



Fort Myers Beach Local Planning Agency

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Tuesday, February 11, 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 - January 9, 2025

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. VAR20240304; 7205 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 7205 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBER 03-47-24-W1-00011.0000 IN FORT MYERS BEACH, TO ALLOW A MULTI-UNIT COMPLEX TO DEVELOP INDIVIDUAL UNIT SIGNS THAT ARE A MAXIMUM OF 32-SQUARE FEET AS WELL AS DEVELOPING A 32-SQUARE FOOT GROUND SIGN TO DISPLAY THE COMPLEX NAME AND BRANDING, ALLOWING FOR THE STRUCTURE TO BE DEVELOPED ON THE PROPERTY LINE; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. DCI20240137.2, Mobile Vending/Food Truck Park CPD Amendment

1. 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 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.

2. Request from Pelican Watch Condominium Association, Thomas F. and Debra Danford as managers and members of Coastal Cottages LLC, and Edwin T. French III, to have Intervenor Status.

VIII. ADMINISTRATIVE AGENDA

A. Public Notice Ordinance

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LPA AND TOWN COUNCIL HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

B. Application Review Fees and Payment

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

Yellow Sheet Number: **2025-230**

1. **Request:**

Local Planning Agency - January 9, 2025

Meeting Date: February 11, 2025

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

APPROVAL OF MINUTES

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. Draft LPA minutes 1.9.25

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers

2731 Oak Street

Fort Myers Beach, FL 33931

Thursday, January 9, 2025

Minutes

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

Excused: LPA Member Eckmann

LPA Member Sudduth moved to excuse LPA Member Eckmann, seconded by LPA Member McLean.

The motion carried unanimously.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

The recording started with Attorney Bob Burandt talking about refunding the fees. Community Development Planner Sarah Propst stated that the special exception was not possible without the variances. She noted that continuing the hearing would not make a difference because the special exception would not be valid until the variances were approved. The special exception was not granted yesterday at the council meeting because it was continued.

Town Attorney Stuparich explained that Public Hearings A and B were related but were two separate actions. She suggested discussing B first. She noted the title of A had changed slightly.

LPA Member Dunlap moved to approve the amended agenda, seconded by LPA Member Plummer.

The motion carried unanimously.

V. APPROVAL OF MINUTES

- A. Local Planning Agency - December 3, 2024
LPA Member Boan moved to approve the minutes, seconded by LPA Member Sudduth.
The motion carried unanimously.
- B. Local Planning Agency - December 10, 2024
LPA Member Boan moved to approve the minutes, seconded by LPA Member Sudduth.
The motion carried unanimously.

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 noticed and she swore in those providing testimony.

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.

Town Attorney Stuparich read the new title of the ordinance and noted it was rezoning the four parcels as a project. See below for discussion and vote.

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.

Town Attorney Stuparich read the title of the ordinance and noted two additional parcels were added to the project. Ex parte communications: all LPA Member received emails, LPA Member Dunlap met with the applicants and The Neighborhood Company, LPA Member Boan met with the applicant several weeks ago, LPA Member McLean met with the applicant and The Neighborhood Company and visited the site, Chair Cereceda met a relative and had a conversation the applicants and The Neighborhood Company and LPA Member Sudduth met with The Neighborhood Company.

Expert witnesses include Ken Gallander, Patrick Vanasse and Brandon Frey. The applicant confirmed receipt of the agenda and background materials. Community Development Principal Planner Judith Frankel indicated this item was about changing the property's boundaries. The 2007 resolution created the CPD and only Option A was approved. The applicant's first request is to add 2518 Estero Blvd. and 2543 Cottage Ave. to the previous CPD. This ordinance and the ordinance under item A were initially combined, but they were separated into two ordinances for legal and clarity purposes. The LPA's first vote will be to approve or deny expanding the CPD boundaries to include these two properties. LPA Member Boan clarified that the 2007 schedule of uses would not change.

Principal Planner Frankel indicated the conditions were lengthy because the LDC (Land Development Code) did not include regulations for a food truck park. She added that the applicant provided food truck park regulations from three surrounding municipalities. Town Attorney Stuparich noted that the new schedule of uses would include some of the previous uses. Principal Planner Frankel stated that the applicant also provided parking regulations for the food truck park.

Principal Planner Frankel reviewed the noticing policy. The postcards were mailed one week before the meeting.

Ken Gallander of The Neighborhood Company started the presentation with Introductions - Project Team and Background Pre-lan. Jamie Hotka, applicant, reviewed the history of the property and different ideas for the future. Debbie Hotka described the family atmosphere at the food truck park in Bonita Springs and indicated they wanted theirs to be similar and cater to families. Dan Myers, co-owner, discussed the old businesses pre-lan and hoped they could find a place at the food truck park. He stated they were not bringing Times Square to the residential neighborhood.

Mr. Gallander continued with the Background - Moving Forward, Request, Aerial of Existing Boundary, Location, Site Design & Compatibility, Master Concept Plan, Concept Views - South, Corner of Estero & Chapel, Corner of Chapel & Cottage, North along Cottage, Southwest from Estero, Ground Level South from Estero Pathway, West from Parking Area, Location, Site Design & Compatibility, Transportation and Parking, Parking and Proposed Conditions/Commitments. Discussion was held regarding the lack of 15 dedicated parking spots since everyone entering the park had to pay, although Mr. Myers indicated vouchers would be available.

LPA Member Boan commented that people could sell out the parking lot in the morning and spend all day at the beach, preventing people from accessing the park later in the day. Mr. Hotka commented that the reserved spots could be included in the vendor's lease. Mr. Gallander continued reviewing the conditions.

LPA Member Plummer asked whether commercial parking lots had to be paved. Community Development Senior Planner Jason Smalley indicated that there was an option and the recording skipped. He listed current parking lots with sand, crushed shells or rock. Brandon Frey stated that there would still be runoff with pervious or impervious surfaces that had to be collected and treated before discharge. Regarding the evacuation of the trucks, the lease would include the requirement to remove them and the applicant would ensure it happened. The recording skipped to Town Attorney Stuparich talking about a separate state of emergency.

LPA Member Dunlap questioned whether lowering the light standards was allowed. Senior Planner Smalley replied that they would have to provide the minimum standards as required by the code. Mr. Gallander concluded the presentation with Findings and Conclusion. Mr. Hotka hoped to complete the project by next season, although obtaining permits may affect the timeline.

LPA Member Dunlap questioned what the town could do to prevent a half-completed project that sat for years. Town Attorney Stuparich responded that the council would monitor the development along the line to ensure things moved forward. The recording skipped to Mr. Vanasse mentioning erosion.

LPA Member Boan thought the park was a good temporary use, but the way it was proposed was not temporary. Mr. Gallander responded that it was not temporary and he felt it could help support the opportunities for the vendors to move to a brick and mortar. LPA Member Boan compared the implications between the food truck park and a restaurant in a building on the same site.

LPA Member Sudduth questioned whether it was their task to decide the economics of the project.

Mr. Gallander stated that the Master Concept Plan for the food truck park and commercial parking lot did not include the three dwelling units. The property owners would have to come back to the council if they decided to add the dwelling units later.

Principal Planner Frankel reviewed the findings and conclusions for expanding the CPD boundary ordinance on page 220 of the agenda packet. She noted that the staff recommended approval for the expanded boundary. She reviewed the considerations and findings of the second ordinance and indicated that the staff found that the CPD with deviations meets the criteria. If the LPA agrees with the applicant's proposed parking calculations, the staff would recommend approval with the listed conditions. She added that the applicant was interested in making changes to the conditions and she would address the proposed changes. Principal Planner Frankel discussed condition 5 of the displayed list. She clarified that if the applicant wanted to add more vendor spots, they would have to come back before the council.

She continued discussing condition 12 regarding the parking lot, condition 16 about grease traps in the food trucks and "first right of refusal" in condition 24. Chair Cereceda received a consensus to eliminate condition 24.

Public comment:

Randall Briesath, PW of the Pelican Watch HOA, asked that they not vote today because the notices were received on January 7, 2025, and they did not have enough time to go through everything. He indicated many people were hearing this for the first time today. They retained an attorney because they did not know their rights. He asked for a continuance on behalf of Pelican Watch because they needed time. He described the constraints put on the board by law. They would like to make an informed decision.

Gary Fields, resident, objected because the developers deceived them by saying it was a temporary project, but they found out yesterday that it was not. He was not against commercial development and would like to see an enclosed restaurant at the site. All of their property values and their quality of life would be affected. He suggested the LPA deny the proposal and asked whether they would like to have the park ten feet from their door. He invited them to tour the property to see what it looked like from their perspective.

Susan Bonfigli, resident and the only inhabitable house left on Cottage appreciated a family-oriented business, but this seemed more like a commercial parking lot. She preferred that the vendors operate out of a permanent structure with designated parking for the business. She described living near the parking lot on Estero and Mango and said she did not want to live surrounded by parked cars. She noted that people consistently parked illegally even when paid parking was available next door. She described increased traffic on Cottage because it was a perfect circle and traffic was already a problem. She indicated that many trailers did not bother to remove their structures before Milton. She was not keen on having drunk people around her house and she described having to smell the food like she could from Mom's restaurant. She also worried about property values.

David Tezak, resident, thought it was a great idea but in the wrong location. He said it belonged in Times Square. The streets were only 30 feet wide and did not comply with commercial development, which required 50 feet by law. He noted that sidewalks had to be installed on Cottage and Chapel for ADA (Americans with Disabilities Act) requirements. He stated the subdivision was residential and not a commercial access that went through his properties. He talked about the increased traffic and devaluing his property. He described Mom's being out of compliance for years due to the lack of parking. He felt they should establish rules for food truck parks before voting.

Monica Tezak, resident, asked where the mobile vendors would park their personal vehicles. The people who park on the side streets will not pay to park to get food from a food truck. She described the times she could not leave her driveway because of the people parking on the street. She said it would end up looking like Avenue E and Avenue C and devalue her properties. She distributed a handout of concerns.

She supported a brick and mortar and discussed the smell and all the rats who came out from under Mucky Duck when they demolished it.

Ed French, resident, was opposed to the food court park in that area. He described people parking on his property, stealing his chairs and garden hose and using his property to defecate. He thought it was a good idea in the wrong place.

Tom and Deb Danford, residents, were not opposed to development because they were developers, but the parking was going to be a nightmare. Ms. Danford discussed how they had to deal with the parking now and noted that the primary access to Chapel would create a congested traffic mess. She stated it was already difficult for them to access Estero. She brought up security and described drunk people on her property at all hours of the night. Mr. Danford thought better buffers, changing the access to Estero, better security and establishing hours of parking would help. Ms. Danford stated people would stay there all night drinking and partying. Their two houses were rentals and it was not fair to the renters to have to put up with that. She asked who would control the capacity issues.

Public comment closed.

LPA Member Plummer felt they needed a minimum of 10 designated parking spaces for the restaurants and how they would address employee parking. Planner Propst stated that sidewalks were not required and the 50-foot requirement was probably a fire code requirement, but she could not speak to that. Principal Planner Frankel indicated that the parking calculations included employees and she described discouraging ingress and egress on Estero per the comp plan. Mr. Gallander was disappointed to hear the statement of deception, especially after reaching out to the neighbors. He could add where the surrounding buildings were to more accurately represent their project and evaluate the buffering. The access point off of Chapel already exists and they will evaluate the 24/7 parking. They would work with the town to enhance the Chapel and Cottage right-of-way buffers and promote a better aesthetic.

Mr. Vanasse addressed the deception statement and did not stand for being called a liar. He described how they reached out to the condo association four to five months ago to set up meetings. He agreed with the parking concerns and noted they would work out details to curb illegal parking. Chair Cereceda suggested that the parking should be free and only for businesses. Mr. Vanasse asked whether it was fair for them to subsidize public parking and he did not think it would benefit anyone. Mr. Hotka said he paid \$5.00 to \$10.00 to park when he ate at Wahoo Willies and Snug Harbor. He noted they would allow each vendor to lease a spot at a discount, but he wanted to leave that as an administrative function because it would be too hard to manage. He discussed the emails from the condo over the last four to five months to try to set up a meeting. He offered several dates to meet, but the condo only offered one day. He did not have a problem changing the 24/7 parking. Mr. Myers asked whether other places restricted parking and Chair Cereceda replied that he was in an existing neighborhood.

Chair Cereceda stated that she could not support the project in the neighborhood and wondered whether walls would help buffer the park. She thought it was a great idea but there were too many issues for her. LPA Member McLean noted the property had been undeveloped since Hurricane Charley, and they had the right to redevelop it, but the use was a reach from what they had before. He appreciated the creativity but would not support it. LPA Member Dunlap stated they were trying to put a basket of criteria around a future development set of standards and codes acceptable for Fort Myers Beach that were unenforceable. He did not feel comfortable setting a precedent around the criteria for a development. LPA Member Sudduth applauded the applicants and The Neighborhood Company for their idea.

