every effort will be made to prevent negative impact on the beach and dunes.
3. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*
Sea turtle nesting season begins May 1st and ends on October 31st. Construction will be completed outside of nesting season.
4. *A new special exception must be applied for each time the structure is repaired.*
This is included as one of the conditions for approval.

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 existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps were damaged during Hurricane Ian.

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

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment is like-for-like repair of existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps, none of which fall under the category of development as defined in the Town's LDC:

- *Development*: (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- *Improvement to land*: any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

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

The proposed repairs will allow the pool and surrounding developed area to 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 pool, pool deck, fences, grill area, foot-rinse station, and beach access steps are currently existing and have been in place for the last 50 years. Construction will be completed by an experienced local contractor and every effort will be made to prevent a negative impact on the beach and dunes. The Applicant is currently working alongside the Town on beach renourishment to restore the surrounding dunes. All development will be completed outside of sea turtle nesting season and will be compliant with FDEP requirements.

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.*

Estero Beach Club East has existed on this site since 1974. The request to repair the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps is compatible with the existing use and will not cause damage, hazard, nuisance, or other detriment to persons or property.

6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The proposed repairs to the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

Staff finds that the special exception to rebuild the existing pool, pool deck, fences, grill area, and foot-rinse station are in compliance with LDC Sec. 34-88(b). Therefore, staff recommends **approval with conditions** of SEZ20240257 for the rebuilding of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps.

If LPA recommends approval for the requests, staff recommends the following conditions of approval.

III. CONDITIONS OF 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 applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- 3) Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- 4) Construction may not occur during sea turtle nesting season.
- 5) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

Staff Report Exhibits:

A – Site Plan

B– SEZ Application Packet

ESTERO BEACH CLUB EAST

SITE PLAN

2650 ESTERO BLVD, FMB

NOTE - EXISTING
PAVERS ALONG
SIDES STAY.
FENCE ALONG
GULF FACING
CONDO SELF
SUPPORTING.

EXISTING PAVERS

ALL GATES
ATTACHED TO
FENCING
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ATTACHED
TO RAIL

STAIRWELL

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POOL DECK AREA
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POOL DECK AREA
BEYOND CCL
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PATH D
BENCH

3-4 FT ON
SCALE (APPROX)

S-SHOWER
F-FOOT WASH
1-3 FT 6 IN
2-3 FT 9 IN

LEGEND
A-HANDRAIL
B-LADDER
Ø-NO DRIVING
30-LIGHT

1978 COASTAL CONT. LINE

PATH
TO BEACH

53 FT

60 FT

37 FT

TOTAL AREA OF
PROPOSED REPAIRS
= 4,020 Sq. Ft.

Page 306 of 396



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 2654 Estero Blvd Fort Myers Beach, FL

STRAP Number: 19-46-24-W3-02100.00CE

Applicant: Estero Beach Club East Condominium Association Inc. Phone: N/A

Contact Name: Mike Johnson, HOA Board President Phone: 716-866-0500

Email: kidney128@roadrunner.com Fax: N/A

Current Zoning District: RM/EC

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

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*: Mike Johnson, HOA Board President Phone: 716-866-0500

**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: SWFL CAM Services 10231 Metro Parkway #204 Fort Myers, Florida 33966

Email: assn@swflcam.com Fax: 239-245-8302

Contact Name: Tammy Tucker Phone: 239-243-8700 ext 201



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.

Michael A Johnson
Signature

Michael A Johnson
Printed Name

STATE OF New York COUNTY OF Erie

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

presence OR online notarization, this 15th day of Oct, 2024, by

Michael Johnson ☒ who is personally known to me OR ☐ who has produced

DENISE M GNIAZDOWSKI
Notary Public, State of New York
WYOMING COUNTY
LIC. #01GN8084640
COMM. EXP: DEC 09 2026

[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

Each condominium owner owns 2.04% of the common area (1/49th).

A list of the 49 owners is included as Exhibit 5.1.

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

Estero Beach Club East Condominium Association Inc.

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

Michael A Johnson
Signature

Mike Johnson

Typed or Printed Name

Board President

Title

10/15/24
Date

New York
STATE OF Florida COUNTY OF Lee Eric

The foregoing instrument was certified and subscribed before me by means of 2 physical presence OR ☐ online notarization, this 15th day of Oct, 2024, by Michael Johnson ☒ who is personally known to me OR ☐ who has produced _____ as identification.

DENISE M GNIAZDOWSKI
NOTARY PUBLIC STATE OF NEW YORK
WYOMING COUNTY
LIC. #01GN6084640
COMM. EXP. DEC 09 2026

DENISE M GNIAZDOWSKI
NOTARY PUBLIC STATE OF NEW YORK
WYOMING COUNTY
LIC. #01GN6084640
COMM. EXP. DEC 09 2026

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 9-46-24-W3-02100.00CE

Property Address: 2650/2654 Estero Blvd

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

☐ Yes. Property identified in subdivision: _____

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

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- 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.

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Deborah Pittenger of unit number 11 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Deborah Pittenger of unit number 11 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Deborah Pittenger
Street address 5081 Outerview Dr
City, State, Zip Code Springfield, Ohio 45502

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

Holly G. Schwab Holly G. Schwab of unit number 12 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

Holly G. Schwab Holly G. Schwab of unit number 12 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name HOLLY G. SCHWAB
Street address 111 WATEREDGE LANE
City, State, Zip Code FREDERICKSBURG VA 22406

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) KENNETH A & SANDRA S TURNER of unit number 14 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) KENNETH A & SANDRA S TURNER of unit number 14 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name KENNETH A & SANDRA S TURNER
Street address 2709B DAY ISLAND BLVD W
City, State, Zip Code UNIVERSITY PLACE, WA. 98466

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) William A Bubniak of unit number 15 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) William A Bubniak of unit number 15 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name William A Bubniak
Street address 24 Meadowlark Drive
City, State, Zip Code Cohoes, NY 12047

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Laura Mena of unit number 21 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Laura Mena of unit number 21 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Laura Mena Laura Mena
Street address 4400 SW 13th AVE
City, State, Zip Code MIAMI, FL 33175

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Michael A Johnson of unit number 505 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Michael A. Johnson of unit number 22 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Michael A Johnson

Street address 71 Sunset Lane

City, State, Zip Code Springville New York 14141

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc. (EBCEA) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec. 34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not own in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I, Owner Owners Name(s) David R. Smith of unit number 23 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I, Owner Owners Name(s) Joe Smith of unit number 23 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCEA. This information will not be shared with other owners and only turned in with the Exception Application:

Owner's Name David R. Smith
Mailing Address 2155 Shepard Road
City, State, Zip Fort Myers, FL 33901

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Mark & Beth Konopka of unit number 24 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Mark & Beth Konopka of unit number 24 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Mark & Beth Konopka
Street address 840 South Medina Line Rd.
City, State, Zip Code Wadsworth, OH 44281

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 25 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 25 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Kathy & Rick Nelson
Street address S73 W17240 Lake Drive
City, State, Zip Code Muskego, WI 53150

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) KATHLEEN + ROBERT HART of unit number 31 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East ~~date~~ **October 15, 2024.**

I (Owner/Owners Names) KATHLEEN + ROBERT HART of unit number 31 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024.**

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. ~~This information will not be shared with other owners and only turned in with the Exception Application:~~

Owner(s) Name ROBERT HART + KATHLEEN HART
Street address 705 BEACH CREEK
City, State, Zip Code W. WILDLWOOD, FL. 08260

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

- Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:
(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Marta H. Horta of unit number 32 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Marta H. Horta of unit number 32 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Marta H. Horta
Street address 2453 1st Ave
City, State, Zip Code Fort Myers, FL 33907

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) ANTONIETTA VERRUSO of unit number 33 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) ANTONIETTA VERRUSO of unit number 33 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name ANTONIETTA VERRUSO
Street address 2650 ESTERO BLVD UNIT: 33
City, State, Zip Code FORT MYERS BEACH, FL 33931

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) BIRDIE & THOMAS MURPHY unit number 35 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) BIRDIE & THOMAS MURPHY of unit number 35 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name B. Murphy & T. Murphy
Street address 496 HAWKIN DR
City, State, Zip Code LINDSAY, ONTARIO, CANADA K9V0E8

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) MARIQUITA BARBIERI of unit number 42 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) MARIQUITA BARBIERI of unit number 42 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name MARIQUITA BARBIERI

Street address 2 LYNN BROOK ROAD

City, State, Zip Code ST. LOUIS, MISSOURI 63131

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Joel K. Lauchner and Wandrea R. Lauchner of unit number 43 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Joel K. Lauchner and Wandrea R. Lauchner of unit number 43 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Joel K. Lauchner Wandrea R. Lauchner
Street address 2650 Estero Blvd, #43, Ft. Myers Beach, FL 33931
City, State, Zip Code _____

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Michelle Holloway of unit number 44 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) James Holloway of unit number 44 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Michelle and James Holloway
Street address 600 Se Brentwood Dr
City, State, Zip Code Waukee, IA 50263

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 45 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 45 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Kathy & Rick Nelson
Street address S73 W17240 Lake Drive
City, State, Zip Code Muskego, WI 53150

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Joseph & Susan Todd of unit number 51 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Joseph & Susan Todd of unit number 51 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Joseph & Susan Todd

Street address PO Box 2561

City, State, Zip Code Fort Myers Beach, FL 33932

Susan D. Todd 9/23/2024

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Carolyn R. Lemens of unit number 52 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Martin E. Lemens of unit number 52 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name CAROLYN R. LEMENS MARTIN E. LEMENS
Street address 2650 ESTERO BLVD #52 601 E. GARDEN AVE #570
City, State, Zip Code FORT MYERS BEACH FL 33931 MILWAUKEE, WI 53203

UNIT 52 IS REGISTERED AS SUN, SAND, + SURF PROPERTIES

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Mary Stepaniuk of unit number 53 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) _____ of unit number _____ hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Mary Stepaniuk
Street address 2650 Estero Blvd # 53
City, State, Zip Code Fort Myers Beach FL 33931

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) *Beverly Moran* of unit number 54 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) *Beverly Moran* of unit number 54 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name *PATRIC MORAN & BEVERLY MORAN*
Street address *620 N. PARK BLVD.*
City, State, Zip Code *GLEN ELLYN, IL 60137*

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Johnnie C. White II / Elizabeth A White of unit number 55 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Johnnie C. White II / Elizabeth A White of unit number 55 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Johnnie C. White II / Elizabeth A White
Street address 376 Atwood Drive
City, State, Zip Code Lexington, KY 40515



GOEDE / DEBOEST / CROSS
ATTORNEYS AND PROFESSIONAL COUNSEL

INFO@GADCLAW.COM / WWW.GADCLAW.COM

REPLY TO:

JOHN TREBILCOCK, ESQ.
GOEDE, DEBOEST & CROSS, PLLC
2030 MCGREGOR BLVD.
FORT MYERS, FL 33901

PHONE: (239) 333-2992
EMAIL: JTrebilcock@gadclaw.com

September 23, 2024

Delivered via Hand Delivery with Public Hearing Application, Supplement and Exhibits

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, Florida, 33931

Re: *Estero Beach Club East Condominium Association, Inc. / Opinion Letter Regarding the Association's Application*

To Whom It May Concern:

Please be advised this law firm represents Estero Beach Club East Condominium Association, Inc. (the "Association"). In that capacity we have been directed to provide this opinion letter to the Town of Fort Myers Beach concerning the repairs to the pool located on the Association's property. Specifically, the Association has advised that the town is requesting an opinion as required by Section 34-201(a)(1)(b)3. of the Fort Myers Beach municipal ordinance.

Specifically, Section 34-201(a)(1)(b) provides in, pertinent part, as follows:

Where the property is a condominium or a timeshare condominium, as defined and regulated in F.S. chs. 718 and 721, respectively, an application or petition may be initiated by both the condominium association and no less than 75 percent of the total number of condominium unit owners, or by both the owners' association and no less than 75 percent of timeshare condominium unit owners.

...

3. *So as to protect the legal rights of nonparticipating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida*

attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents or timeshare documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions therein, or any federal or state law regulating condominiums or timeshare plans, or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no such rights.

This opinion letter is intended to comply with subparagraph 3, cited above, confirming that following our examination of the Declaration of Condominium, the Articles of Incorporation, and Bylaws for the Association, there is no prohibition in such documents concerning the Association's authority to submit the subject application. Nor does the subject application violate any rights of any owner of a condominium unit within the Association contained in the foregoing documents.

Further, there is no federal or state law regulating condominiums which would prohibit the Association from filing the subject application.

We express no opinion in this letter as to any consent, approval, authorization, or other action or filing necessary for future assertions by the Association.

We express no opinion as to the laws of any jurisdiction other than the laws of the State of Florida and the laws of the United States of America.

The opinions expressed above concern only the effect of the laws (excluding the principles of conflict of laws) of the State of Florida and the United States of America as currently in effect. We assume no obligation to supplement this opinion if any applicable laws change after the date of this opinion, or if we become aware of any facts that might change the opinions expressed above after the date of this opinion.

This opinion is given solely for the use and benefit only of the Town of Fort Myers Beach and is limited in its use to reliance by the Town of Fort Myers Beach and may not be relied upon by any other parties, furnished to any other party, quoted, or otherwise used without the prior express written consent of the undersigned firm. This opinion is as of the date hereof and we disclaim any obligation to advise you of any change which hereafter may be brought to our attention.

GOEDE, DEBOEST & CROSS, PLLC



John J. Trebilcock, Esq.

Signed electronically to avoid delay

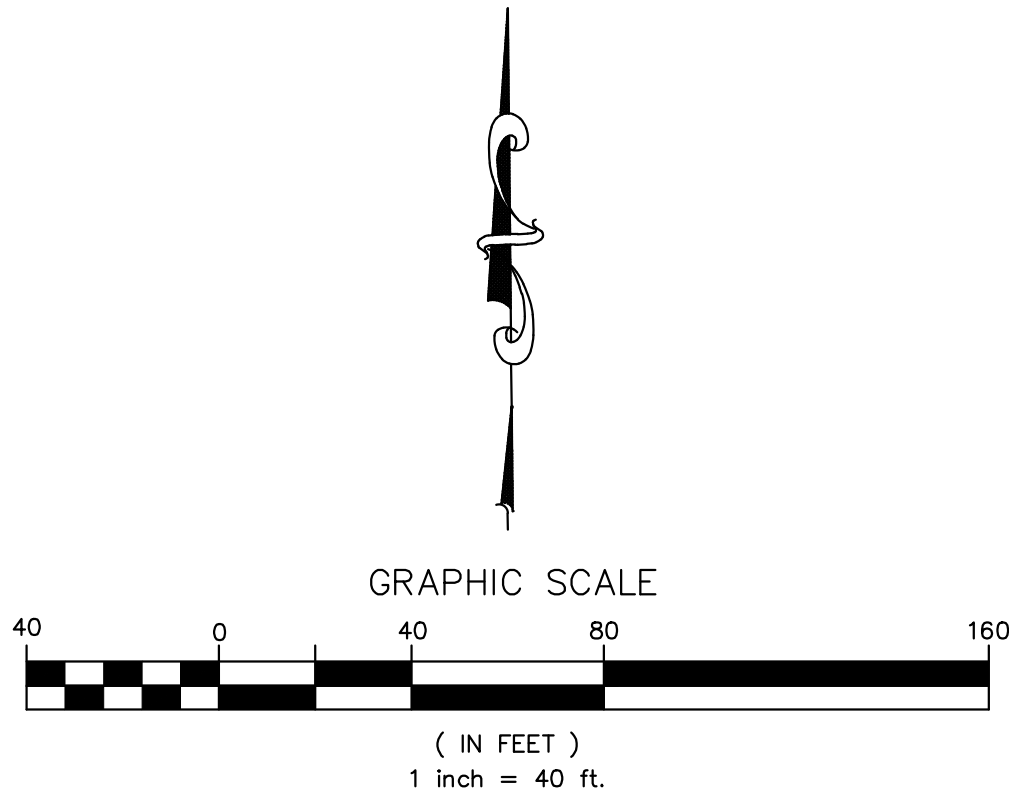
JJT/



	STRAP	Folio	Owner Name	Site Address
	19-46-24-W3-02100.00CE	10462580	ESTERO BEACH CLUB EAST CONDO	2654 ESTERO BLVD, FORT MYE

LOTS 6-12 & 35-40, BLOCK B, WINKLER SUBDIVISION

PLAT BOOK 8, PAGE 45
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA



NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
14. PARCEL CONTAINS 50,992 SQUARE FEET, PLUS OR MINUS.

LEGEND:

- (A) — ARC LENGTH
- A.C. — AIR CONDITIONER
- B.O.B. — BASIS OF BEARINGS
- (C) — CABLE TV
- (C) — CALCULATED
- C.B. — CATCH BASIN
- CB — CHORD BEARING
- CH — CHORD DISTANCE
- CO — CLEANOUT
- (D) — DEED
- D.E. — DRAINAGE EASEMENT
- EL — ELEVATION
- E.O.P. — EDGE OF PAVEMENT
- F.H. — FIRE HYDRANT
- FND. — FOUND
- F.C.M. — FOUND CONC. MONUMENT
- GV — GATE VALVE
- I.R. — IRON ROD
- G.W. — GUY WIRE
- (M) — MEASURED
- M&T — NAIL & TAB
- N.A.V.D. — NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. — NOT TO SCALE
- (NR) — NOT RADIAL
- O.R. — OFFICIAL RECORD
- (P) — PLAT
- P.B. — PLAT BOOK
- P.C. — POINT OF CURVATURE
- P.O.C. — POINT OF COMPOUND CURVATURE
- P.C.P. — PERMANENT CONTROL POINT
- P.I. — POINT OF INTERSECT
- PG. — PAGE
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT
- P.P. — POWER POLE
- P.R.C. — POINT OF REVERSE CURVATURE
- P.R.M. — PERMANENT REFERENCE MONUMENT
- P.T. — POINT OF TANGENCY
- P.U.E. — PUBLIC UTILITY EASEMENT
- R — RADIUS
- (R) — RADIAL
- RNG. — RANGE
- R/W — RIGHT OF WAY
- SEC. — SECTION
- SET I.R. — SET 1/2" IRON ROD LB8427
- SMH — SANITARY SEWER MANHOLE
- SPKD — SET PK NAIL AND DISC LB8427
- S.W. — SIDEWALK
- T.B. — TELEPHONE BOX
- TWP. — TOWNSHIP
- U.P. — UTILITY PEDESTAL
- W.M. — WATER METER
- Δ — DELTA ANGLE
- ⊙ — FIRE HYDRANT
- ⊙ — TEMPORARY BENCHMARK
- CENTERLINE
- WIRE FENCE
- WOOD FENCE
- OVERHEAD WIRES
- CONCRETE PAD
- EXISTING ELEVATION
- (X) — LOT NUMBER
- MHW — MEAN HIGH WATER
- MLW — MEAN LOW WATER

CERTIFIED TO:

Estero Beach Club East Condo Association

LEGAL DESCRIPTION:

2654 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33935

Lots 6 through 12 and Lots 35 through 40, Block B, Winkler Subdivision as recorded in Plat Book 8, Page 45 of Lee County, Florida, Public Records, together with any and all lands lying between said property and the waters of the Gulf of Mexico; subject to easement in, to, and over and across the Easterly 15 feet—of said lots 35 and 11, and the Easterly 15 feet of all that property lying between Lot 35 and the waters of the Gulf of Mexico for purposes of ingress and egress.