LPA Member Plummer thought it was more of a service to the beach instead of families going there for dinner. She felt it would be great for a five-year plan.

LPA Member Boan moved to continue it to the next meeting so the neighbors could talk to the applicants. No second.

Chair Cereceda moved to deny the request for the food truck park, finding it inconsistent with the goals and objectives of the neighborhood because it was a commercial intrusion into the neighborhood, seconded by LPA Member Boan. Motion and second withdrawn.

Chair Cereceda moved to approve the ordinance to expand the CPA boundaries and the conditions of approval as found in the staff report, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

Chair Cereceda moved to deny the request for the food truck park, finding it inconsistent with the goals and objectives of the neighborhood because it was a commercial intrusion into the neighborhood, seconded by LPA Member Boan.

The motion failed due to a tie.

LPA Member Sudduth moved to approve with conditions as modified by staff and amended during the meeting, seconded by LPA Member Dunlap.

The motion failed due to a tie.

LPA Member Dunlap moved for a continuance to February 11, 2025, at 9:00 a.m., seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

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.

Chair Cereceda read the title of the ordinance. No ex parte communications were disclosed. Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He noted that he would prefer to holistically look at their parking lot next to Norms, the main building at 1400 and the parking and use on 1479 holistically so they could determine what parking was left over and available for commercial use. He indicated that this might be an opportunity to look at the use and condition it with the approval of this holistic plan where all the issues are separated and come up with an actual number of available commercial parking at the end. He said he would let code enforcement know the applicant was working with them.

Attorney Robert Burandt stated they were not asking for a commercial parking lot but a shared parking lot. Their goal was to rent to people who were staying at the hotel. He noted that the parking lot had been used as a shared parking lot for 35 years. He asked that they be grandfathered and not have to come into compliance with the rest of the code. He discussed code section 34-2019 regarding other uses of parking lots and explained how it applied to the applicant. He thought the LPA approved them using the extra spaces for public parking pursuant to 34-2019. He stated they were not against working with the town.

Town Attorney Stuparich noted the LPA approved the special exception and it went to the council. It was continued so the LPA could vote on the variance request and then the two would be together in front of the council. Planner Propst indicated that shared parking did require a special exception per table 34-1 and the variances were a way to allow them to continue operating without updating their landscaping. Attorney Burandt eliminated the first variance. Principal Planner Frankel commented that the reason the variance was there was to allow them to use the entire site for the paid commercial parking, but she was interrupted mid-sentence.

Attorney Burandt stated they did not want to repave the parking lot, add landscaping or reconfigure it. They just wanted to continue doing what they had been doing for 35 years. Discussion was held regarding all the parking lots and LPA Member Sudduth stated that the variance was for this lot, which had 25 parking spots.

LPA Member Boan asked if they wanted to amend their request for a variance to provide 25 parking spaces and the balance of the unused spots would be available for the public. Mr. Burandt agreed.

Senior Planner Smalley counted 30 spaces based on a 2022 approved LDO and 13 would be available to rent. He agreed that the first variance request was not necessary.

No public comment.

LPA Member McLean moved to approve the resolution with the removal of variance number one, include variances two, three and four and stipulate that the applicant will work with the town to develop a holistic parking strategy, seconded by LPA Member Sudduth.

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

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.

LPA Member Plummer read the title of the resolution. No ex parte communications were disclosed. Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted the applicant was replacing what was lost from the hurricane.

Janette Dvorak, applicant, read a letter from Erica Wessel, who could not attend the meeting. She listed the items attached to the application and stated they were restoring the pool and deck to what it was before the hurricane.

No public comment.

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

The motion carried unanimously by roll call vote.

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.

Chair Cereceda read the title of the resolution. No ex parte communications were disclosed. However, LPA Member McLean lives on Delmar and is familiar with the property. Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet. He noted the staff recommended approval with conditions.

Kara Stewart represented the applicant and noted she was unaware of any opposition. She explained why they decided to locate the house where it was. Richard Durling, contractor from Marvin Homes, discussed balancing the home between the condo project and the existing home. No public comment.

LPA Member Boan moved to approve the resolution with the staff recommendation as conditions, seconded by LPA Member McLean. The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Dunlap asked how they knew whether unanimous variance decisions were not challenged in 10 days. Town Attorney Stuparich replied that Town Clerk Baker tracked the timeline. After the deadline passed, the resolution was signed and a copy was provided to the applicant. She offered to attach signed resolutions to agendas. LPA Member Dunlap asked whether they could have a meeting where staff updates them on complex issues coming before them, similar to the council's M&P sessions. Town Attorney Stuparich responded they could schedule a workshop. Chair Cereceda agreed and noted the food truck park issue was a good example. She suggested discussing development agreements since the use was intended for small-scale projects and policy issues like bonding requirements. Principal Planner Frankel brought up discussing the frustration regarding the public surrounding noticing. She would have preferred to bring the food truck park ordinance to them first to determine whether they wanted them, but they needed a final comp plan and to look at the LDC. She agreed with working through issues beforehand.

Planner Propst was concerned about scheduling a workshop and explained why it would be a heavy lift for staff. She preferred to meet with them individually, and Chair Cereceda commented that would be clarification and would not solve the issue. Chair Cereceda suggested they talk to Planner Propst individually and figure out how to do it without burdening staff.

LPA Member Sudduth suggested scheduling simple issues at the beginning of the agenda.

LPA Member Boan asked whether they could tie approvals for a specific project to the landowner's other properties that were in disrepair or under code violations.

LPA Member Plummer noted a title search would reveal liens or problems with all properties. Town Attorney Stuparich will research the question.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Principal Planner Frankel suggested a resolution that sets policy about the noticing and put the burden on the applicant, especially if it was a CPD or development agreement. LPA members agreed. Principal Planner Frankel will provide a draft by the next meeting.

XII. ITEMS FOR NEXT MONTHS AGENDA

Chair Cereceda asked whether the planners could tell them what was in the queue before the agenda was published. Planner Propst indicated items in the queue included the church on Connecticut, potentially a couple of small hotels and potentially a very big development.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn and the recording stopped.

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

Yellow Sheet Number: **2025-224**

1. Request:

Meeting Date: February 11, 2025

A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 7205 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBER 03-47-24-W1-00011.0000 IN FORT MYERS BEACH, TO ALLOW A MULTI-UNIT COMPLEX TO DEVELOP INDIVIDUAL UNIT SIGNS THAT ARE A MAXIMUM OF 32-SQUARE FEET AS WELL AS DEVELOPING A 32-SQUARE FOOT GROUND SIGN TO DISPLAY THE COMPLEX NAME AND BRANDING, ALLOWING FOR THE STRUCTURE TO BE DEVELOPED ON THE PROPERTY LINE; 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 LDC LIMITS MULTI-UNIT COMPLEXES TO 16 SQUARE FOOT WALL SIGNS PLUS A SINGLE 32-SQUARE FOOT GROUND SIGN FOR THE ENTIRE COMPLEX. THIS VARIANCE WOULD ALLOW THEM TO HAVE LARGER SIGNS THAT ARE IN-LINE WITH SINGLE/ DOUBLE-UNIT BUILDINGS.

What the action accomplishes:

THE SIGNS WOULD BE MORE VISIBLE FROM ESTERO BLVD SINCE THE UNITS THEMSELVES ARE SETBACK MULTIPLE HUNDREDS OF FEET FROM THE RIGHT OF WAY.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

RESOLUTION

5. Background:

A VARIANCE REQUEST TO ALLOW ALL UNITS WITHIN A MULTI-UNIT COMPLEX TO DEVELOP A SINGLE 32-SQUARE FEET WALL SIGN FOR EACH INDIVIDUAL UNIT, AS WELL AS A 32-SQUARE FOOT GROUND SIGN FOR THE COMPLEX

THE APPLICANT'S COMPLEX (SANTINI PLAZA) SITS HUNDREDS OF FEET FROM ESTERO AND THE 16 SQUARE FOOT SIGN IS LESS OBSERVABLE WHILE DRIVING, FROM THAT DISTANCE. THE APPLICANT PROPOSES TO ALLOW FOR 32-SQUARE FEET PER UNIT AND TO RETAIN THE ABILITY TO HAVE A 32 SQUARE FOOT GROUND SIGN WITH THE COMPLEX NAME AND BRANDING.

Attachments:

1. Missing resolution
2. LPA Staff Report
3. EXHIBIT A - Site Plan with setback dimensions
4. Survey
5. Public Hearing Application
6. Supplement PH-B
7. Qualifications for Variance 34-87
8. Distance to Other Structures
9. View From Estero
10. Deed
11. Variance Map
12. Neighbor Mailing Labels

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

N/A

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: January 31, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 02, 2025

nancy stuparich, Town Attorney

Date: February 04, 2025

Amy Baker, Town Clerk

Date: February 04, 2025

Resolution will be provided prior to,
or at the meeting.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240304

CASE NAME: 7205 Estero Blvd.; requesting a variance from LDC Section 30-5(a)(1)(a)(2) "Permitted Signs" to allow for a multi-unit complex with more than 3-units to develop 32-square foot maximum wall signs for each individual commercial unit.

COUNCIL HEARING DATE: February 11, 2024, at 9 AM

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

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

I. APPLICATION SUMMARY

Applicant/Owner: Yariv Shaked – Owner/ Applicant

Request: The applicant is requesting a sign variance to allow the shopping center to develop 32-square foot maximum signs for each of their tenants' units, the maximum sign area allowed for multi-unit commercial complexes (>2 units) is normally 16- square feet per wall sign.

Subject property: See attached site plan

Physical Address: 7205 Estero Boulevard

STRAP #: 03-47-24-W1-00011.0000

FLU: Pedestrian Commercial

Zoning: Santini

Adjacent zoning and land uses:

North:	SANTINI Commercial Retail
South:	SANTINI Commercial Retail – Boat Sales/ Service
East:	SANTINI Marina
West:	COMMERCIAL OFFICE/ RESIDENTIAL MULTI-FAMILY Retail/ Fuel -- Condominiums

II. BACKGROUND AND ANALYSIS

Background:

Yariv Shaked, the applicant for 7205 Estero Blvd., is requesting a variance from the Town's Land Development Code (LDC) sec. 30-5-(a)(1)(a)(2) which limits signs in a multi-unit commercial complex in the Santini zoning district to a maximum area of 16-square feet per sign. The applicant is requesting to allow each individual unit to develop a 32-square foot sign.

Originally developed in 1977 the complex has not seen major changes to the structures, the current location of the shops is between approximately 93-feet and 286-feet setback from the Estero Blvd. right-of-way and does not have a monument sign with the tenants listed. The only visible signage for the individual retail units is attached to the unit's front wall.

Analysis:

"The purpose of the Santini zoning district is to provide alternative futures for the Santini Marina Plaza, either a continuation of the current marina and shopping center or their transformation into a pedestrian-oriented neighborhood center". Some lots in this district are large enough to accommodate a second dwelling unit. The Santini complex is located within a commercial area with other commercial structures –such as Walgreens and 7-11—which may have the maximum allowable sign area of 32-square feet. Santini is the only commercial plaza in the neighborhood that is limited to 16-square foot signs, due exclusively to the fact that they are a complex with more than 2 individual units on-site.

Based on the provided site plan there are approximately 19 units, if each unit were given the ability to develop a single 32-square foot sign the maximum wall-sign area would be 608-square feet. To provide context, the approved sign package for 4765 Estero Blvd (Snook Bight Marina; Res. 06-07, 2006) allows for the development of 793-square feet of sign area while the footprint area of the building is approximately 62,000-square feet, allowing for a sign/footprint ratio of 0.013; the applicant's

complex is approximately 87,000-square feet and based on the existing number of units and the requested sign area would constitute a sign/footprint ratio of 0.007

Staff does note that the applicant has not proposed a maximum sign-area for the complex, this may encourage perverse-incentives for occupants with large units to further subdivide their units and then develop more signage since each new subdivided unit would be eligible for their own 32-square foot sign. Staff wants to avoid a scenario where the entire façade of the building has signs crushed together with little-to-no separation between them. This possibility could be mitigated by proposing a maximum sign area allowed for the entire complex while limiting any single sign to no greater than 32-square feet in area.

Neighborhood Compatibility:

The Santini plaza is located on the South of the island, close to areas largely zoned for multi-family and less intense retail uses. New construction would require that parking lots be developed behind the commercial structure, thus moving the building –and its associated signage—closer to the roadway and providing greater visibility for the complexes tenants. Santini was developed before these codes came into effect and thus there is not an immediately viable solution under current codes to bring the signage closer to the road. Much of the surrounding area was developed much later than Santini.

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 lot was developed pre-Town incorporation, the inherent distance from the main travel path for possible customers cannot be addressed without radical changes to the existing structure. Limiting any individual sign to the maximum allowable sign area for single/ double unit commercial lots would be the most equitable request that would bring this complex in line with sign allowances for a majority of the commercial lots on the island.

- 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 cannot make the buildings closer to Estero, and they cannot increase the per-unit sign area greater than 16-square feet, leaving them at a disadvantage to more modern buildings which were required to develop closer to the right-of-way.

- 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.*

It is unclear to staff how a sign greater than 16-square feet, but less than 32-square feet would be observed from as much as 220 feet from the travel lane. Staff cannot assess whether allowing a sign that is greater than currently allowed, but less than what is available to smaller commercial lots would solve the applicant's concerns about providing visual cues to drivers/ pedestrians about which businesses were in the complex.

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

Staff assesses that the additional sign area, set further back than many of the island's commercial lots would not burden the neighborhood with visual blight or an over-proliferation of signage. It may be relevant for Council to ultimately put a maximum sign area for the entire complex to ensure that the sign area doesn't become too dense in the complex, and avoids disturbing the aesthetics of the wider neighborhood.

- 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 number of similar lots with more than 2-units is relatively small, if other complexes wished to request the same increase in sign area they could apply for their own variance and ask for that consideration.

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC sec. 30-5 (a)(1)(a)(2) to allow for each unit in the Santini complex to develop a 32-square foot wall sign and found that the variance requested does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20240304.

IV. CONDITIONS FOR APPROVAL

If the Town's LPA recommends approval for the variance, town's staff recommends the following conditions of approval.

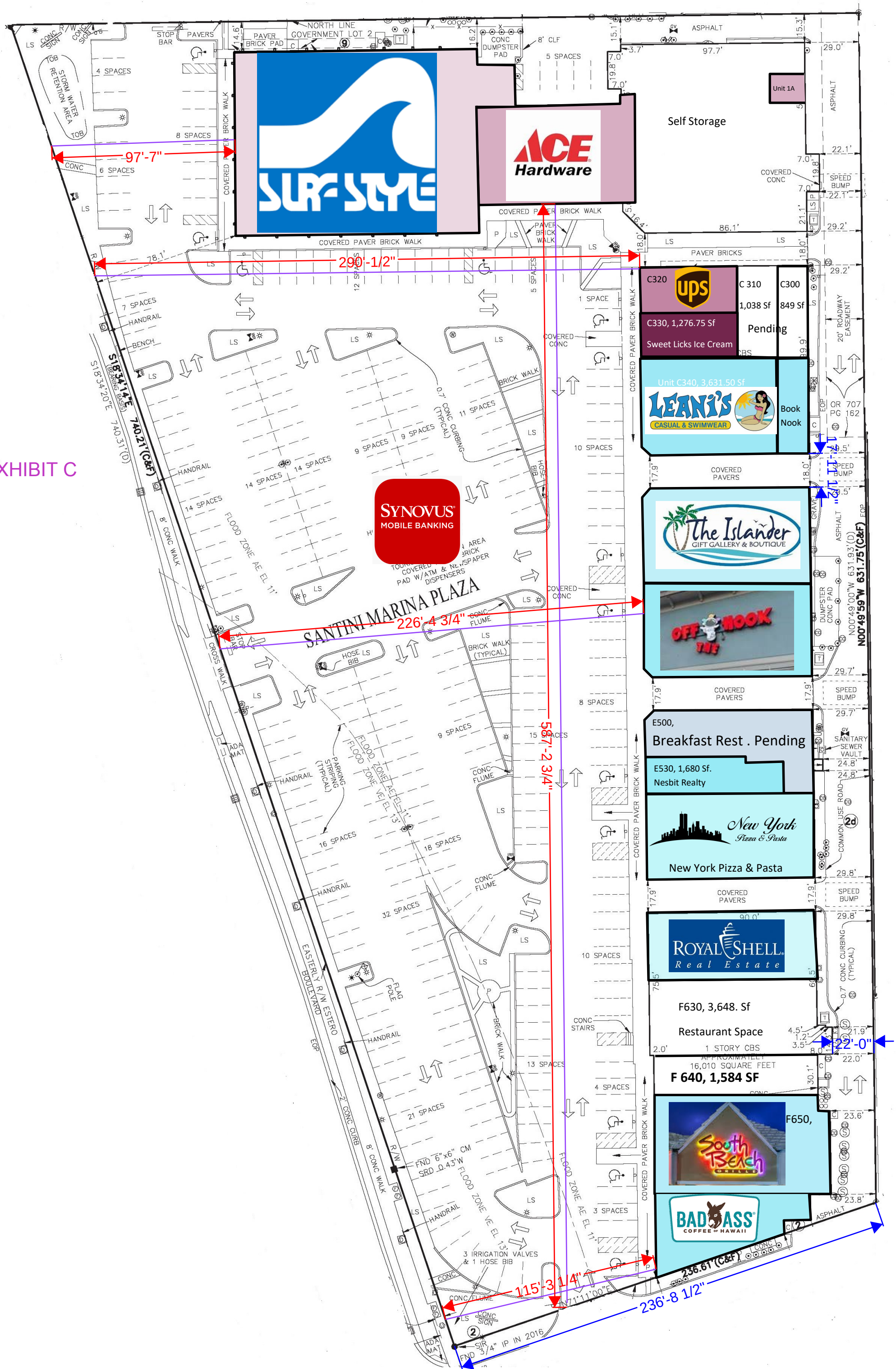
- 1) Should the structure be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to be developed to meet the codes at the time of review.
- 2) All other LDC requirements shall be met.

- 3) A maximum of 750-square feet of signage (not-inclusive of the ATM and the ground sign allowed to display the complex's name and branding) may be split among any current or future tenants, with no individual sign allowed to be greater than 32-square feet in area.

V. EXHIBITS

A. Site Plans

EXHIBIT C





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: 7205 Estero Blvd
STRAP Number: 03-47-24-W1-00011.0000
Applicant: Shaked Properties LLC Phone: _____
Contact Name: Yariv Shaked Phone: 305-610-7280
Email: shakedyariv@gmail.com Fax: _____
Current Zoning District: Santini
Future Land Use Map (FLUM) Category: Pedestrian Commercial
FLUM Density Range: 6du 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*: Shaked Properties LLC Phone: 305-610-7280

**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: 7205 Estero Blvd
Email: shakedyariv@gmail.com Fax: _____
Contact Name: Yariv Shaked Phone: _____



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: _____ 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 30 - 5 (a)(1)(a)(2)
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

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

_____	_____
_____	_____
_____	_____
_____	_____

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, Yariv Shaked (name), as Owner (title) of Shaked Properties LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Shaked Properties LLC

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

Signature

Yariv Shaked

Typed or Printed Name

Owner

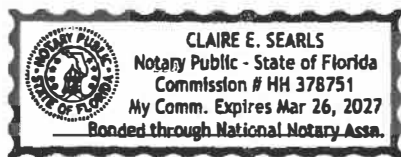
Title

12/18/24

Date

STATE OF FLORIDA COUNTY OF COLLER

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 18th day of DECEMBER, 2024, by YARIV SHAKED ☐ who is personally known to me OR ☒ who has produced FL DRIVER LICENSE as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 03-47-24-W1-00011.0000

Property Address: 7205 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

C. Property Dimensions:

Width (please provide an average width if irregular in shape) approx 686 feet

Depth (please provide an average width if irregular in shape) approx 343 feet

Frontage on street: approx 728 feet. Frontage on waterbody: 0 feet

Total land area: approx 2086 ☐ acres ☒ square feet

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

Left over bridge very south end of FMB

☒ 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.



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Santini Plaza Signs
Authorized Applicant: Yariv Shaked
LeePA STRAP Number: 03-47-24-W1-00011.0000

Current Property Status: Occupied	
Current Zoning: Santini	
Future Land Use Map (FLUM) Category: Pedestrian Commercial	
Comp Plan Density: 6 du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
30-5(a)(1)(a)2	Permitted Signs

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 30-5(a)(1)(a)2 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
For a parcel of land containing three or more business establishments,
each establishment shall be allowed a maximum of 16 square feet of sign area.
An additional 32 square feet of sign area may be utilized to identify the
commercial development.
The applicant is looking to allow each business establishment
32 square feet of sign area while maintaining the ability to have an additional
32 square feet of sign area to identify the commercial development.

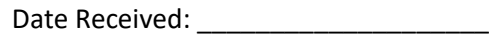
Reasons for request

Explain why the variance is needed:
The plaza is looking to increase the sign visibility for each tenant. The buildings
setback on the property range on average between 93' to over 500', thus
restricting visibility from the right of way .
The code currently allows each business establishment 16 sf of signage and
does not take into account the size of the building and or visibility of the
sign from the street, nor setback of structure.
The businesses in this plaza are at a great disadvantage than those properties
where the structures are set back 0'-5', and even those setback at the 25' mark.

Explain the possible effect the variance, if granted, would have on surrounding properties:
The surrounding properties would not be affected any differently from those properties with two businesses where they are permitted to have 32 sf for each occupancy
The distance to the adjacent properties to these structures is depicted in EXHIBIT A and B

Explain the hardship (what is unique about the property) that justifies relief from the regulation:
--

The location of the building in relationship to the property line along Estero ranges on average between 93 lf to 286 lf. The visibility for a few businesses which are not parallel to Estero at the greatest distance exceeds 500 lf.
The ability to identify a business establishment from the road is greatly decreased due to the setbacks. The plaza is located in excess of all ROW setback requirements among all zoning districts thus accentuating the issue.
While businesses try to rebound and residents and visitors alike return to the island, allowing more visibility to those businesses we anticipate will assist in the recovery.

[illegible]

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.

Qualifications for Variance Guidelines provided in LDC 34-87

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;

RESPONSE: This property has a road frontage of approx 740 LF a rear property line that stretches approx 631 LF. The depth of the property ranges between 236 LF and 452 LF

The buildings are setback from the front property line on average ranging between 93LF and 286 LF. The majority of the buildings are parallel to Estero Blvd frontage while two others are perpendicular.

The overall building frontage is approx 687 LF. While using an example of a 4' x 8' sign (32sf) that would total 128 LF of signage (taking into consideration the current configuration of the plaza and potential tenants 16). Less than 2% of the total linear footage of storefront would be covered, therefore, this is a de minimus variance. Pls see EXHIBIT C

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;

RESPONSE: The position of the businesses on the property dates back to 1977 and therefore not the result of actions taken by applicant.

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;

RESPONSE: The request is the minimum variance needed and will provide relief to the applicant; much like a 2 business location which allows for 32SF each for each business, this adjustment will provide the same opportunity to attract business as those other businesses located closer to the roadway with 32 SF.

The Comprehensive Plan outlines in policy 3-C-2 the future development strategies for Santini Plaza which include “Along the nearby section of Estero Boulevard, buildings being constructed or renovated shall extend closer to the street and provide front access to pedestrians and on-street parking”.

This policy demonstrates a desire for more visibility and access to the public. The increase in signage for this property is one of those steps to increase the viability of the location.

Comprehensive Plan Policy 4-F-2 speaks "... at time of redevelopment buildings are brought closer to the street”.

While the vision is to bring the buildings closer to the street and since that has not happened the next option is to make the presence of those businesses more visible. Increasing the sign square footage does that.

LDC 34-683 (f) In the event of the redevelopment spoken to in the Comprehensive Plan, the Land Development Code will also provide the allowable build to lines ranging from 0-5 along Estero.

Consequently the future vision for the area was to have structures closer to the road. However the closest structure we have to the average road frontage is approx 93'LF, while the greatest distance is approx 286 LF

LDC 30-01 (2) The purpose of this chapter is to encourage signs which are integrated with and harmonious to the building and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the town as a place in which to live and work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

This further demonstrates the inconsistency with the regulation and the purpose of the code; which encourages integration with and harmonious to the building. In this instance the size of the building allows for a further integration of the signage.

The Comprehensive Plan outlines in policy 3-C-2 the future development strategies for Santini Plaza which include “Along the nearby section of Estero Boulevard, buildings being constructed or renovated shall extend closer to the street and provide front access to pedestrians and on-street parking”.