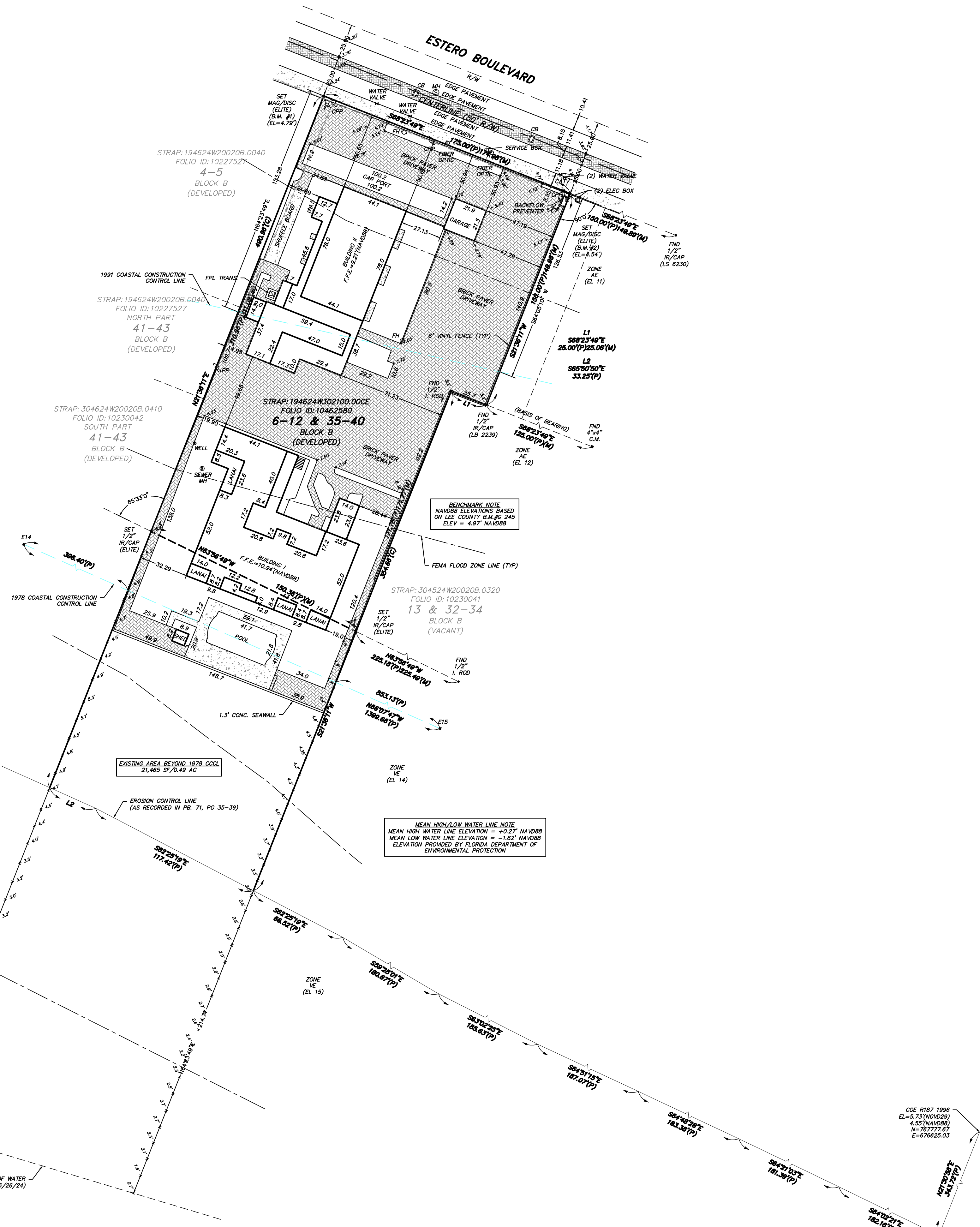
LESS the following described property: From the North easterly corner of Lot 35, Block B of Winkler Subdivision as recorded in Plat Book 8, Page 45, of Public Records of Lee County, Florida; thence Southwesterly along the Southeasterly line of said Lot 35 for 91.50 feet; thence Northwesterly perpendicular to said Southeasterly line of Lot 35 for 15.0 feet to the Point of beginning of the parcel herein described, being the Northeastery corner of the patio of Phase 1 of ESTERO BEACH CLUB EAST, a condominium; thence continue Northwesterly along the Northeastery line of the patio and lounge area of Phase 1 of said condominium for 21.53 feet; thence South-Westerly along the Northwesterly line of the Lounge for 6.37 feet; thence Northwesterly along the Northeastery line of the Lounge for 6.37 feet; thence Southwesterly along the Northwesterly line, parallel to the Southeasterly line of said Lot 35, of said lounge for 17.03 feet; thence Southeasterly perpendicular to said Southeasterly line of Lot 35 along the Southwesterly line of said Lounge and Patio for 27.9 feet; thence northeasterly, parallel to the Southeasterly line of said Lot 35, for 24.0 feet to the Point of Beginning.

Also Less: From the Northeastery corner of Lot 35, Block B, of Winkler Subdivision, recorded in Plat Book 8, Page 45 of Public Records of Lee County, Florida; thence South westerly along the Southeasterly line of said Lot 35 and its Southwesterly extension, for 180.50 feet to the Point of Beginning of the parcel herein described; thence continue Southwesterly along said lot line extension for 46.0 feet; thence Northwesterly perpendicular to said lot line extension for 150.0 feet to the Southwesterly extension of the North westerly line of Lot 40 of said Block "B"; thence Northeastery along said Southwesterly extension of the Northwesterly line of Lot 40 for 46.0 feet; thence Southeasterly perpendicular to said Southwesterly extension of the Northwesterly line of Lot 40 for 150.0 feet to the Point of Beginning; being also known as the Pool and Recreation Area for Estero Beach Club East, a Condominium.

Subject To: The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line or other apparent boundary line separating the publicly used area from the upland private area.



VICINITY MAP
N.T.S.

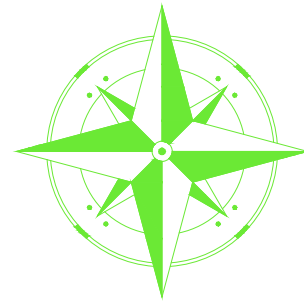


I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

Reviewed and Approved By:

(SIGNED)
John Robert Avery III, P.S.M.
Professional Surveyor & Mapper
State of Florida License No. 5298
Not Electronic Signature of John Robert Avery III, P.S.M.

ELITE
SURVEYING



4371 NOCATEE LANE,
FORT MYERS, FL 33905
239-481-2366(OFFICE) INFO@ELITESURVEYING.NET
LB8427

BOUNDARY AND TOPOGRAPHIC SURVEY

FIELD SURVEY	06/26/2024	J. PEDRO	J. PEDRO	J. KNORR	1" = 40'	240333	07/30/2024
CREW CHIEF							
DRAWN BY							
SCALE							
ELITE JOB NO							
SHEET: 1 OF 1							

2654 Estero Blvd, Fort Myers Beach, FL 33931

Estero Beach Club East Post Hurricane Ian Pool Repairs Supplement Form to PH-A

PH-A Part 1 Narrative Statements Request for: (indicate proposed use that requires a Special Exception)

The Estero Beach Club East (EBCE) HOA is requesting a Special Exception to allow for repair/reconstruction of the pool and pool deck, fences, grill area, foot-rinse station and beach access path which lie partially seaward of the 1978 CCCL (in the Environmentally Critical zoning district). These items are part of the common element for EBCE and were in existence in the proposed locations prior to Hurricane Ian and prior to the establishment of the 1978 CCCL.

All repairs will be like-for-like. There will be no expansion of the existing pool deck and pool equipment, and the existing pool shell will be repaired in place. We have hired an experienced pool contractor with access to a costal engineer, to guide us in these repairs.

Reason 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):

In accordance with the guidelines provided in LDC Section 34-88(A), we are making this request due to the following changed conditions:

(1) Hurricane Ian - Hurricane Ian is the first storm to cause major damage to EBCE pool and landscaping since its construction in 1974. These changed conditions result in the need for this request for a Special Exception.

(2) The 1978 Coastal Control Construction Line. As a condominium developed in 1973-1974, EBCE and its accessory structures pre-date the 1978 CCCL. At the time of construction, EBCE and its accessory structures were legally conforming. Our request is consistent with the Fort Myers Beach Comprehensive Plan and Land Development Code because we are not seeking to engage in new development. There will be no expansion into environmentally critical areas and no change in use or intensity of use. Furthermore, the newly passed Ordinance 23-13, amending LDC Section 34-652 and Section 6-366, created a pathway for us to seek a Special Exception to repair the damage done by Hurricane Ian to our pool and property.

We very much appreciate the efforts made by Town Council, the LPA, and staff to provide this opportunity to restore what we had before the storm. We are requesting to repair things

like-for-like. The pool, deck, foot-wash, grill area, and associated fencing will be restored in their prior positions without impacting the beach or dune system. In accordance with LDC Sections 34-652 and 6-366, all redevelopments will minimize adverse effects on the dune system, and lighting will be compliant with turtle lighting requirements.

We are working with a pool contractor (local to Fort Myers) to ensure we are following local and state policies and objectives. Moreover, we have signed the easement document for beach renourishment, and we look forward to working with the Town to restore our dune to its natural state. Additionally, we are appreciative of the Town's continued support and interest in restoring the beach and dune area as part of the large-scale beach restoration project which will improve the coastal resiliency.

Granting the requested Special Exception could impact surrounding properties as follows:

The proposed repairs will not negatively impact surrounding property owners as this is a like-for-like repair project. Our pool area and associated amenities have been in place since 1974. Repairs will improve aesthetics and safety, compared to current conditions, and will facilitate our efforts to bring owners and guests back to the area to support the local economy.

Thank you for your consideration.

Pre- Ian Photos



#1



#2



#3



#4



#5

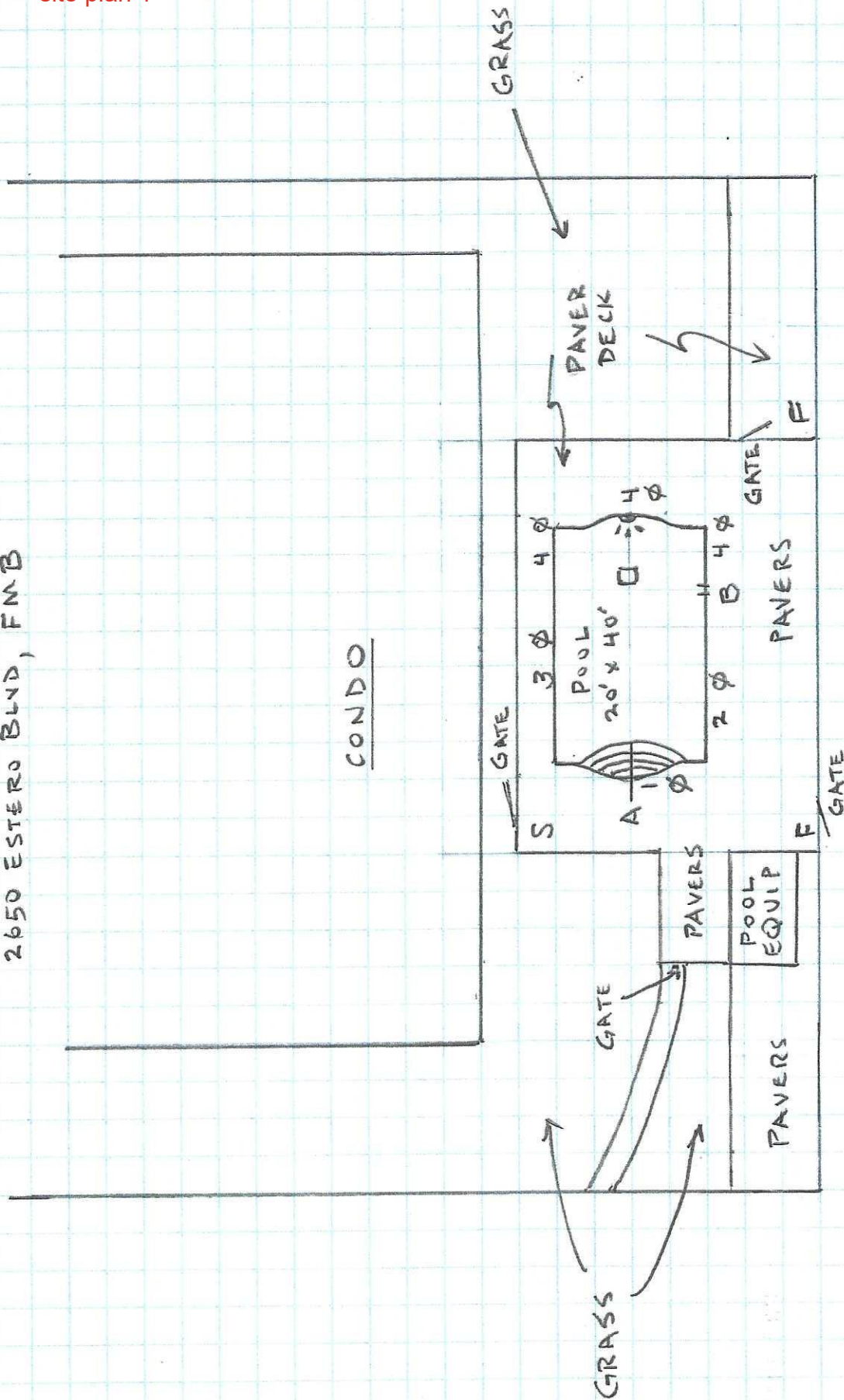


#6

site plan 1

ESTERO BEACH CLUB EAST

2650 ESTERO BLVD, FMB



LEGEND

- A - HANDRAIL
- B - LADDER
- Ø - NO DIVE
- D - LIGHT
- S - SHOWER
- F - FOOTWASH

SCALE (Approx)



= 5 FT X 5 FT

TO BEACH



November 26, 2024

Estero Beach Club East Condo Association
13831 Vector Ave
Fort Myers, FL 33907

Address: 2654 Estero Blvd Fort Myers Beach, 33931, Strap #: 19-46-24-W3-02100.00CE
Subject: SEZ20240257 Resub 1

Estero Beach Club East Condo Association,
Staff has reviewed your application and found it to be insufficient. Please make the following changes to your application package:

1. Site Plan:
 - a. Pool equipment shed:
 - i. The proposed pool equipment shed is shown as 10 feet by 15 feet, while the existing shed is 8.9 feet by 8.2 feet. Please update the proposed site plan to make the new shed a similar size to the old one, move the proposed shed landward of the 1978 Coastal Construction Control Line (CCCL), or if it cannot be moved, please provide the reason why the new shed must be larger than the previous shed.
 - b. Pavers:
 - i. Please clarify whether you intend to replace the pavers that are shown along the side property lines of the previous survey.
 - c. Beach access path:
 - i. Please indicate the location of the proposed beach access path on the site plan, as well as any proposed accessibility features included in the repair (stairs, mobi mat, etc.)
 - d. Gates:
 - i. What are the proposed gates attached to? Please indicate proposed wall or fencing on the site plan.
 - e. Square footage:
 - i. Please clarify if the square footages shown as "total area of proposed repairs" is the entire area of the repairs (entire pool and paver areas) and the "pool/deck area beyond CCCL" is just the portion of proposed repairs that are beyond the CCCL. Staff wants to ensure that the proposed request is understood.

Once these issues are resolved, please resubmit your site plan to zoningpermits@fmbgov.com. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. Please feel free to email the Zoning Department at zoningpermits@fmbgov.com or sarahbrown@axiscompanies.com with any questions.

FORT MYERS BEACH ESTERO ISLAND

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



FMBgov.com

Sincerely,
Sarah Brown
Planner

FORT MYERS BEACH ESTERO ISLAND

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

ESTERO BEACH CLUB EAST

SITE PLAN

2650 ESTERO BLVD, FMB

NOTE - EXISTING
PAVERS ALONG
SIDES STAY.
FENCE ALONG
GULF FACING
CONDO SELF
SUPPORTING.

latest site plan

EXISTING PAVERS

ALL GATES
ATTACHED TO
FENCING
UNLESS
NOTED

CONDO

GATE
ATTACHED
TO RAIL

STAIRWELL

GRASS

GRASS

1978

CCL 2

POOL DECK AREA
BEYOND CCL
15,325 Sq. Ft.

PAVER
DECK

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SK FMB GROUP LLC
17761 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916

MLINARIC MARJAN &
330 JEFFERSON CT
FORT MYERS BEACH FL 33931

EVERGLADES CONSTRUCTION GROUP
214 E CRESCENT DR
CLEWISTON FL 33440

SANIBEL CAPTIVA COMMUNITY BANK
9311 COLLEGE PKWY
FORT MYERS FL 33919

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

GULF BEACH LLC
100 GULF BEACH RD
FORT MYERS BEACH FL 33931

DJ AREND FARMS INC
15759 RD 138
PAULDING OH 45879

REEF OF FMB LLC
JARET BISHOP
2411 US RT 22 SW
WASHINGTON COURT HOUSE OH 43160

NECULA MONICA C
7335 HERITAGE PALMS ESTATES DR
FORT MYERS FL 33966

PG ASSOCIATES LLC
20130 LAKEVIEW CENTER PLZ #140
ASHBURN VA 20147

2633 ESTERO LLC
3269 BRIGHTON PLACE DR
LEXINGTON KY 40509

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

FOLLIARD PATRICK M & AMY
430 S RIVER RD
NAPERVILLE IL 60540

COTTAGES AT MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

COTTAGES AT MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

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

LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS FL 33966

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

FORT MYERS BEACH PUBLIC LIBRAR
2755 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

ESTERO BEACH CLUB CONDO ASSN
15751 SAN CAROLOS BLVD #8
FORT MYERS FL 33908

ISLAND HOUSE BEACH CLUB ASSN
2560 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

PELICAN WATCH CONDO ASSOC
BOBACK COMMERCIAL GROUP
STE 203
10491 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

TROPICAL SHORES ASSN
2550 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS FL 33966

LOV LLC
5432 BROADMOOR ST
ALEXANDRIA VA 22315

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

CAPTAIN'S QUARTERS FMB LLC
7 IRONWOOD CT
LAKE ZURICH IL 60047

BERNHARD MATTHEW C &
1678 STATE ROUTE 60
ASHLAND OH 44805

MAXWELL EMILY JANE
APT 6
1250 MYERLEE COUNTRY CLUB BLVD
FORT MYERS FL 33919

LUMPKINS NANCIE LEE TR
16730 PINEY POINT RD
PINEY POINT MD 20674

FOREMAN BRADFORD G
50 GULF BEACH RD
FORT MYERS BEACH FL 33931

CAPER BEACH CLUB CONDO ASSN
2810 ESTERO BLVD
FORT MYERS BEACH FL 33931

DIAMOND PROPERTY ALLIANCE LLC
1900 E GOLF RD STE 1275
SCHAUMBURG IL 60173

BROWELL BRIAN R & DEBRA I
900 ROSA LN
LAFAYETTE IN 47905

COFFMAN JOYCE A
55 HIAWATHA LN
GALESBURG IL 61401

STUCK STEVEN L & LORRAINE M
362 MISTY PINE TR
PRUDENVILLE MI 48651

VOLPE KENT R +
919 WARWICK LN
LIBERTYVILLE IL 60048

OLSEN SUSAN L
406 SPRING CREEK CT
ALBANY IL 61230

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

KDMJ ASSOCIATES INC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

LAIRD W E & DORIS M
1125 MERCER DR
TALLAHASSEE FL 32312

KREUTZ DAVID TR
2580 ESTERO BLVD # 31
FORT MYERS BEACH FL 33931

INCAUDO DANIEL +
20113 HARTFORD BLVD
ESTERO FL 33928

JOHNSTON DEAN + DEBI
PO BOX 20010
149 WESTMOUNT DR N
ORILLIA ON L3V 7X9
CANADA

GREGORY W GARNETT TRUST +
244 N WOODRIDGE DR
PITTSBORO IN 46167

NOWAK MICHAEL S TR
226 SANGAMON CT
BARTLETT IL 60103

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

LTE 6020 LLC
2024 OAKRIDGE ST
SAINT PAUL MN 55119

HV DESIGNS LLC
2592 INDIAN WELLS TRL
XENIA OH 45385

MANNING DEBORAH A TR
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

ZECHINATI JAMES &
924 WESTCHESTER WAY
RICHMOND KY 40475

SCHRADER CHARLES H TR
2580 ESTERO BLVD #51
FORT MYERS BEACH FL 33931

CAPPARIS PROPERTIES LLC
1500 COLONIAL BLVD #200
FORT MYERS FL 33907

KOOP ROBERT N & SHARON L
1137 ELMWOOD LN
ELK GROVE VILLAGE IL 60007

AREND DAVID L & JOANNA L
15759 ROAD 138
PAULDING OH 45879

HIGHLAND MANOR APARTMENTS LLC
818 LAUREN DR
VILLA HILLS KY 41017

GULFWAY 101 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

GULFWAY 102 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

WOLFE CHARLES G & PAMELA M
401 MONOCACY DR
BATH PA 18014

GARNETT RODNEY S & ALTHEA N
7377 N COUNTY ROAD 550 E
PITTSBORO IN 46167

ESTERO BEACH CLUB CONDO ASSN
2580 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

YEAGER JOHN A & M ELAINE
4923 STONEHAVEN DR
COLUMBUS OH 43220

ESTERO FMB RENTAL LLC
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

SEASHORE PROPERTIES LLC
20280 BURNSIDE PL UNIT 1202
ESTERO FL 33928

FLORIDA WRIGHT ENTERPRISES LLC
10100 CYPRESS COVE DR UNIT 354
FORT MYERS FL 33908

ALEXANDER MICHAEL B TR
9667 WINDGATE DR
BLOOMINGTON IL 61705

NORRIS MARK A & SUSAN K TR
3155 E STRATER RD
KENDALLVILLE IN 46755

CHESNUT STEVEN WAYNE &
6701 IDLEWILD ST
FORT MYERS FL 33966

MEYER LAURELEE M
2580 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

TUBBS THOMAS A TR
2580 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

ROMBERG TINA RUIZ &
2580 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HEUCK DAVID & MICHELLE
14690 FAIR HAVEN RD
FORT MYERS FL 33908