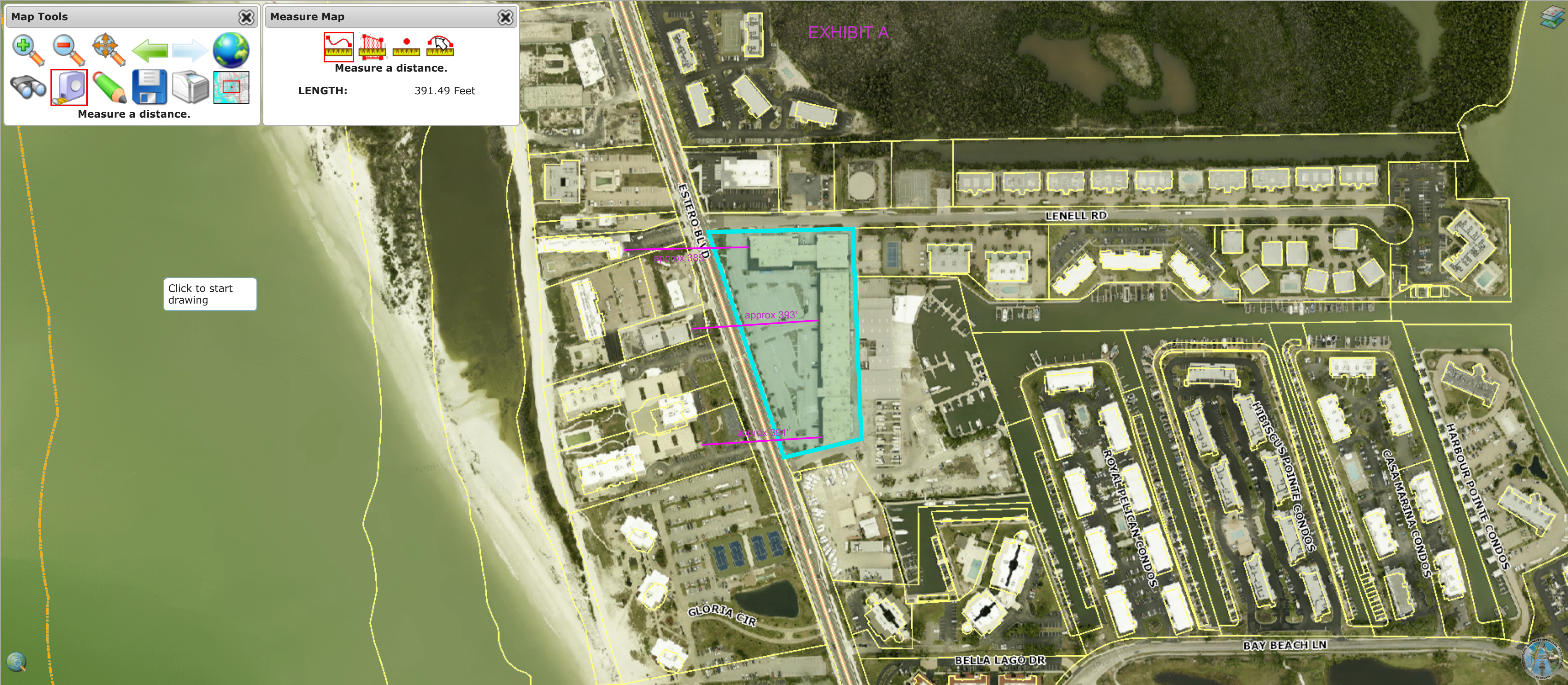
This policy demonstrates a desire for more visibility and access to the public. The increase in signage for this property is one of those steps to increase the viability of the location.

Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;

RESPONSE: The granting of this variance would not be injurious to the neighborhood, quite contrary, the ability to see what is in the plaza while driving by allows for more options to the public to receive services whether that be restaurants, retail, storage etc facilities. See EXHIBIT A and B depiction of surrounding structures and distances to this structure.

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.

RESPONSE: The property is unique for FMB, as it is one of the largest retail establishment on the island, it is also limited by the location of the existing buildings on the property. Therefore this is a unique request to this property.



	STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value	
	03-47-24-W1-00011.0000	10231725	SHAKED PROPERTIES LLC	7205 ESTERO BLVD, FORT MYERS BEA...	12-2021	\$ 18,600,000	\$ 17,824,519	\$ 17,824,519	Page 46 of 406

EXHIBIT 6-1

Prepared by and return to:
Kathleen C. Passidomo, Esq.
Kelly, Passidomo & Alba, LLP
2390 Tamiami Trail North Suite 204
Naples, FL 34103
239-261-3453

File Number: **80-04204**

Parcel Identification No. **03-47-24-W1-00011.0000**

_____[Space Above This Line For Recording Data]_____

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 13th day of **December, 2021** between **WCSJR II Corporation, a Florida Corporation** whose post office address is **P.O. Box 2630, Westport, CT 06880** of the County of **Fairfield, State of Connecticut**, grantor*, and **Shaked Properties, LLC, a Florida limited liability company** whose post office address is **225 Golden Beach Drive, Golden Beach, FL 33160** of the County of **Miami-Dade, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

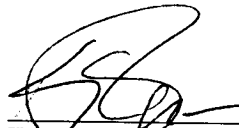
Subject to taxes for 2021 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

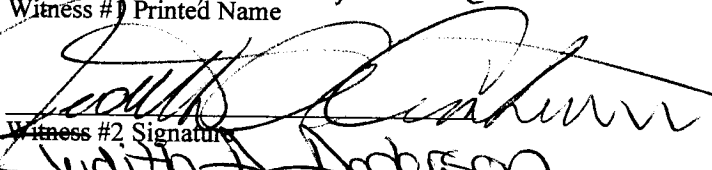
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

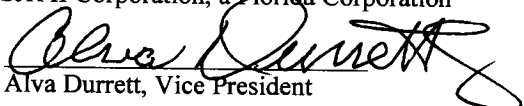
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness #1 Signature
Kathleen C. Passidomo
Witness #1 Printed Name


Witness #2 Signature
Judith A. Anderson
Witness #2 Printed Name

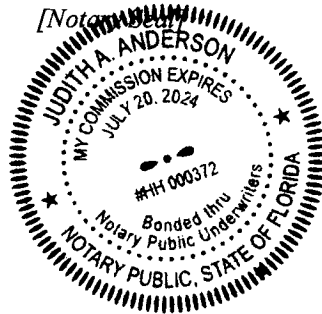
WCSJR II Corporation, a Florida Corporation

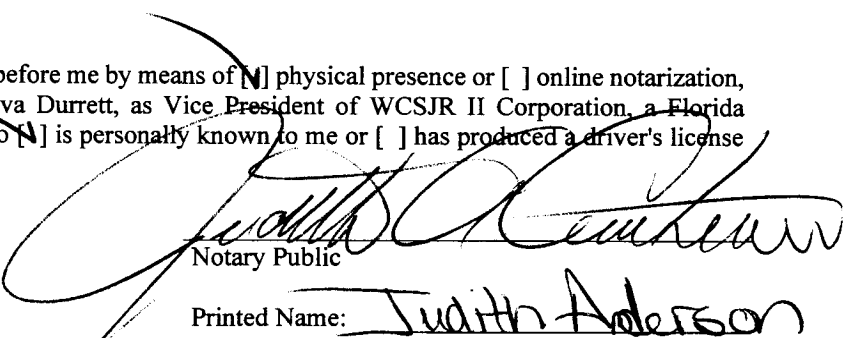
By: 
Alva Durrett, Vice President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of December, 2021 by Alva Durrett, as Vice President of WCSJR II Corporation, a Florida Corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ has produced a driver's license as identification.




Notary Public

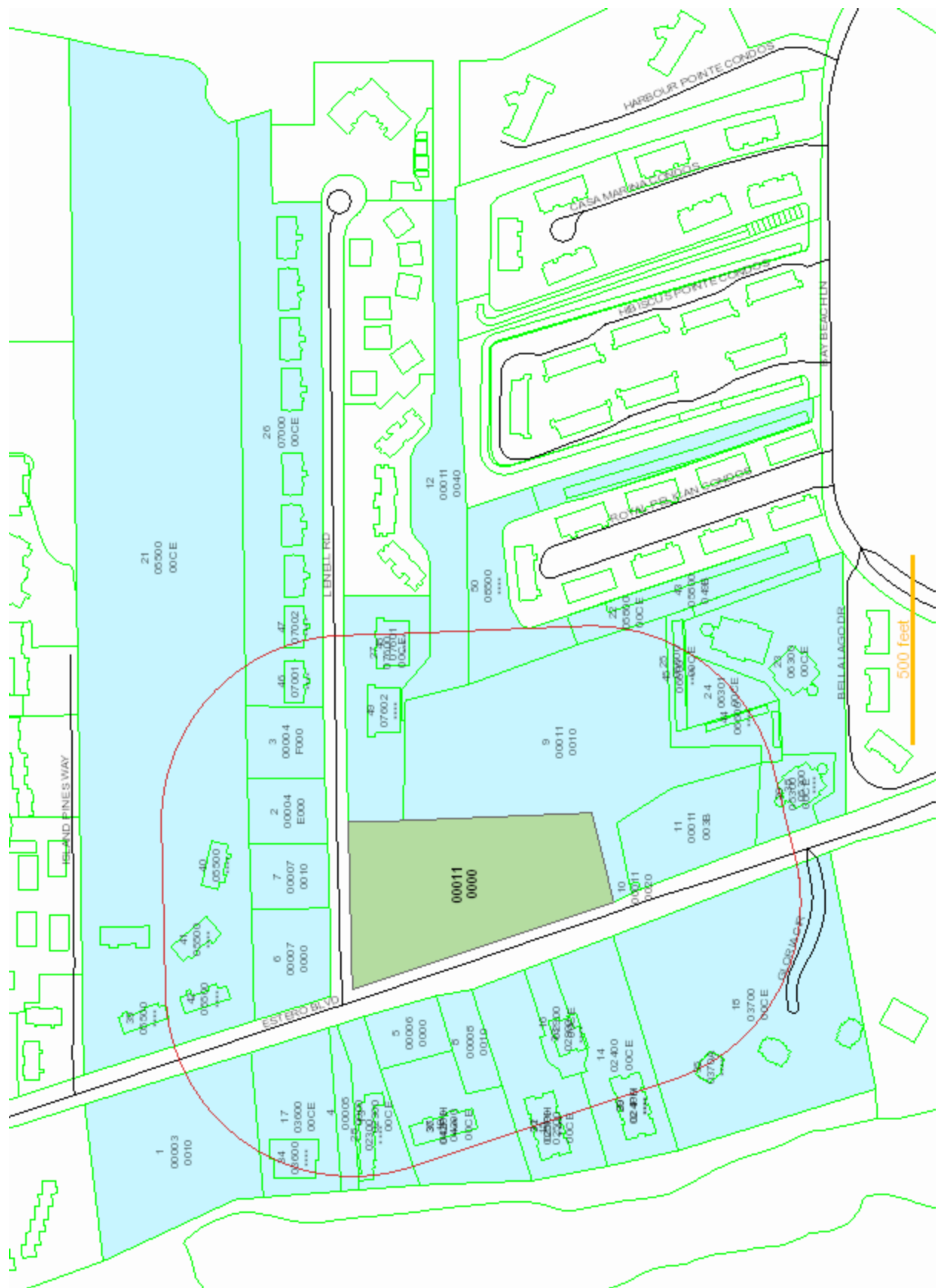
Printed Name: Judith Anderson

My Commission Expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Government Lot 2 of Section 3, Township 47 South, Range 24 East, and further bounded and described as follows:

Beginning at an intersection of the Easterly right of way line of Estero Boulevard (State Road No. 865 - 80.00 feet wide) and the North line of said Government Lot 2; thence South 18 Degrees 34' 20" East along said right of way line for 740.31 feet; thence North 71 Degrees 11' 00" East along the Northerly line of a roadway (60.00 feet wide, as recorded in O.R. Book 938, Page 610) for 236.61 feet; thence North 00 Degrees 49' 00" West for 631.93 feet; thence South 89 Degrees 11' 00" West along said North line of Government Lot 2 for 450.79 feet to the Point of Beginning.