DELBERT G CLARK TRUST +
29785 KESTRAL LANE ST
SAINT JOSEPH MN 56374

EBC 403 LLC
1922 MADISON ST
MADISON WI 53711

CONKLIN KERRY P TR
12956 ROCKY POINTE ROAD
MC CORDSVILLE IN 46055

JAKEL CARRIE
5865 HUNT CLUB WAY
WAUNAKEE WI 53597

GULFWAY 501 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

COMBS JILL A GRAVEL &
14 OAKRIDGE CIR
WARE MA 01082

EBC 503 LLC
1922 MADISON ST
MADISON WI 53711

MELLEMA GARY & LARI ANN
11 HAYES CT
TROPHY CLUB TX 76262

TURTLE SHORE PROPERTIES LLC
20280 BURNSIDE PL #1202
ESTERO FL 33928

PITTENGER PHILIP J +
5081 OUTerview DR
SPRINGFIELD OH 45502

SCHWAB STEPHEN & HOLLY
111 WATEREDGE LN
FREDERICKSBURG VA 22406

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

BUBNIAK WILLIAM A
24 MEADOW LARK DR
COHOES NY 12047

MENA FAMILY TRUST +
4400 SW 133RD AVE
MIAMI FL 33175

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

PRAULT VINCENT W &
10 THOMAS DR
NORMAL IL 61761

KONOPKA MARK A &
840 S MEDINA LINE RD
WADSWORTH OH 44281

2650 ESTERO 25 LLC
S73 W17240 LAKE DR
MUSKEGO WI 53150

HART KATHLEEN & ROBERT
705 BEACH CREEK
WILDWOOD NJ 08260

FLAHERTY MARTIN & DONNA
8953 S 87TH AVE
HICKORY HILLS IL 60457

VERRUSO CARMELO L TR
2650 ESTERO BLVD #33
FORT MYERS BEACH FL 33931

MORRIS DAVID A
4 BLUEBERRY PL
CHESHIRE CT 06410

MURPHY JOHN THOMAS & BIRDIE
49 CHADWIN DR
LINDSAY ON K9V 0E8
CANADA

FOSTER EDWINA G &
28 OCEAN AVE
PATCHOGUE NY 11772

BARBIERI MARIQUITA
7226 CLAYTON RD
SAINT LOUIS MO 63117

LAUCHNER JOEL K & WANDREA R
2650 ESTERO BLVD #43
FORT MYERS BEACH FL 33931

HOLLOWAY MICHELLE & JAMES
600 SE BRENTWOOD DR
WAUKEE IA 50263

EBCE 45 LLC
S73W17240 LAKE DR
MUSKEGO WI 53150

TODD JOSEPH K & SUSAN D
2650 ESTERO BLVD APT 51
FORT MYERS BEACH FL 33931

SUN SAND & SURF PROPERTIES LLC
601 E OGDEN AVE #510
MILWAUKEE WI 53202

STEPANIUK MARY C
2650 ESTERO BLVD #53
FORT MYERS BEACH FL 33931

MORAN PATRIC J & BEVERLY A
620 NORTH PARK BLVD
GLEN ELLYN IL 60137

WHITE JOHNIE C II &
376 ATWOOD DR
LEXINGTON KY 40515

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

SUSAN WEIDENKOPF WATTS TRUST +
16774 PANTHER PAW CT
FORT MYERS FL 33908

UNKNOWN HEIRS OF
10939 YOUNG RD
ANSONIA OH 45303

BDR SUNSHINE LLC
1150 BRIDLEWOOD LN
LEXINGTON KY 40515

CARLIN GRANT A +
830 EASTLAWN
WIDSOR ON N8S 3H7
CANADA

GRANDGEORGE ROBERT E &
PO BOX 459
SOMONAUK IL 60552

ARNESON MARGARET M &
PO BOX 210
SHERIDAN IL 60551

HONKALA DEBRA S TR
PO BOX 361
SOMONAUK IL 60552

WEAVER FREDERICK L & JILL S
2650 ESTERO BLVD UNIT 205
FORT MYERS BEACH FL 33931

MADER JEANNE R TR
SUSAN M MACLENNAN
20 THORNTON RD
LONDONDERRY NH 03053

TROJAN DARWIN M & JODI P
9 ALGONQUIN TRL
BARRIE ON L4M 5M2
CANADA

BEVIS WILLIAM J & CRYSTAL L L/
9231 SYCAMORE SPRINGS CT
DAYTON OH 45458

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

TOLLEY PELOTON LLC
605 DICKSONIA CIR
LEXINGTON KY 40517

PALMS TO POWDER LLC
226988 BOULDER RIDGE
WAUSAU WI 54401

STANDISH MARTHA
22 BROOKSIDE RD
WALLINGFORD PA 19086

PRICE JEREMY TR
18600 CUTLASS DR
FORT MYERS BEACH FL 33931

ROTH VERRA ANNE
6731 NW 28TH AV
FT LAUDERDALE FL 33309

KITCHEN JANICE K L/E
PO BOX 18607
FOUNTAIN HILLS AZ 85269

FAUSTINI ROSE MARIE TR
2650 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

RDW LIMITED PARTNERSHIP
SHEILA TOLLEY
605 DICKSONIA CIR
LEXINGTON KY 40517

DIETRICH DONALD B TR
9099 RIVERSIDE DR E STE 1318 E
WINDSOR ON N8S 4P9
CANADA

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

DVORAK DAVID M & JANETTE
2650 ESTERO BLVD #506
FORT MYERS BEACH FL 33931

TAYLOR SARAH WHITE TR
2407 IVY AVE
FORT MYERS FL 33907

GAFFNEY JOSEPH J & MARGARET
4914 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

EVANS JOHN ROBERT JR
10715 FINTAN CT
MOKENA IL 60448

SCHRAM JULIE TR
566 SUNSET DR
SOUTH SIOUX CITY NE 68776

TOWNSEND THOMAS & AMY
13000 W BETHEL AVE
YORKTOWN IN 47396

TOWNSEND AMY E & THOMAS A
13000 W BETHEL AVE
YORKTOWN IN 47396

ISLAND HOUSE 2D LLC
1015 W JACKSON ST
MUNCIE IN 47305

BLAKE JANICE
7253 PARK LANE
CLAY MI 48001

MONKS ROBERT C
1073 FAIR BIRCH DR
MISSISSAUGA ON L5H 1M4
CANADA

KROULAUDIS JOHN J SR &
2560 ESTERO BLVD #3B
FORT MYERS BEACH FL 33931

CZERKIES BEACH LLC
612 ROOKERY LN
JOLIET IL 60431

HART HOWARD E +
PO BOX 341
EL WOOD IL 60421

WHITEHOUSE KATHLEEN M
2157 TANTALLON DR
FT MITCHELL KY 41017

AUSMAN PAMELA
60 SPRINGWATER CHASE
NEWNAN GA 30265

SUTTON JOSEPH CHARLES TR
711 N MILLER AVE
MARION IN 46952

RALSON JEFFREY S TR
560 W FULTON ST UNIT 605
CHICAGO IL 60661

TUBBS THOMAS A TR
PO BOX 763
WESTFIELD CENTER OH 44251

TRESCHUK-BAHN JACQUELINE
1720 BROADWAY ST
MOUNT VERNON IL 62864

GABOR PETER +
701 INDEPENDENCE PL UNIT 206
RALEIGH NC 27603

MCCAFFREY WILLIAM F TR +
7400 BELLAIRE AVE
DUBLIN OH 43017

NELSON WILLIAM M &
36 KENNINGTON CT
DALLAS TX 75248

MANNING NATALIE
2560 ESTERO BLVD #5D
FORT MYERS BEACH FL 33931

SCOTT E CZERKIES +
612 ROOKERY LN
JOLIET IL 60431

KADO KELLY JOE & TERESA JO
2560 ESTERO BLVD #6A
FORT MYERS BEACH FL 33931

LEVINE STEPHEN M & DIANE E
16480 RAINBOW MEADOWS CT
FORT MYERS FL 33908

BURGETT RUSSELL E TR
497 S PRAYA DR
IVINS UT 84738

SHEPHARD ROBERT W
12392 EAGLE CT
ESTERO FL 33928

TAYLOR STEVEN
PO BOX 269
CERRILLOS NM 87010

OWENS JAMES L & DIANNE L
567 DAWES AVE
GLEN ELLYN IL 60137

MINOR KEVIN L & WENDY
N74 W22552 TWIN OAKS CT
SUSSEX WI 53089

JERRY LEE & DARLENE LOUISE WEA
2532 ESTERO BLVD #106
FORT MYERS BEACH FL 33931

LACAVA JOYCE L/E
2 SULLIVAN FARM
NEW MILFORD CT 06776

STAHL JUDITH A TR
2532 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

BRIESATH RANDAL TR
2868 KENDRIDGE LN
AURORA IL 60502

KRAUSE RANDY STEVEN & JAN A
12281 N CR 2950 E
MASON CITY IL 62664

ASCEND HOMES LLC
15055 WOODCREST DR
CLIVE IA 50325

BRUNER RICHARD T +
2821 NE 46TH ST
LIGHTHOUSE POINT FL 33064

VREDENBURG JOHN F TR
21750 483RD LN
CHARITON IA 50049

GRENZ LYLE R TR
600 S TAYBERRY AVE
SIOUX FALLS SD 57106

ALICE A BRUNETTI TRUST +
16970 SAN CARLOS BLVD STE 160
PO BOX 346
FORT MYERS FL 33908

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

SUTTON MAVIS M
850 CEDAR ST
WATERLOO IN 46793

AMESBURY WILLIAM ROBIN JR &
12915 KINGSMILL WAY
FORT MYERS FL 33913

BURNSTINE HARRY M TR
56860 SR 15
BRISTOL IN 46507

SMITH DON SCOT TR
2532 ESTERO BLVD #402
FORT MYERS BEACH FL 33931

HAWES GARY R &
2788 EDGEMERE DR
ROCHESTER NY 14612

BANERIAN KIRK G & LESLIE N
2950 WOODCREEK WAY
BLOOMFIELD HILLS MI 48304

BUSCH FAMILY PROPERTIES LLC
17769 HIGHWAY W
CLARKSVILLE MO 63336

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

STICKLEY KIM A & PAMELA S
26725 COUNTY ROAD 52
NAPPANEE IN 46550

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

POHL JAMES W TR
43 ROCKVIEW DR
ROCKFORD MI 49341

DORNFELD LEE V & DONNA
303 KIRKWOOD GLEN CIR
LOUISVILLE KY 40207

BARRETT HILARY W +
JAFFREY M WELLS
3668 GORDON RD
ELKHART IN 46516

FIELDS GARY L TR
4751 OLSON LAKE TRAIL N
LAKE ELMO MN 55042

FRANCIS J GALVIN TRUST +
1171 STANDISH CT
NAPERVILLE IL 60540

OOYKAAS DICK E & PATRICIA T
17026 W MANHATTAN RD
ELWOOD IL 60421

MANDATE CAPITAL LLC
160 3RD AVE SW
PERHAM MN 56573

MCKEOWN PATRICK G &
155 SAINTGEORGE PL
ATHENS GA 30606

PELICAN PARTNERS
8183 RUSH PL
INDIANAPOLIS IN 46250

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

MAROTTA JAMES & LINDA
83 VAN DYKE RD
HOPEWELL NJ 08525

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

DUGAN MARILOU A TR
5725 LAKE BRIAR DR
MILLSTADT IL 62260

BOYE CHARLES & LOURDES
4366 SW 130TH AVE
DAVIE FL 33330

MILLIES FRED L + JOANN J TR
W 240 S 10050 CASTLE RD
BIG BEND WI 53103

LASHMET RITA M & CRAIG B
702 ELMWOOD AVE
WILMETTE IL 60091

DAVID A WARD TRUST +
1221 N SHORE DR
CLEAR LAKE IA 50428

GULF VIEW LLC
4114 COCHRANE PKWY
AMES IA 50014

LANG VIVIAN J G TR
406 SUNSET DR
HALLANDALE BEACH FL 33009

FUHR JEROME C & NANCY J
18120 SAN CARLOS BLVD #1003
FORT MYERS BEACH FL 33931

DINGLE LINDA A
1235 YALE PL # 204
MINNEAPOLIS MN 55403

GOETZ ROBERT JOHN &
2800 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

FELLIN JAMES S & MICHELLE A
114 SHERBORNE DR
MCMURRAY PA 15317

SPLITTORFF LYNN A TR
1217 BUCKINGHAM CT
RAYMORE MO 64083

LUCKE THOMAS J TR
PO BOX 75
WISCONSIN DELLS WI 53965

CHRISTIE EDWARD C +
30 HIGH ST
ALLENDALE NJ 07401

BELTRAMI DEBRA L TR
1028 E TALBOT ST
ARLINGTON HEIGHTS IL 60004

MAYER THOMAS R & MUSA J
250 W 82ND ST APT 42
NEW YORK NY 10024

HEFFERON DANIEL J
9095 COTTONWOOD CANYON PLACE
LENEXA KS 66219

MATTEI BARBARA M
521 CANYON CIR
WISCONSIN DELLS WI 53965

GAMAUF DONALD F & JEAN E TR
2800 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