FMBH LLC
501 GOODLETTE RD N STE D100
NAPLES FL 34102

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

PHAN KHANG NGOC TUONG +
8083 SILVER BIRCH WAY
LEHIGH ACRES FL 33971

ROBERTS RALPH L SR TR
RLR INVESTMENTS LLC A/P
PO BOX 8000
WILMINGTON OH 45177

SOUTHLAND CORPORATION
CORPORATE TAX DEPT
2711 N HASKELL AVE
DALLAS TX 75204

7001 ESTERO LLC
100 WESTMINISTER ST
PROVIDENCE RI 02903

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

MULTILATERAL PARTNERS FORT MYE
7825 FAY AVE STE 200
LA JOLLA CA 92037

MHC FISH TALE LLC
DUFF & PHELPS
917 W WASHINGTON MS 316
CHICAGO IL 60607

MHC FISH TALE LLC
DUFF & PHELPS
917 W WASHINGTON MS 316
CHICAGO IL 60607

MHC FISH TALE LLC
DUFF & PHELPS
917 W WASHINGTON MS 316
CHICAGO IL 60607

OSTEGO BAY YACHT CLUB ASSN INC
13831 VECTOR AVE
FORT MYERS FL 33907

ISLAND REEF CLUB CONDO ASSN
4061 BONITA BEACH RD STE 201
BONITA SPRINGS FL 34134

CRECIENTE CONDO SOUTH
7150 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

CRECIENTE CONDO NORTH
7150 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

CRECIENTE CONDO EAST
7150 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

SAND CAPER CONDO ASSN INC
27180 BAY LANDING DR STE 4
BONITA SPRINGS FL 34135

ESTERO BEACH + TENNIS
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907

TERRA MAR CONDO ASSN INC
CETALI ASSOC
UNIT 229
27499 RIVERVIEW CENTER BLVD
BONITA SPRINGS FL 34134

SANTA MARIA RESORT CONDO
BAY POINTE PROPERTY MGMT
7317 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO COVE CONDOMINIUM ASSOCI
6891 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL PELICAN BOATING
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907

SANTA MARIA II CONDO ASSOC
6640 ESTERO BLVD
FORT MYERS BEACH FL 33931

SANTA MARIA MASTER ASSOC INC
BAY POINTE PROPERTY MGMT
7317 ESTERO BLVD
FORT MYERS BEACH FL 33931

SANTA MARIA DOCK COOPERATIVE
7317 ESTERO BLVD
FORT MYERS BEACH FL 33931

OSTEGO BAY II CONDO ASSOC INC
1661 ESTERO BLVD STE 22
FORT MYERS BEACH FL 33931

PALM HARBOR CLUB AT BAY BEACH
GAIL J. URCHYK
170 LENELL RD UNIT 301
FORT MYERS BEACH FL 33931

TRUITT MELANIE K
7000 ESTERO BLVD #05
FORT MYERS BEACH FL 33931

RYAN JOHN & BRENDA
PO BOX 222
BRACEBRIDGE ON P1L 1T6
CANADA

JASC PROPERTY LLC
6081 WILLOW BROOK DR
ASBURY IA 52002

HUNTER MARK C TR
94820 DRIVE A
LAWTON MI 49065

REINERS HEIDI TR
7000 ESTERO BLVD #103
FORT MYERS BEACH FL 33931

WALKER ROBERT T & SANDRA J
37517 DAYBRIGHT LN
ZEPHYRHILLS FL 33541

TRUITT TIMOTHY W & SUSAN C
7000 ESTERO BLVD #105
FORT MYERS BEACH FL 33931

DUGAN JOHN H
4513 LAUDER LN
SKANEATELES NY 13152

BURKE JOHN & LINDA H TR
1218 OSLOW DR SW
BYRON CENTER MI 49315

SOLTYSIAK THOMAS & LARAINÉ TR
15768 PROSPECT POINT DR
SPRING LAKE MI 49456

JAQUETTE RICHARD A TR
5479 BAYSHORE RD
OREGON OH 43616

LAMBERT BYRON DOMINIC &
749 NORTON ST
LONGBOAT KEY FL 34228

CHAPIN CHESTER S & SHARON R
1422 COPPER BEECH RUN
FORT WAYNE IN 46814

ROWE LARRY R & SUSANNE M
8414 KILLEEN RUN
FORT WAYNE IN 46835

MORGAN MARGARET CONSTANCE EILU
7000 ESTERO BLVD APT 301
FORT MYERS BEACH FL 33931

MONTIE GERALD THOMAS &
14650 TAYLOR BLVD
LIVONIA MI 48154

BAREMOR RANDELL &
1000 E OCEAN BLVD 516
LONG BEACH CA 90802

HELDT KEITH R & LISA C
7000 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

STEENBERG JULIE A TR
1545 ARBORETUM DR UNIT 114
OSHKOSH WI 54901

BALLANTYNE CYNTHIA TR
7000 ESTERO BLVD #400
FORT MYERS BEACH FL 33931

GOOD STEPHEN R TR
916 OLD HICKORY RD
PITTSBURGH PA 15243

DAVID + LINDA DANIELS TRUST
2554 HUEBNER RD
OCONOMOWOC WI 53066

ESTERO REEF LLC
9506 TREETOP DR
GALESBURG MI 49053

TURNER CHARLES W & SIBYL M
12201 QUINCE VALLEY DR
GAITHERSBURG MD 20878

GABRYS CZESLAW
7000 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

YEARWOOD PAUL E & CYNTHIA A
2028 REAGAN DR
ROCHESTER HILLS MI 48309

HEYD PETER F
2127 MAPLE LEAF
SOUTHPORT NC 28461

KRAJEWSKI SUSAN L TR
14700 STONEHEDGE DR
RUSSELL OH 44072

DEMUTH RICHARD J &
1528 JACK OAK RD
CASSVILLE WI 53806

STONIKAS PAULIUS R + MARIA R
1809 71ST ST
DARIEN IL 60561

LENERTZ ALYCE K TR
7000 ESTERO BLVD # 505
FORT MYERS BEACH FL 33931

DIAGOSTINO JAUCH INVESTMENTS L
6548 W 71ST ST
INDIANAPOLIS IN 46278

KANE ROBERT J + CANDICE ANN
268 BEATTIE AVE
LOCKPORT NY 14094

HINTERSCHIED MICHAEL J &
361 CHASTAIN MANOR DR
NORCROSS GA 30071

MCGOVERN MICHAEL J
1630 QUEEN ST E STE 604
TORONTO ON M4L 0B3
CANADA

MIDDENDORF BRIAN G &
7000 ESTERO BLVD #604
FORT MYERS BEACH FL 33931

DAW MAUREEN B TR
10207 S SAWYER
EVERGREEN PARK IL 60805

MIESMER FRANK J & SANDRA L
5389 OLDCASTLE RD RR 1
OLDCASTLE ON N0R 1L0
CANADA

BRANHAM JOHN E TR
39235 HAWTHORNE DR
AVON OH 44011

SMITH ALAN L
677 ROBINWOOD DR
PITTSBURGH PA 15216

NEVERS THOMAS P
NEVERS PROPERTIES LLC
PO BOX 103
SLINGER WI 53086

MURESAN LETITIA V
12345 PLACE ST GERMAIN
MONTREAL QC H4J 2A8
CANADA

GATTO LAWRENCE F & ANGELA R
1512 SILVERLEAF DR
KELLER TX 76248

SETTING SUN HOLDINGS LLC
NORTHWEST REGISTERED AGENT LLC
7901 4TH ST N #300
SAINT PETERSBURG FL 33702

SETTING SUN HOLDINGS LLC
NORTHWEST REGISTERED AGENT LLC
7901 4TH ST N #300
SAINT PETERSBURG FL 33702

SETTING SUN HOLDINGS LLC
7901 4TH ST N #300
SAINT PETERSBURG FL 33702

TIMPONE RAYMOND M +
1673 COUNTY ROAD 2500 E
SAINT JOSEPH IL 61873

MOSSER TOM W
775 N ADMIRALS POINTE DR
LAFAYETTE IN 47909

WAITE SUE TR
257 BROADMORE CIR
ANGOLA IN 46703

ROBERT J BELKA TRUST +
6956 LEXINGTON LN
NILES IL 60714

RIGGS DAVID A & CYNTHIA C
205 PINE HILL ESTATE RD
KENOVA WV 25530

SULLIVAN WILLIAM P &
4808 146TH ST
URBANDALE IA 50323

OPEKAR CHRISTOPHER P &
1032 30TH AVE NW
CALGARY AB T2K 0A3
CANADA

WILSON PHILIP & MICHAELYN
1510 WOHLERT ST
ANGOLA IN 46703

PLATT KENNETH R TR
7150 ESTERO BLVD #300
FORT MYERS BEACH FL 33931

OLCESE MICHAEL J & PAMELA A
4500 THE HEIGHTS BLVD
ROCHESTER MI 48306

GTV LLC
12120 W CARPENTER AVE
GREENFIELD WI 53228

CADY STEVEN D & SUE A
1106 SPRUCE LN
OXFORD OH 45056

CHAMBERS WILLIAM & KATHLEEN
60 CLEVELAND ST EXT
PLAINVILLE CT 06062

LUCAS WONG JULIE &
4878 FLOWER HILL DR
TROY MI 48098

ZUBER KENNETH G & DANA C
4614 VROOMAN DR
LEWISTON NY 14092

ST DENIS ROBIN
42 MAIN ST
ST CATHERINE ON L2N 4T7
CANADA

NTFL 7150 FM LLC
2662 NE 3RD ST
POMPANO BEACH FL 33062

TIMPONE RAYMOND M TR
10340 VANDERBILT DR
NAPLES FL 34108

HEUZEN ARNOLDUS &
8813 PROVENCE VILLAGE LN
CHARLOTTE NC 28226

CRANE JEFFERY & GAIL L/E
6845 LANGLE CT
CLARKSTON MI 48346

DEACON SUZANNE S
7006 LAKESHORE DR
CHATTANOOGA TN 37416

VANDERWIELEN DOUGLAS W &
3912 SUNNYCROFT PL
WEST LAFAYETTE IN 47906

GALLAGHER ANTHONY
239 MIREY DAM RD
MIDDLEBURY CT 06762

ADAMS RICHARD SCOTT &
4266 VAUX LINK
NEW ALBANY OH 43054

LUCE CRAIG R TR
7150 ESTERO BLVD #500
FORT MYERS BEACH FL 33931

ALLARDT JOSEPH E & MARABY E TR
7150 ESTERO BLVD #501
FORT MYERS BEACH FL 33931

WERNER LAUREL B TR
JEFFREY WERNER
10458 MONTPELIER CIR
ORLANDO FL 32821

WINTER DAVID J & JO RAE
13850 BUCKINGHAM CT
PLYMOUTH MI 48170

GOODMAN JAY P
7150 ESTERO BLVD #504
FORT MYERS BEACH FL 33931

QUIREY BECKY D TR
1306 N PARK AVE
INDIANAPOLIS IN 46202

WERNER REBECCA W TR
7150 ESTERO BLVD #506
FORT MYERS BEACH FL 33931

DUNPHY BEVERLEE BLAIR &
11258 BIRCH ISLAND RD
EAST GULL LAKE MN 56401

WARDANIAN DONATA L TR
2409 CUMBERLAND CIR
LONG GROVE IL 60047

BUCKEYE LANE LLC
1306 N PARK AVE
INDIANAPOLIS IN 46202

RIVERA ANGEL L JR & YAMELY
16 RUSTIC WAY
FREEHOLD NJ 07728

BRACKETT JOHN R TR
1032 OAKFERN LN
DARIEN IL 60561

BELL JAMES A & DIANE L TR
11924 STERLING DR
ORLAND PARK IL 60467

SANTL KENNTH D +
1102 MAIN AVE S
ROSEAU MN 56751

JORDAN RON J TR
7150 ESTERO BLVD # 606
FORT MYERS BEACH FL 33931

SPUHLER LUCILLE TR
27719 TENNESEE ST
BONITA SPRINGS FL 34135

IOTT CHRISTINE F TR
5245 KEENER RD
MONCLOVA OH 43542

MCGLASSON RICHARD W & ELLEN
1 MOUNTAINVIEW KNOLLS DR APT O
FISHKILL NY 12524

PETERS MARY E TR
40 LEONARD BODWELL RD
NARRAGANSETT RI 02882

OUELLETTE DOREEN +
12530 KEITH CT
TECUMSEH ON N8N 4A8
CANADA

MAYES LOYD WAYNE & KAY P
181 MERCER AVE
HARRODSBURG KY 40330

CORCORAN THOMAS J + MARY ELLEN
360 POPLAR BEACH
AUBURN NY 13021

MCBRIDE MICHAEL J &
28750 TRAILS EDGE BLVD APT 401
BONITA SPRINGS FL 34134

DAUS NELSON E TR
11414 GRIFFITH PARK TER
BRADENTON FL 34211

SEA-ESTERO BLVD LLC
8651 EMERALD LN
INDIANAPOLIS IN 46260

FISHER STEPHEN L TR
PO BOX 366
RANCHO SANTA FE CA 92067

COLE BRUCE A & MARCIA L TR
1175 MUSEUM BLVD UNIT 601
VERNON HILLS IL 60061

MCGLASSON RICHARD W & ELLEN
1 MOUNTAINVIEW KNOLLS DR APT O
FISHKILL NY 12524

GUMM ANDREW J TR
PO BOX 326
PORT WASHINGTON WI 53074

VELMA J ADRIAN TRUST
CHARLES R ADRIAN TR
7462 TIMBERVIEW DR
CINCINNATI OH 45241

GUO BINBIN & HU ROSE Y
1285 FARM RD
BERWYN PA 19312

TOMASINO FRANK & KATHLEEN L
7150 ESTERO BLVD #807
FORT MYERS BEACH FL 33931

FLANAGAN MICHAEL P TR
BONNIE I FLANAGAN
7820 FANNING CT UNIT 277
FORT MYERS FL 33907

BROUSSEAU PATRICK M TR
13070 CRESTVIEW DR
HUNTLEY IL 60142

SHELLEBRATIONS FMB LLC
160 ORCHARD LN
NAPOLEON OH 43545

BILLIAS DENNIS TR
6 RAYMOND ST
WESTERLY RI 02891

FOX MARY L L/E
18029 WILDWOOD SPRINGS PKWY
SPRING LAKE MI 49456

NYE DANIEL A & SANDRA L
455 MOUNT VERNON CIR
GOLDEN CO 80401

THORNTON PETER & ANN
7150 ESTERO BLVD #901
FORT MYERS BEACH FL 33931

SMITH TERENCE B JR
7150 ESTERO BLVD #900
FORT MYERS BEACH FL 33931

YAY US 3 LLC
11888 SILVER OAK DR
DAVIE FL 33330

CYNTHIA L W CLARK LLC
28 WESTCOURT LN
SAN ANTONIO TX 78257

FUHRMAN DALE ROBERT &
35558 LOGAN LANE
HILLMAN MN 56338

910699 ONTARIO LIMITED
1188 GOVERNORS RD RR # 3
DUNDAS ON L9H 5E3
CANADA

SIMENAUER H PETER &
2523 SW 46TH ST
CAPE CORAL FL 33914

MCHALE MARILYN A TR
9250 TRIANA TER #201
FORT MYERS FL 33912

CAPE VIEW DEVELOPMENT LLC
5015 SW 8TH PL
CAPE CORAL FL 33914

MCGAH ROBERT M
39 KARWICK GLEN DR
MICHIGAN CITY IN 46360

SAMSON FAMILY TRUST
15 CENTRAL DR
PORT WASHINGTON NY 11050

STECKER NICHOLAS & JENNIFER
W127N10883 CONEFLOWER CIR
GERMANTOWN WI 53022

MIHALOV GRACE A TR
45 EDINBURGH ST
VALPARAISO IN 46385

JONES MARY KATHLEEN
8560 RIVERSIDE DR E
WINDSOR ON N8S 1E9
CANADA

NAHERNAK VERONICA F TR
4698 HURON ST
CASS CITY MI 48726

BRANAM GEORGE E TR +
5009 N EAGLE BRANCH DR
MUNCIE IN 47304

MCDONALD BARRY J & DENISE M
1056 CASTLE DR
WEIDMAN MI 48893

TAYLOR STEVEN J & DONNA J
222 MCCLELLAN RD
OTTAWA ON K2H 7W8
CANADA

ROBERTS BONNIE TR
134 VANDERBILT CT
ELYRIA OH 44035

DEGRAAF DAVID C + MARY B TR
20031 BERWYCK APT 19
SPRING LAKE MI 49456

CASPERSON JEFFREY L TR
N2599 RUSTIC DR
CLINTONVILLE WI 54929

MCHALE MARILYN A TR
9250 TRIANA TER #201
FORT MYERS FL 33912

PREVES RICHARD D & SANDRA F
7146 ESTERO BLVD #410
FORT MYERS BEACH FL 33931

MARTIN MICHAEL W & JANE E
10311 GLASTONBURY CIR #201
FORT MYERS FL 33913

CG HOMESTEAD LLC
6111 EAST 107TH ST
TULSA OK 74137

MASTIN ROBERT TR
56 TUCKERMAN AVE
MIDDLETOWN RI 02842

WELKER LLOYD M JR & MARY JO
5150 JOHNSTOWN RD
NEW ALBANY OH 43054

JAMES V KURINSKAS TRUST +
3528 LUFBERRY AVE
WANTAGH NY 11793

MICHAEL J MACDONALD TRUST +
175 BRIGGS RD
WESTPORT MA 02790

HOBBY THOMAS J & LYNN H
7146 ESTERO BLVD #417
FORT MYERS BEACH FL 33931

KRUGER JUDITH K
3049 GLENVIEW DR
ANDERSON IN 46012

LAMACCHIO RICHARD A TR
7146 ESTERO BLVD #511
FORT MYERS BEACH FL 33931

MULLER ANNETTE &
420 SW 22ND RD
MIAMI FL 33129

RADICE CLARE P TR
309 HALE ST
PENNINGTON NJ 08534

WEINER JAY S L/E
7146 ESTERO BLVD #514
FORT MYERS BEACH FL 33931

PRAHALAD PONATHPUR K &
309 SKYLINE DR
CLARKS SUMMIT PA 18411

LAMACCHIO RICHARD A TR
7146 ESTERO BLVD #516
FORT MYERS BEACH FL 33931

BUZZARD CAROL J
3620 CEDAR HAMMOCK VIEW CT
FORT MYERS FL 33905

CHARTIER CHARLES A &
7635 CHESTNUT RIDGE
MAUMEE OH 43537

LUCE KATHLEEN D TR
11447 75TH ST
BURR RIDGE IL 60527

MURPHY MICHAEL R & TERESA J
722 EDENWOOD DR
SPRINGFIELD OH 45504

RAY HOWARD W TR
4306 BELLASOL CIR #3412
FORT MYERS FL 33916

KUCHAREK KENNETH LEE &
45830 PRIVATE SHORE DR
CHESTERFIELD MI 48047

WITT ROBERT A TR
303 CRESTWOOD VILLAGE
NORTHFIELD IL 60093

D & S SQUARED REAL ESTATE LLC
417 DEVILLE DR
GREELEY CO 80634

MACRI MARY THAIS
922 OLD TECUMSEH RD
BELLE RIVER ON N0R 1A0
CANADA

KURINSKAS JAMES & ANN
3528 LUFBERRY AVE
WANTAGH NY 11793

WAYHART JOHN & JOYCE
7146 ESTERO BLVD #711
FORT MYERS BEACH FL 33931

JOHNSON WILLIAM O & EVA M
659 BRIGHTON DR
WHEATON IL 60189

JAMES V KURINSKAS TRUST +
3528 LUFBERRY AVE
WANTAGH NY 11793

VALDESERRI NANCY
2917 E 72ND ST
INDIANAPOLIS IN 46240

KELLEY RUSSELL W TR
W7171 FOX HOLLOW LN
GREENVILLE WI 54942

HUGHES INVESTMENT PROPERTIES L
PO BOX 515
HINSDALE IL 60522

RUNSER BARBARA J TR
6217 HERITAGE POINT CT
HILLIARD OH 43026

PITTAO RAYMOND
4072 WALKER RD
WINDSOR ON N8W 3T5
CANADA

CLOSE CHRISTINE TR
7146 ESTERO BLVD #811
FORT MYERS BEACH FL 33931

SUBTELNY GREGORY D
9211 HATCH RD
TRUMANSBURG NY 14886

SIMENAUER RENATO
2523 SW 46TH ST
CAPE CORAL FL 33914

JOHN S MASTIC TRUST +
7146 ESTERO BLVD #814
FORT MYERS BEACH FL 33931

KOLAR MELINDA D +
277 PRIMO DR
FORT MYERS BEACH FL 33931

ARNST MICHAEL LEE &