COOPER DANAH HARPER TR
6718 DANIEL CT
FORT MYERS FL 33908

HOFFMAN JEAN E TR
1304B W DAVISON ST
ROANOKE IL 61561

LUCKE THOMAS J TR
801 MEADOW LAWN
WISCONSIN DELLS WI 53965

BALTES DORIS J TR
2021 NUTT RD
DAYTON OH 45458

BRECKENFELDER DAVID &
640 RANDY LANE
FORT MYERS BEACH FL 33931

KALLIES CAPER LLC
KATHLEEN GRAHAM
2640 MALAITA CT
CAPE CORAL FL 33991

MILLIES DANIEL R
S97 W23685 PAR AVE
BIG BEND WI 53103

BRUNNER KENT A & KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

BRUNNER KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

ANDOLINI PROPERTIES LTD
DEAN A BAGNOLA
4800 MUNSON NW
CANTON OH 44718

2800 ESTERO 701 LLC
8428 MARKET AVE
N CANTON OH 44721

2800 ESTERO 702 LLC
8428 MARKET AVE N
N CANTON OH 44721

J H DMD BLDG LLC
87 ENCHANTED PL
SOMERSET KY 42503

KLEINJAN FAMILY LP
333 33RD AVE S
SAINT CLOUD MN 56301

SAND JAMES W & JEAN T TR
32276 NARNIA LN
AVON MN 56310

HARDIN JANICE P TR
834 FREEMAN LAKE RD
ELIZABETHTOWN KY 42701

BENSON MARK M TR
735 N WATER ST STE 205
MILWAUKEE WI 53202

WOOD KELLY R &
2800 ESTERO BLVD #802
FORT MYERS BEACH FL 33931

DOERR BRUCE TR
789 LAKE ACCESS RD
MURPHYSBORO IL 62966

GALMARINI MARIA JULIA TR
104 HISPANIOLA LN
BONITA SPRINGS FL 34134

HEWITT INVESTMENTS LLC
NICOLE R HEWITT
8638 HART DR
WIND LAKE WI 53185

COX KINNEY CHERYL
5214 PALOMAR LN
DALLAS TX 75229

MATTEI RENTAL LLC
346 CHURCH ST
WISCONSIN DELLS WI 53965

LAUE JEANNE L TR
2800 ESTERO BLVD #902
FORT MYERS BEACH FL 33931

KELLEY BEACHFRONT RESORT LLC
3248 TAVOLARA LN
NAPLES FL 34114

SMITH RONNIE A & NANCY
740 GRAYSON LN
JACKSON TN 38305

VITALE PIETRO TR
2800 ESTERO BLVD #905
FORT MYERS BEACH FL 33931

VITALE GIOVANNI TR
20400 HALL ROAD
CLINTON TOWNSHIP MI 48038

GERMANTOWN MUTUAL INSURANCE CO
PO BOX 1020
GERMANTOWN WI 53022

MOSS BRENDA JOYCE
328 GLENBROOK DR
MIDLAND ON L4R 5G4
CANADA

LASH JANICE M TR
2800 ESTERO BLVD #1003
FORT MYERS BEACH FL 33931

RICHARD L KIEFER JR TRUST +
11751 N 400 EAST RD
GRIDLEY IL 61744

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

HEWITT INVESTMENTS LLC
8638 HART DR
WIND LAKE WI 53185

DUFF J SCOTT & DIANE L
9085 OCONNERS POINT DR
BELLE CENTER OH 43310

BAGNOLA BRIDGET F TR
7004 SALERNO ST NW
CANTON OH 44718

STEVEN JOHN SHEBA TRUST +
192 GILWOOD PARK DR
PENETANGUISHENE ON L9M 1Z6
CANADA

HAGEN LYMAN B +
2330 LANE RD
COLUMBUS OH 43220

RIEMEN BRETT & LESLIE
2763 TOWER RD
MCFARLAND WI 53558

BRANDEWIE BRIAN & JODELL L
19029 BRIGADOON PL
CORNELIUS NC 28031

MATTEI MONTE +
346 CHURCH ST
WISCONSIN DELLS WI 53965

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

DONNELLY RICHARD A
304 RON AIRE DR
PIQUA OH 45356

MAZA MICHAEL & LISA
2175 LAKE SHORE LANDING
ALPHARETTA GA 30005

JOHNSTON 5 LLC
9430 TALL PINES WAY
PIQUA OH 45356

ATANASOFF KRIST D +
156 SUNSET SHORE RD
IRON RIVER MI 49935

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

Yellow Sheet Number: **2025-157**

1. Request:

Meeting Date: January 9, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20240267, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 63 DELMAR AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0100H.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND 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 will make recommendations to the Town Council regarding the variance requests or approve the variance requests unanimously.

What the action accomplishes:

The LPA recommendation will be forwarded on to the Town Council or serve as final agency action if the requests are approved unanimously.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Kara Stewart, the applicant for 63 Delmar Avenue and Baisch Gayle Lynn & Griffin Gregory Miller Et Al, the owner of 63 Delmar Avenue, are requesting three variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line, and a side setback of 6.5 feet from the side property lines for lots less than 50 feet wide. The applicant is requesting: 1) a variance of 4 feet 10 inches from the street setback resulting in a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback resulting in a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure.

The subject property is a beachfront lot adjacent to Delmar Avenue and is accessible via a driveway easement. LDC Sec 34-2 defines street as a public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. For purposes of measuring the street setback, LDC Sec 34-2 defines street setback as the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement.

Attachments:

1. LPA Staff Report
2. LPA Resolution 24-XX__63 Delmar
3. Property Survey - 63 Delmar
4. EXHIBIT A- Application
5. EXHIBIT B- LPA AND TC VAR postcard 63 Delmar Ave
6. EXHIBIT C- Site Plan and Elevations 63 Delmar

Financial Impact:

unknown

6. Alternative Action

Deny requests.

7. Staff Recommendations:

Approve with conditions

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: December 23, 2024

Frankie Kropacek, Operations & Compliance Director

Date: December 23, 2024

nancy stuparich, Town Attorney

Date: December 29, 2024

Amy Baker, Town Clerk

Date: December 30, 2024



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240267

CASE NAME: 63 Delmar Ave; single-family home requesting Variances from LDC Table 34-3, for the street and side setbacks in the RM zoning district.

LPA

HEARING DATE: January 9th, 2025, at 9 AM

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Eli Lee, Planner

I. APPLICATION SUMMARY

Applicant/Owner: Kara Stewart/Baisch Gayle Lynn & Griffin Gregory Miller Et Al

Request: The applicant is requesting: 1) a variance of 4 feet 10 inches from the street setback for a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure.

Subject property: See attached site plan

Physical Address: 63 Delmar Ave

STRAP #: 19-46-24-W4-0100H.0010

FLU: Boulevard

Zoning: Residential Multi-family (RM)

Adjacent zoning and land uses:

North:	COMMERCIAL BOULEVARD (CB) Multi-Family
South:	ENVIRONMENTALLY CRITICAL (EC) Recreation
East:	RESIDENTIAL MULTIFAMILY (RM) Single-Family Residence
West:	RESIDENTIAL MULTIFAMILY (RM) Multi-Family/Recreation

II. BACKGROUND AND ANALYSIS

Background:

Kara Stewart, the applicant for 63 Delmar Avenue and Baisch Gayle Lynn & Griffin Gregory Miller Et Al, the owner of 63 Delmar Avenue, are requesting three variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line, and a side setback of 6.5 feet from the side property lines for lots less than 50 feet wide. The applicant is requesting: 1) a variance of 4 feet 10 inches from the street setback resulting in a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback resulting in a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure.

The subject property is a beachfront lot adjacent to Delmar Avenue and is accessible via a driveway easement. LDC Sec 34-2 defines street as a public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. For purposes of measuring the street setback, LDC Sec 34-2 defines street setback as the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement.

Analysis:

The first variance request is for the new single-family home to be constructed 20 feet 2 inches from the front property line. More than 50% of the front setback is 25-feet or greater from the front property line. The reduced setback would allow the home to gain more square footage thus increasing the massing of the structure. However, the proposed house will comply with the 40% maximum building lot coverage.

The second request is for the new single-family residence to encroach the west side setback by 6 inches into the required 6.5-foot side setback. The reduced setback would allow the home to gain more square footage and to allow space on the east portion of the structure to incorporate the stairs.

The third request is for the stairs of the new single-family residence to encroach 2 feet 6 inches into the required side 6.5-foot side setback on the east portion of the building. This reduced setback would allow ingress and egress into the proposed single-family home. The main structure of the home will have an 8-foot setback. The stairs are not covered by a roof and will only minimally add to the perceived massing of the main structure.

Neighborhood Compatibility:

The subject property is part of an existing residential neighborhood. It appears that the previous structure was a single-family home that did not meet the current required setbacks prior to its destruction by Hurricane Ian.

The eastern neighboring property of 61 Delmar Ave has a single-family home that was constructed in 2008 which was reviewed and approved by Lee County. The neighbor to the west is Surf Song condominium.

Findings and Conclusions:

LDC Sec. 34-87(c) sets forth the required findings and conclusions for the approval of a variance:

- a. That there **are/are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is/is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The subject property is a beachfront lot that is off Delmar Avenue and is accessible via a driveway easement. The lot width is 44 feet and the buildable area (landward of the 1978 CCCL) lot depth varies from approximately 95 to 97 feet. The applicant is proposing to construct a single-family structure that would be larger than what previously existed, but with minimal encroachment of the SFR to the front property line, the west side property line and the east side property line for stairs. The requests are de minimis.

- b. That the conditions justifying the variance **are/are not** the result of actions of the applicant taken after the adoption of the regulation in question.

The conditions justifying the variances are not the result of the applicant. The applicant is proposing to design a structure that is compliant with the Town's LDC, but due to the parallelogram shape of the lot, a portion of the structure would encroach due to its proximity to the property line. The applicant is also

proposing to meet the maximum building coverage allowed, maximum impervious allowed and parking requirements for single family residences.