3955 KAI CT
HELENA MT 59602

THOMPSON WILLIAM R &
7146 ESTERO BLVD APT 817
FORT MYERS BEACH FL 33931

NYE DANIEL A & SANDRA L
455 MOUNT VERNON CIR
GOLDEN CO 80401

RONALD K DELLER TRUST +
840 S 200 E
ANGOLA IN 46703

BORSON DAVID H + JANE L
7146 ESTERO BLVD #PH12
FORT MYERS BEACH FL 33931

SPADONI ALEX J & PATRICIA J
3 BAYBROOK CT
OAK BROOK IL 60523

PAVLAK RICHARD B TR
7540 CLOVER BROOK PARK DR
CENTERVILLE OH 45459

STAELGRAEVE KENNETH G &
13901 GREYSTONE LANE
ROMEO MI 48065

RUPP ELAINE K TR
10256 PRATO DR
FORT MYERS FL 33913

FISHER LYNN D TR
29688 LAKESHORE DR
PEQUOT LAKES MN 56472

MARSO ANN E
14575 WILDS VIEW
PRIOR LAKE MN 55372

THOMPSON MICHAEL R &
7148 ESTERO BLVD UNIT 121
FORT MYERS BEACH FL 33931

RASAI AH JEAN-PIERRE
2104 SW 52ND LN
CAPE CORAL FL 33914

ZIZZO CHRISTINE J
7148 ESTERO BLVD APT 123
FORT MYERS BEACH FL 33931

GRIER FRANCES J
PO BOX 843
BONITA SPRINGS FL 34133

NORBERG WILLIAM JOHN &
108 SEVILLE PL SW
PORT CHARLOTTE FL 33952

CLARK JAMES R SR +
9000 U S HIGHWAY 192 LOT 722
CLERMONT FL 34711

7148 ESTERO BLVD 223 LLC
3464 NORTH LAKE MICHIGAN DR
STURGEON BAY WI 54235

DEWAYNE R LESEMAN TRUST +
13102 ELGIN DR NW
ELK RIVER MN 55330

MILLER RICHARD W
21 FOREST RIDGE
SPRINGFIELD IL 62712

SCHNEIDER STEVEN C &
820 TENTH ST S UNIT 19
FARGO ND 58103

SWEET WILLIAM E & JANE A
10950 STATE ROUTE 121 N
NEW PARIS OH 45347

5353 CORAL AVENUE LLC
5341 SW 11TH PL
CAPE CORAL FL 33914

BAZYLAK PAUL P + MARGARET K
1406 WINBORN CIR
KENNESAW GA 30152

TURTON KELLY & BETH L TR
6000 TWO SPRINGS LANE
LOUISVILLE KY 40207

PATTERSON JAMES & SHELLEY M +
1319 BRISSETTE BEACH RD
KAWKAWLIN MI 48631

BOHA MARIA A TR
STEVEN BOHA
4613 N BANTA RD
BARGERSVILLE IN 46106

DRIESBACH ROBERT A
7148 ESTERO BLVD #521
FORT MYERS BEACH FL 33931

DELLER JODI ANNE
870 S 200 E
ANGOLA IN 46703

WARREN ELAINE TR
1085 S PARK TER
CHICAGO IL 60605

WHITENACK EDWIN ALLEN &
1272 DANVILLE RD
HARRODSBURG KY 40330

CASSONE GARY TR
17 OAKFORD GLEN
WAVERLY TOWNSHIP PA 18411

MURRAY MARK & JANE MARIE
1364 DANCING OAK LN
SAN MARCOS TX 78666

LEWIS DAVID H & KATHRYN B
3502 HILLVALE ROAD
LOUISVILLE KY 40241

DZIKOWSKI VALERIE J TR
4904 SW SENSATION ST
PALM CITY FL 34990

YENNY LEE L & FRANCES M M
24590 CHAPPARAL
WESTLAKE OH 44145

WHITENACK ALEX C & CHERI W
7148 ESTERO BLVD #722
FORT MYERS BEACH FL 33931

BEARD TODD +
33 CRISTA ANN CT
BLOOMINGTON IL 61704

MELZER MARY E
55 MIKAELA LN
FLAT ROCK NC 28731

YAY US 3 LLC
11888 SILVER OAK DR
DAVIE FL 33330

VENTRELLA FRANK +
4210 ROSELAND DR W
WINDSOR ON N9G 1Z9
CANADA

SCHMITT JOAN TR
435 FORSHEER DR
CHESTERFIELD MO 63017

TLT PROPERTIES LLC
S7166 CAMP LAKE WISCONSIN RD
MERRIMAC WI 53561

HENSON JEROME & ANGELA A
354 EASTBURY DR
LOVELAND OH 45140

ROSKOWSKI DAVID A &
10251 GLASTONBURY CIR #1
FORT MYERS FL 33913

STANZIONE RAFFAELE JR &
31 CONNORS FARM DR
SMITHFIELD RI 02917

BRUSCUIANELLI GEORGEANN
6900 ESTERO BLVD #101
FORT MYERS BEACH FL 33931

LEONARD JEAN L
PO BOX 642
POINT PLEASANT BORO NJ 08742

WACHSMUTH DEBRA A
5176 S YANK CT
LITTLETON CO 80127

ZINGG CHRISTIAN &
BIRMENSCHERSTRASSE 634
ZURICH 8055
SWITZERLAND

HANCOCK THOMAS L & JAYNE A
PO BOX 232
SAINT JOSEPH IL 61873

MCNEFF JOHN R JR & NANCY D
91 TRAILWOOD DR
GUILFORD CT 06437

ROBINSON PATRICIA A TR
6900 ESTERO BLVD #107
FORT MYERS BEACH FL 33931

PEGG BRENDA S +
4980 N 300 W #19
FREMONT IN 46737

ROGERS MARY TR
99 CIRCLE AVE
WAYNE NJ 07470

SANDCAPER BELLS LLC
4224 LINDEN HILLS BLVD
MINNEAPOLIS MN 55410

LAWRENCE DALE GILBERT TRUST
6900 ESTERO BLVD #203
FORT MYERS BEACH FL 33931

COYNE JANICE M
832 W CHARING CROSS CIR
LAKE MARY FL 32746

KUPSTYS ELLEN N
702 ELMWOOD AVE
WILMETTE IL 60091

TWO FISH HOLDINGS LLC
675 FLORAL HILL DR
WASHINGTON PA 15301

KASCO ENTERPRISE LLC
5894 W 600 S
NEW PALESTINE IN 46163

SODA HOUSE LLC
275 N 2ND ST
LEWISTON NY 14092

MAREN DANIEL OWEN TR
6900 ESTERO BLVD #301
FORT MYERS BEACH FL 33931

HUBBLE GARY S & CHERYL J TR
2454 W 600 S
ANDERSON IN 46013

BUDROW JEAN SHEA
209 RICE AVE
REVERE MA 02151

DRURY LINDA L/E
6900 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

CHESANEK EUGENE M
223 SEASIDE AVE
WESTBROOK CT 06498

DURKIN MICHAEL A & JAMY M
1460 NOTTING HILL RD
ALGONQUIN IL 60102

KOPSACK ROBERT E &
20 PALMVIEW BLVD
FORT MYERS BEACH FL 33931

RIGGSBEE RONALD J + COLLEEN A
22W218 IRVING PARK RD
ROSELLE IL 60172

DEDUMETS PAUL & ANNE I
1089 VICTORIA
WINDSOR ON N9A 4N7
CANADA

FILAR GLORIA S TR
14750 LAKESIDE CIR APT 331
STERLING HEIGHTS MI 48313

DYE GREGORY & STACEY
22545 W CHESHIRE CT
DEER PARK IL 60010

T & B II PROPERTY GROUP LLC
2214 LOCKLIN LN
WEST BLOOMFIELD MI 48324

BROOKS DAVID J & BARBARA J
1850 IRISH RD
NEENAH WI 54956

DAVID G OXLEY TRUST +
737 MACGREGOR RD
LOCKPORT IL 60441

AYRES OLIVER MADISON &
21565 SHOREVISTA LN
NOBLESVILLE IN 46062

BEDAZZLE LLC
221 RAYMOND ST
HOPE IN 47246

HCG REAL ESTATE LLC
832 TAM O SHANTER CIR
BOLINGBROOK IL 60440

SPADACCINI GEORGE + PAMELA
10406 TUPPER CAY DR
SAN ANTONIO FL 33576

PYLE MICHAEL R & SUZANNE L
3763 PRARIE LARK LN
CHEYENNE WY 82009

WRIGHT FRED L + MELINDA J
7630 W WILLIAMSWOOD DR
NEW PALESTINE IN 46163

DRIMALLA MARION LOUISE TR
1215 JEFFREY CT
NORTHBROOK IL 60062

MARSHALL GLENN & BERNADETTE
9 LIDO LANE
BEDFORD MA 01730

MODAFF CHRISTOPHER J TR
6900 ESTERO BLVD #505
FORT MYERS BEACH FL 33931

LARRY W GULLEEN TRUST +
7050 FOREST DR
JOHNSTON IA 50131

DUNN JAMES L L/E
6900 ESTERO BLVD #507
FORT MYERS BEACH FL 33931

RESSOR ROBERT
680 ELM RD
STOUFFVILLE ON L4A 1A3
CANADA

VIAENE RONALD B &
N1254 RIVER DR
GREENVILLE WI 54942

MOYER TRENT A
506 MILTON ST
CINCINNATI OH 45202

GREGORY J DYE TRUST +
22545 W CHESHIRE CT
DEER PARK IL 60010

WALSHON MARLENE M TR
1790 ARDMORE LN APT A
WHEATON IL 60189

RALPH R REINHOLTZ TRUST +
615 W HACKBERRY DR
ARLINGTON HEIGHTS IL 60004

MARK E GREEN TRUST +
8180 S STATE RD 109
MARKLEVILLE IN 46056

CARL A & JANICE PEDERSEN TRUST
601 LAKE HINSDALE DR #203
WILLOWBROOK IL 60527

TUTTLE JOHN & KAREN
7307 W 300 S
NEW PALESTINE IN 46163

ANELCA INC
1400 MARY DR
JOHNSTOWN PA 15905

BUCKMINSTER RICHARD E &
MARSHA BUCKMINSTER
S3199 HUNTERS GLEN CIR
BARABOO WI 53913

NESTEL JUNE L/E
15586 BEACH PEBBLE WAY
FORT MYERS FL 33908

GARDAPHE NANCY L +
0N081 PIERCE AVE
WHEATON IL 60187

SEA PLEASE LLC
55 LN 160 JIMMERSON LK
ANGOLA IN 46703

REMIS JAMES S +
20179 CASTLEMAINE AVE
ESTERO FL 33928

DAY KENNETH J JR &
6549 ROCKLAND DR
CLIFTON VA 20124

STOLTENBERG THOMAS H TR
6900 ESTERO BLVD #706
FORT MYERS BEACH FL 33931

BEUC LOUIS & SOPHIE
6900 ESTERO BLVD # 707
FORT MYERS BEACH FL 33931

BEDAZZLE LLC
221 RAYMOND ST
HOPE IN 47246

MAURO RALPH & ANTOINETTE
130 TOWNSEND AVE
PELHAM NY 10803

SCHLUMBERGER SHELLEY M
6401 BRIDGE RD UNIT 201
MADISON WI 53713

PURA VIDA VACATION LLC
8853 STONEBRIAR DR
CLARENCE CENTER NY 14032

BLUMENTHALER FRANK &
9504 BRECKSVILLE RD
BRECKSVILLE OH 44141

DIETRICH ARLENE TR
2369 ONTARIO STREET UNIT 8
OAKVILLE ON L6L 1A6
CANADA

NORTHERN TRUST BANK TR
9956 ST MORITZ DRIVE
MIROMAR LAKES FL 33913

HANSEN CHRIS A & MARIA K
15266 CRICKET LANE
FORT MYERS FL 33919

7300 EBT LLC
1502 SAINT CHARLES ST
WAUWATOSA WI 53213

HOLLOWAY SHEILA MARIE
4481 BAY BEACH LN UNIT 214
FORT MYERS BEACH FL 33931

GRAFF BRET R TR
1714 PLAINWOOD DR
SHEBOYGAN WI 53081

STANKIEWICZ JOHN J & LINDA
8517 SOUTHWIND BAY CIR
FORT MYERS FL 33908

MCCARTY CHRISTOPHER & HOLLY
2405 SOUTHWAY DR
FORT WAYNE IN 46845

MORGAN KATHLEEN
706 REGENCY RESERVE CIR UNIT 3401
NAPLES FL 34119

VIRGINIA N PEAVLER TRUST
CYNTHIA PICKETT
2117 NARON LANE
LEAGUE CITY TX 77573

SPOTA RICHARD J
7300 ESTERO BLVD #206
FORT MYERS BEACH FL 33931

FORT MYERS BEACH HOLDING GROUP
16246 CROWN ARBOR WAY
FORT MYERS FL 33908

LAYNE M + KRISTY L ANDERSON TR
68584 300TH ST
LITCHFIELD MN 55355

COLBORN WILLIAM T TR
7574 KEY DEER CT
FORT MYERS FL 33966

RIKARD LINDA E TR
6525 BENNETT LAKE RD
FENTON MI 48430

CELLUCCI RICHARD J
100 WALCOTT ST
STOW MA 01775

HATCH DAVID A TR
3 ROAD 6CU
CODY WY 82414

EVAVOLD MICHAEL L & LINDA M
700 LYNDAL AVE N
NEW PRAGUE MN 56071

MEYERS CHERYL L
13703 ROOSEVELT DR
HUNTLEY IL 60142

BIGGANE STEVEN W
122 LOU AVE
KINGS PARK NY 11754

ZEARLEY CLIFFORD &
2105 BRIDGEVIEW CT SE
MANDAN ND 58554

JONES KIRK & MELISSA TR
14 ASH HILL CT
BATESVILLE IN 47006

S&S INVESTMENTS OF CENTRAL OHI
589 AMITY RD
GALLOWAY OH 43119

MURPHY MARY ANN +
22701 CENTER RIDGE RD #202
ROCKY RIVER OH 44116

MUENICH MARY ANN TR
6300 PELICAN BAY BLVD APT 303
NAPLES FL 34108

TWENTY TWO TWENTY FOUR BCK LLC
300 MASON GLEN DR
LAKE SAINT LOUIS MO 63367

FOWLER CAROL S
15 S WORTH AVE
ELGIN IL 60123

CORCORAN DONALD J & JUDY L
4529 BADMINTON DR
MISSISSAUGA ON L5M 3H7
CANADA

RICKERT MARK A & SHIRLEY A
921 SOUTH MAIN ST
WINCHESTER IN 47394

SIUPINYS LUCIA +
10625 CEDAR RD
CHESTERLAND OH 44026

DURRENBERGER DAVID O
294 JONES HOLLOW RD
MARLBOROUGH CT 06447

CARLSON JANET L TR
6830 PARK VIEW LN
EDEN PRAIRIE MN 55346

CUMMINS ROBERT E & LEONA M
12 MERRIWEATHER DR #11
JOHNSON LAKE NE 68937

WESTON GARY +
4281 KRAFFT RD
FORT GRATIOT MI 48059

MONTALBANO JOHN P &
41210 GLOUCESTER DR
REHOBOTH BEACH DE 19971

HATCH DAVID ALFRED & KERI
19999 SORRENTO PL
BEND OR 97702

LADYBUG COVE LLC TR
16970 SAN CARLOS BLVD #160 PMB 603
FORT MYERS FL 33908

WREZA BRYANT L TR
23141 GLORY AVE
PORT CHARLOTTE FL 33952

ZANDY DAVID J & PATRICIA A TR
3015 MAGNOLIA ST
ENDWELL NY 13760

DOLAN ROBERT P & RONDA M
15366 TREVALLY WAY
BONITA SPRINGS FL 34135

THOMANN JOHN R
N20W30076 GLEN COVE RD
PEWAUKEE WI 53072

ZANDER CATHERINE PULLEN &
16749 ASTERBILT LANE
LAKEVILLE MN 55044

ARNE M + JOAN D PEDERSON TRUST
3150 S MARIGOLD RD
BELOIT WI 53511

BOGS DERALD R TR