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

The design of the structure would be compatible with the dimensions of the lot. The need for this variance is for the minimal encroachment of the single family residence to the front property line and side property line, as well as stairs on the east portion of the building is the minimum variances that would provide the applicant with relief. The implementation of the requirements would potentially result in a reduced structure size. The LPA should determine whether the current regulation is “unreasonable.”

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

The granting of the variance for 4 feet 10 inches encroachment into the street setback for a street setback of 20 feet 2 inches will not be injurious or otherwise detrimental to the public welfare. The encroachment is due to the parallelogram shape of the lot, but other portions of the structure adhere to the required 25-foot street setback.

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

The granting of the variance for 6 inches encroachment into the west side setback for a side setback of 6 feet will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The encroachment of the west portion of the structure is to create room for the stairs on the east side of the proposed building. Shifting the proposed structure to the east to adhere to the required 6.5- foot side setback would cause an additional encroachment of the side stairs to the east property line.

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

The granting of the variance for 2 feet 6 inches into the east side setback for a side setback of 4 feet for stairs would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The stairs located on the east portion of the structure would allow for ingress and egress into the structure, constructing the stairs in the front of the building would not be consistent in terms of design in the immediate neighborhood and would allow for further encroachment to the front property line.

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

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

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Table 34-3 which requires that a lot in the RM zoning district have minimum 1) 25-foot street setback, and 2) 6.5-foot side setback for lot width less than 50 feet and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20240267, 1) a variance of 4 feet 10 inches from the street setback for a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure.

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances 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) Property owner must ensure that they adhere to the Neighborhood flooding ordinance for drainage and 67% maximum impervious requirements.
- 3) The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) No portions of the structure shall extend past the 1978 Lee County Line (CCCL).

V. EXHIBITS

- A. Complete application
- B. Postcards
- C. Proposed site plan

LPA RESOLUTION 2024-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20240267, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 63 DELMAR AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0100H.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND 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, 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, Kara Stewart ("Applicant") and Baisch Gayle Lynn & Griffin Gregory Miller Et Al ("Owners") of the property located at 63 Delmar Avenue (Property), and is requesting variances from LDC Table 34-3 of 1) 4 feet 10 inches from the street setback for a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure in the RM zoning district; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0100H.0010; and

WHEREAS, the Property is located in the "Boulevard" and "Recreation" Future Land Use Map of the Comprehensive Plan and the "Residential" and "Multifamily" zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 9th, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

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

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

WHEREAS, eligible members of the LPA voted unanimously by roll call vote to approve the requested variances with the following conditions:

- 1) Approval of these variances 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) Property owner must adhere to the Neighborhood flooding ordinance for drainage and 67% maximum impervious requirements.
- 3) The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) No portions of the structure shall extend past the 1978 Lee County Line (CCCL); and

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and

2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

- 1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.
- 2. VAR20240267, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on January 9th, 2025.
- 3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

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

Chair Anita Cereceda	___
Vice-Chair Jane Plummer	___
Member James Boan	___
Member Douglas Eckmann	___
Member Don Sudduth	___
Member John McLean	___
Member James Dunlap	___

DULY PASSED AND ADOPTED THIS _____ day of January, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____

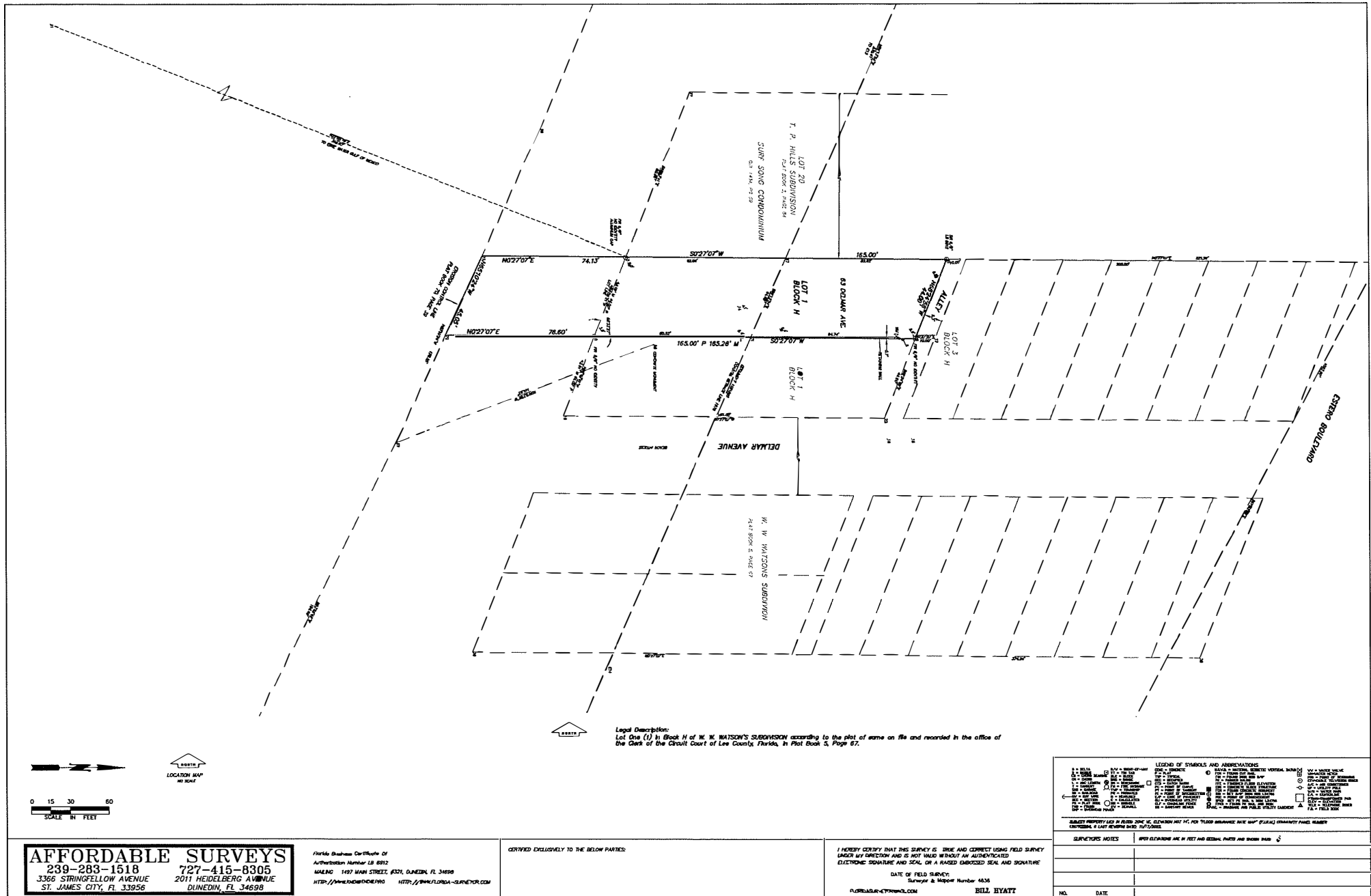
By: _____

Vose Law Firm, Town Attorney

Amy Baker, Town Clerk

EXHIBIT A: Site Plan

EXHIBIT 6-2





COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 63 Delmar
STRAP Number: 19-46-24-W4-0100H.0010
Applicant: Marvin Development Corp Phone: 239-410-1750
Contact Name: Richard Durling/ Kara Stewart Phone: 239-770-4198
Email: stewart.karalyn@gmail.com Fax: _____
Current Zoning District: RM
Future Land Use Map (FLUM) Category: Boulevard
FLUM Density Range: 6du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Kara Stewart c/o Marvin Development (Phone: 239-770-4198

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

Applicant Mailing Address: _____

Email: stewart.karalyn@gmail.com Fax: _____

Contact Name: Kara Stewart Phone: 239-770-4198



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Kara Stewart Phone: 239-770-4198

Address: _____

Email: stewart.karalyn@gmail.com Fax: _____

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

Name: Richard Durling Phone: 239-410-1750

Address: _____

Email: rdurling@marvin-homes.com Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section 34 - 638
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Kara Stewart 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.

Kara Stewart
Signature

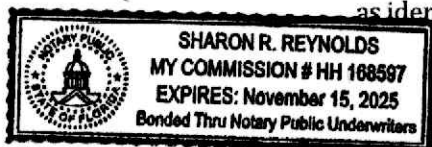
Kara Stewart

Printed Name

STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 22 day of October, 2024, by

Kara Stewart ☐ who is personally known to me OR ☐ who has produced
as identification.



Sharon R. Reynolds
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

Gregory Miller Griffin

Gayle Lynn Balsch

Gary Howard Griffin

Percentage Ownership

33.4

33.3

33.3



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0100H.0010

Property Address: 63 Delmar

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: W.W. Watson

Book: 5 Page: 67 Unit: _____ Block: H Lot(s): 1

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) 44 feet
Depth (please provide an average width if irregular in shape) 165 feet
Frontage on street: 44 feet. Frontage on waterbody: 44 feet
Total land area: 7260 ☐ acres ☒ square feet

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

Over bridge to left

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

- | | |
|--|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☒ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

REVISED REQUEST 11/4/24

Case Number:
Project Name: 63 Delmar
Authorized Applicant: Marvin Development Corp
LeePA STRAP Number: 19-46-24-W4-0100H.0010

Current Property Status: Vacant	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Boulevard	
Comp Plan Density: 6du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638 (b)(1) (a) table 34-3	Setbacks - Side and front

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

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

Explain the specific regulation contained in this section from which relief is sought:
Setbacks are established on Table 34-3 . The required waterbody side setback
in the RM district for a lot under 50' is 6.5'.
The front setback is 25'

Reasons for request

Explain why the variance is needed: SEE EXHIBIT "C"
Side Setbacks: The west side property line setback will be 6' (requiring 6" variance).
The east side property line setback to stair/walkway will be 4'(requiring 2'6" variance)
the main building wall will be at 8' in only staircase/walkway will encroach
Front setback
Our main structure is located between 20'2" and 30'7" to front property line.
The area of encroachment is from east property line; the area of encroachment
and runs on an angle from 20'- 25' for only approx 9'
The home is approx 27' long and the encroachment
is only along approx 9' of that 27' and is on an angle;

Explain the possible effect the variance, if granted, would have on surrounding properties:
There would be no effect on surrounding properties as the east side yard is adjacent to a home that sits 4.4' to their property line. The location of the stair/walkway will not encumber the use of the neighbors property.
This structure will be designed with an elevator as well to reduce the use of the stairwell. The west side yard encroachment of 6" will not have any detrimental affect on the adjacent condo building, as this is diminimus.
The front corner encroachment will not have any effect on anyone as this is an access easement for this property only and is not a thru street. Ends at this property. The majority of the front setback is greater than the required 25'. Placing the home in this location is consistent with the neighbors property which had received a variance previously for a 20' setback.

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

The buildable area of property is reduced by the 1978 CCCL (reducing the property greatly approx in half, we have obtained a MUD);
The property is a parallelogram (with the property only 41' at location of structure, greatly reducing the buildable area);
The property is seaward of the 1991 CCCL (requires additional elevation, longer staircase for entry approx 18' and an elevator is necessary for access)

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

SEE ATTACHED DOCUMENT

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



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

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240267 – Requesting six (3) single-family home requesting Variances from LDC Table 34-3, for the street and side setbacks in the RM zoning district

ADDRESS: 63 DELMAR AVE

APPLICANT: KARA STEWART/ MARVIN DEVELOPMENT

**LOCAL PLANNING AGENCY PUBLIC HEARING
TIME:** 9 AM
DATE: JANUARY 9, 2025
LOCATION: 2731 Oak St, FMB, Florida 33931

**TOWN COUNCIL PUBLIC HEARING*
TIME:** 9 AM
DATE: FEBRUARY 3, 2025
LOCATION: 2731 Oak St. , FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

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

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



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

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240267 – Requesting six (3) single-family home requesting Variances from LDC Table 34-3, for the street and side setbacks in the RM zoning district

ADDRESS: 63 DELMAR AVE

APPLICANT: KARA STEWART/ MARVIN DEVELOPMENT

**LOCAL PLANNING AGENCY PUBLIC HEARING
TIME:** 9 AM
DATE: JANUARY 9, 2025
LOCATION: 2731 Oak St, FMB, Florida 33931

**TOWN COUNCIL PUBLIC HEARING*
TIME:** 9 AM
DATE: FEBRUARY 3, 2025
LOCATION: 2731 Oak St. , FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

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

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



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

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20240267 – Requesting six (3) single-family home requesting Variances from LDC Table 34-3, for the street and side setbacks in the RM zoning district

ADDRESS: 63 DELMAR AVE

APPLICANT: KARA STEWART/ MARVIN DEVELOPMENT

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

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

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

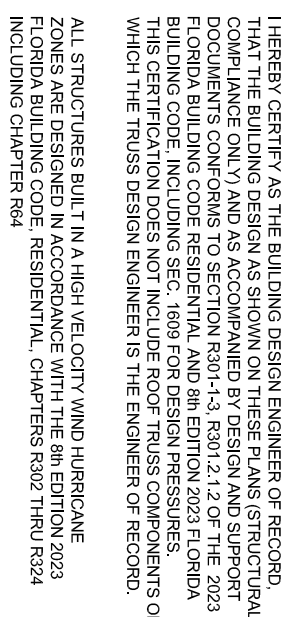
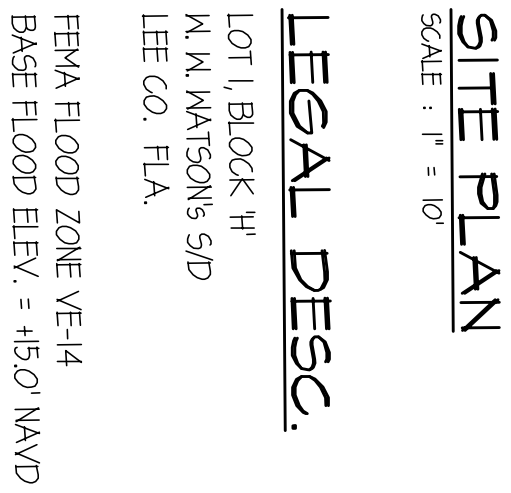
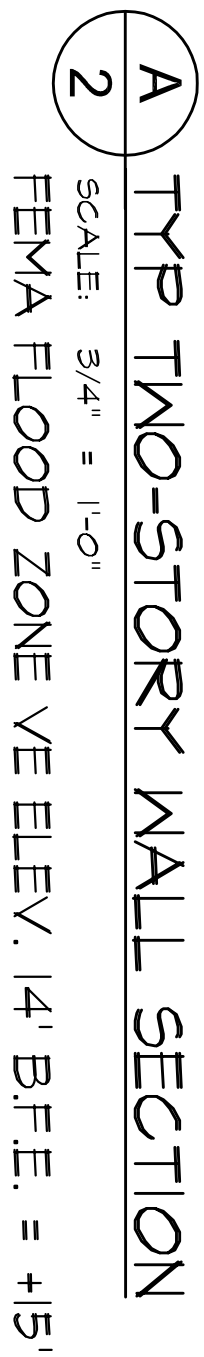
«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

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

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

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

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



DATE _____

N

GRIFFIN

TYPICAL WALL SECTION
SITE PLAN

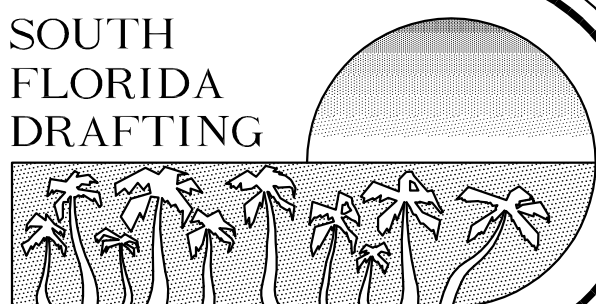
MARVIN DEVELOPMENT CORPORATION
1591 HAYLEY LANE, SUITE #204
FORT MYERS, FL. 33907
TEL. No. (239) 433-1112
FAX. No. (239) 433-3885 CBCA24035

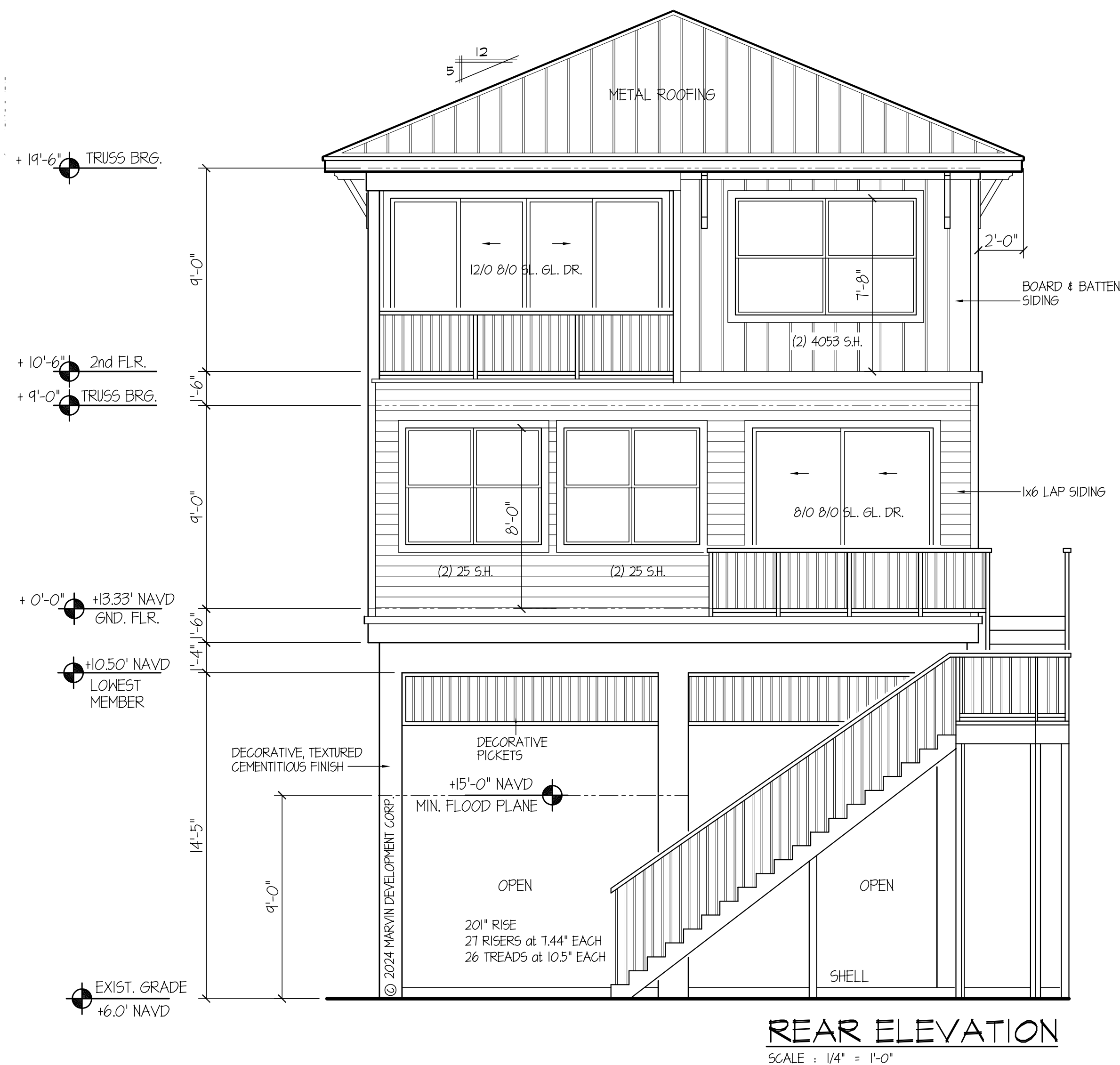
IF ANY ERRORS OR OMISSIONS EXIST IN THESE DRAWINGS OR SPECIFICATIONS THE CONTRACTOR AND / OR OWNER SHALL, WITHIN 10 DAYS AFTER RECEIPT OF THESE DRAWINGS, AND PRIOR TO CONSTRUCTION NOTIFY SOUTH FLORIDA DRAFTING INC. IN WRITING OF SAID ERRORS OR OMISSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESULTS AND COSTS OF RECTIFYING THE SAME.

SOUTH FLORIDA DRAFTING INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR SUPERVISION OF CONSTRUCTION. CONTRACTOR AND SUB-CONTRACTORS ARE TO STRICTLY ADHERE TO ALL STANDARD BUILDING CODES INCLUDING ALL AMENDMENTS BY LOCAL BUILDING DEPARTMENTS.

SOUTH FLORIDA DRAFTING INC. IS NOT RESPONSIBLE FOR ANY ENGINEERING OR ARCHITECTURAL CERTIFICATIONS THAT MAY BE REQUIRED.

SOUTH
FLORIDA
DRAFTING





Structural Review Only Provided By

Brian Loy Chandler, P.E.
GulfCoast Engineering, LLC
3002 Del Prado Blvd.
Cape Coral, FL 33904
(239) 458-6633



MARVIN
HOMES

GRIFFIN

DWN. BY : S. A. M.	REVISIONS
CHK. BY :	
DATE : MAY 21, 2024	
JOB NO. : 240318	

REAR ELEVATION
RIGHT SIDE ELEVATION

A RESIDENCE FOR :
GRIFFIN
MARVIN DEVELOPMENT CORPORATION
1591 HAYLEY LANE, SUITE #204
FORT MYERS, FL. 33907
TEL. NO. (239) 433-1112
FAX. NO. (239) 433-3685
CECA24035

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8498 Beacon Blvd.
Fort Myers, FL.
33907-3005
PHONE
(239) 561-8632