10631 W 154TH PL
ORLAND PARK IL 60462

PETTENGILL DAVID B & THU N
507 HILLTOP RD
LANCASTER MA 01523

BORTNIKER YEVGENIY &
110 PELICAN CIR
STATEN ISLAND NY 10306

HICKEY PATRICIA L/E
7300 ESTERO BLVD #702
FORT MYERS BEACH FL 33931

STEELE ELIZABETH
12630 EQUESTRAIN CIR UNIT 1802
FORT MYERS FL 33907

CHAMBERLAIN JOANNE
7 ROSE LN
OLD LYME CT 06371

MINNICK KELLY C III TR
1417 CLEARVIEW AVE
LANCASTER PA 17601

LAMERATO SAMUEL P &
27734 RIALTO ST
MADISON HEIGHTS MI 48071

COLLEGE POINT PROPERTIES LLC
5329 BROWVALE LN
LITTLE NECK NY 11362

ROSE THOMAS G TR
4502 WOLFSPRING DR
LOUISVILLE KY 40241

CERRUTI LOU
1188 GOVERNORS RD
DUNDAS ON L9H 5E3
CANADA

BENSON LOUIS P TR
2688 NW SOUTH SHORE RD
STUART FL 34994

SCOTT JULIE E &
20 WINEWOOD CT
FORT MYERS FL 33919

MAILLOUX CYNTHIA & PETER
466 INDIAN LAKE TRL
WHITE HAVEN PA 18661

COZY HOME PROPERTIES LLC
PO BOX 24
CALEDONIA IL 61011

DEVLIN CHRISTOPHER & DIANE TR
1 PHEASANT PL
CARMEL NY 10512

COSTELLO DARIUS A &
61 HARBOR BEND CT
LAKE SAINT LOUIS MO 63367

YAZVAC LLC
6738 TANGLEWOOD TRAIL
YOUNGSTOWN OH 44512

GIOVANNELLI LIBERIO &
5345 MAJESTIC CT
CAPE CORAL FL 33904

LAMERATO SAMUEL P &
27734 RIALTO ST
MADISON HEIGHTS MI 48071

ROLLIN C DIX TRUST +
10154 S SEELEY AVE
CHICAGO IL 60643

ROLLIN C DIX TRUST +
10154 S SEELEY AVE
CHICAGO IL 60643

NETZER KRISTIE +
11205 174TH AVE E
BONNEY LAKE WA 98391

SERENITY AND SUN LLC
6792 HORSE DR
SPRINGBORO OH 45066

SCHMITT TAMRA M
6801 S CLARKSON ST
CENTENNIAL CO 80122

KELLY JAMES J & PHYLLIS A
25 RIVER RD UNIT B20
NUTLEY NJ 07110

DOVIN JAMES J TR
11744 SOLANO DR
FORT MYERS FL 33966

LABONTE MARCEL G & KARIN H
7300 ESTERO BLVD UNIT 1002A
FORT MYERS BEACH FL 33931

WOODWARD WILLIAM B II &
76 NEW SHORE RD
WATERFORD CT 06385

EDWARD J WILCZYNSKI TRUST +
140 SAN FERNANDO DR
LAVALLETTA NJ 08735

LEE PEROT DESIGN LLC
245 HONEY LAKE CT
BARRINGTON IL 60010

PPMP PROPERTIES LLC
634 MORRIS ST
ROCKDALE IL 60436

WOLFINGER JAMES D & AMY
20 VERNON AVE
ROSLYN NY 11576

WERTH FREDRIC J TR
11484 HIGHWAY 22
GLENCOE MN 55336

DELANEY JOSEPH W & MONICA M
313 DOLORES DR
PLEASANT LAKE MI 49272

RIVERA LIZA R
1824 MCLENDON AVE
ATLANTA GA 30307

LALONDE TIMOTHY TR
26580 DUNDEE RD
HUNTINGTON WOODS MI 48070

MEADOWS NIALL
7300 ESTERO BLVD 1104
FORT MYERS BEACH FL 33931

BURT ROBERT P & MARGARET E
6600 LYNDAL AVE S APT 1207
MINNEAPOLIS MN 55423

NESBIT JEFFREY S +
24032 RODAS DR
BONITA SPRINGS FL 34135

PULASKI HOWARD A & DIANNA
61 MORRIS AVE
LINCOLN PARK NJ 07035

NEMKOVICH ROBERT M JR TR
37 WINTHROP ST
FALL RIVER MA 02721

IFCC CORPORATION
2401 OAKWAY DR
WEST BLOOMFIELD MI 48324

WREZA BRYANT L JR TR
7031 W EDGEWOOD RD
PALOS HEIGHTS IL 60463

JENSEN KIMBERLY K +
4816 NORMANDALE HIGHLANDS DR
BLOOMINGTON MN 55437

TIRONE JANET
44 SARLES LN
PLEASANTVILLE NY 10570

KELSCH PEGGY L & DARRELL W
4812 GRANITE DR
BISMARCK ND 58503

ALBRIGHT JENNIFER
8276 RIDGELAND AVE NW
CANAL FULTON OH 44614

KAUFMANN FLORIDA PROPERTIES LL
4618 NW 96TH AVE
DORAL FL 33178

FISTEK GEORGEANN TR
420 GARVER RD
MANSFIELD OH 44903

RIVERA LIZA
1824 MCLENDON AVE NE
ATLANTA GA 30307

ENGLISH TRACE TR
21321 LANCASTER RUN UNIT 616
ESTERO FL 33928

PFAU KAROLY
1310 SWEETWATER COVE #7204
NAPLES FL 34110

BRUCE C BLOM TRUST
JACKLYN STARR BREDESON
5461 FULLER LANE
LENA WI 54139

BREDESON DANIEL W &
27454 PARAISO SANDS
BOERNE TX 78015

CASTELLANE JEANNIE & JOSEPH
123 CENTRE AVE
EAST ROCKAWAY NY 11518

PERNA GINA LISA
7300 ESTERO BLVD #PH7
FORT MYERS BEACH FL 33931

BORDEN DANIEL J + DERRICA D
6660 WEIL DR
BROWNSBURG IN 46112

MASTERSON GARY J &
6 POLO DR
S BARRINGTON IL 60010

MIDLAND TRUST COMPANY
2117 E LUSITANO LOOP
SAN TAN VALLEY AZ 85140

BROWNE PATRICK J SR &
41 DONNA LN
LIDO BEACH NY 11561

MURRAY ANN M
782 PUSHAW RD
BANGOR ME 04401

SWEENEY JOHN J & MAUREEN
12560 ARBOR NORTH DR
MILTON GA 30004

NEIBERT ANTHONY & DARCIE
112 STEEPLE CHASE RD
DEVON PA 19333

LITALIEN PAUL H & JUDITH
28110 DOVEWOOD CT #203
BONITA SPRINGS FL 34135

FRITZ JEAN E TR
3240 41ST ST
HIGHLAND IN 46322

VRANKIN MICHAEL R TR
JOSEPH VRANKIN
24W490 EUGENIA DR
NAPERVILLE IL 60540

KEELEY JOHN P + JULIE A TR
579 FRANKLIN WAY
WEST CHESTER PA 19380

CUNNINGHAM MICHAEL J & KIM
6200 TAPIA DR UNIT C
MALIBU CA 90265

TULLY MARK E TR
5 PEPPERCORN LN
ANDOVER MA 01810

KAMMERER BARBARA E TR
271 NORTH OAK ST
MASSAPEQUA NY 11758

JEZOWSKI GERALDINE E L/E
225 N HURON RD
LINWOOD MI 48634

KORNACKI DAVID B & BRENDA K
N54W24562 RAVEN CT
SUSSEX WI 53089

FLEMING THOMAS J & DORANN S
1441 CLARKE PL
SOUTH HAVEN MI 49090

KORACHIS DEAN J & IVY M TR
3223 SALEM DR
ROCHESTER HILLS MI 48306

REYNOLDS PATRICK &
433 WEXFORD PL
CHESHIRE CT 06410

WILMOTH JOHN R TR
235 WEST 56TH ST APT 34M
NEW YORK NY 10019

WALLACE MICHAEL T &
7100 ESTERO BLVD #406
FORT MYERS BEACH FL 33931

JOHNSON MARK L TR
7100 ESTERO BLVD #407
FORT MYERS BEACH FL 33931

LISSNER DAWN MARTIN TR
13 ROYALE CT
LAKE SAINT LOUIS MO 63367

LECLERC ALEXANDRE &
15 MOUNTNOEL AVE
TORONTO ON M4J 1H7
CANADA

AMATORE JAMES & PAMELA
7100 ESTERO BLVD APT 503
FORT MYERS BEACH FL 33931

MUELLER JEFFREY A &
N3021 BATES RD
CASCADE WI 53011

SCHIRA MARY K
2285 W ERIE RD
TEMPERANCE MI 48182

GARCIA HELENA L/E
9648 HEMINGWAY LANE #4402
FORT MYERS FL 33913

WINTER INVESTMENTS LLC
68815 HARTWAY
RAY MI 48096

MCINCHAK PETER W TR
24125 KONARSKA CT
BROWNSTOWN MI 48134

CURRAN MATTHEW F & MARGARET TR
9647 HEMINGWAY LN APT 3403
FORT MYERS FL 33913

CIBULKA ROBERT C & JUDY L TR
RR 5
10538 UNION LINE
DRESDEN ON N0P 1M0
CANADA

MURRAY ROSEMARY J TR
5808 PRAIRIE RIDGE RD
CRYSTAL LAKE IL 60012

NICKEL DIETER H &
1205 E 7TH ST
MERRILL WI 54452

POSNER DAVID +
38 EASTVIEW AVE
PLEASANTVILLE NY 10570

MARLEN RENTALS LLC
7100 ESTERO BLVD #607
FORT MYERS BEACH FL 33931

MUELLER JEFFREY A &
N3021 BATES RD
CASCADE WI 53011

THIBEAULT MARK & BARB
98 PARK LANE DR
STRATFORD ON N5A 5B9
CANADA

CURD JOSEPH B & FRANCES E
7100 ESTERO BLVD #703
FORT MYERS BEACH FL 33931

GEMINI ASSET MANAGEMENT LLC
408 N OAK ST
TEUTOPOLIS IL 62467

GEMINI ASSET MANAGEMENT LLC
408 N OAK ST
TEUTOPOLIS IL 62467

DULANEY SUZANNE
7019 BALLANTRAE LOOP
DUBLIN OH 43016

LANGEMAK JOHN L & JILL M
7100 ESTERO BLVD #707
FORT MYERS BEACH FL 33931

JASTREM KAY W TR
817 EDGEWOOD
LAKE ST LOUIS MO 63367

BADGER FREDERICK J JR +
782 PUSHAW RD
BANGOR ME 04401

ROHRBACH MICHAEL A TR
5166 COVENTRY LN
FORT WAYNE IN 46804

FELLE WAYNE C
9679 ROSECROFT DR
CLARENCE CENTER NY 14032

UDWADIA RUSI A & KAREN TR
7100 ESTERO BLVD APT 805
FORT MYERS BEACH FL 33931

DONT WORRY BEACH HAPPY VACATIO
8532 TIMBER RIDGE DR
BURR RIDGE IL 60527

HALL TERRY L & KELLY ANN L/E
301 N EVERY RD
MASON MI 48854

SILBERBERG KATHLEEN H TR
4 REGENCY CIR
SAINT LOUIS MO 63141

EGAN GEORGE D JR
514 DEBRA DR
DES PLAINES IL 60016

OTKEN EDWIN W
35 GRAVEL HILL SPOTSWOOD RD
MONROE NJ 08831

GIBSON DOMINIC G &
6955 N OZANAM AVE
CHICAGO IL 60631

GRICUS JEFFERY TR
8105 S GARFIELD AVE
BURR RIDGE IL 60527

TRUSIAK ROBERT G & JUDY F
24 LIBERTY AVE
LANCASTER NY 14086

BRUBAKER SUSAN M &
PO BOX 2705
FORT MYERS BEACH FL 33931

ROSS FAMILY TRUST
14444 MORNINGSDR RD
ORLAND PARK IL 60462

GRAHAM ELIZABETH H &
7100 ESTERO BLVD #1002
FORT MYERS BEACH FL 33931

CURTIN GARY
11 LAUREN PLACE
LA SALLE IL 61301

MURRAY MICHAEL P & NINA V TR
317 HIGHTOP DR
NORTH GARDEN VA 22959

DARZINSKIS KAZIMIR R +
6458 LONG LAKE DR
DAYTONA BEACH FL 32124

CHAMPAN LLOYD R & SHIRLEY A
612 TARA OAKS DR
MIDDLETOWN OH 45042

CASO WILLIAM & DIANNE TR
88 LOCKSLEY RD
LYNNFIELD MA 01940

LAMMING LEONA M TR
17 ROYALE CT
LAKE SAINT LOUIS MO 63367

LISSNER DAWN MARTIN TR
13 ROYALE CT
LAKE SAINT LOUIS MO 63367

MANOSKI PAUL H & MICHELLE C
9844 PASTUREGATE LN
MUNSTER IN 46321

KIDD PETER TR
11667 KEMPER WOOD DR
CINCINNATI OH 45249

FUSCO PATRICIA A
164 EAGLE RIDGE WAY
NANUET NY 10954

ROSS MARK A TR
35072 CANNON RD
BENTLEYVILLE OH 44022

PH7 LLC
13 ROYALE CT
LAKE SAINT LOUIS MO 63367

MODLICH HELEN MARIE TR
MODLICH HEIDE
1318 MULFORD RD
COLUMBUS OH 43212

KOPP MATTHEW
3601 FREMANTLE DR
PALM HARBOR FL 34684

FM BEACH PARADISE LLC
98 ERIN WAY
NAPLES FL 34110

SCHNEIDER WAYNE W &
8 ELEANOR ST UNIT 23
VERNON ROCKVILLE CT 06066

BURCH ROGER K & KATHLEEN M
14250 ROYAL HARBOUR CT # 317
FORT MYERS FL 33908

GROSS SHIRLEY J TR
842 OUTER DR
LAKE OZARK MO 65049

JORDAN FRANCIS G &
5431 COLUMBIA AVE
HAMBURG NY 14075

JONES DONALD B TR
4816 HICKORY WAY
JOHNSBURG IL 60051

PFAU KAROLY
1310 SWEETWATER CV UNIT 7204
NAPLES FL 34110

CLOS DENNIS M & KAREN S
39318 CHESHIRE ST
WESTLAND MI 48186

JUDITH WILLE TRUST
1254 E EVERGREEN DR UNIT 7
PALATINE IL 60074

EVERSON RONALD D & JOANN
815 97TH ST
AMERY WI 54001

DEMARIA CRAIG R TR
6880 MISTY LAKE CT
FORT MYERS FL 33908

SOULLIERE MICHAEL &
1965 W GRAND BLVD
WINDSOR ON N9E 1G6
CANADA

HURLEY MARK J & EILEEN TR
25540 W LEHMANN BLVD
LAKE VILLA IL 60046

PLANK DONALD T TR
351 HANFORD ST
COLUMBUS OH 43206

PARDI PAUL E TR
4050 LYON DR
COLUMBUS OH 43220

LANGER JEFFREY W &
4755 TOLLGATE RD
NEW HOPE PA 18938

BUZANOWSKI JOHN & BARBARA
616 W 50 N
VALPARAISO IN 46385

DEB ANITA TR
11 SAINT CHARLES CT
WILLIAMSVILLE NY 14221

IGNAITIS GRACE
50 QUEBEC QV #506
TORONTO ON M6P 4B4
CANADA

LARSON PAUL W
2470 DUNWOODY AVE
WAYZATA MN 55391

RUPPERT WARREN P &
5 OAKWOOD RD
BOHEMIA NY 11716

LYNES WILLIAM S &
7775 ELMWOOD RD
FULTON MD 20759

WILLIAM T CROFTS TRUST +
1308 N AUDUBON RD
INDIANAPOLIS IN 46219

DEGRYSE ROBERT P & MARIA A
3940 LEEWARD PASSAGE CT #103
BONITA SPRINGS FL 34134

MILLER HARRY & DAWN
6897 ESTERO BLVD #113
FORT MYERS BEACH FL 33931

SHEETS DENNIS D
43 GETTYSBURG
COATESVILLE IN 46121

MCNICHOLS DANIEL A +
4908 N MERRIMACK AV
CHICAGO IL 60630

NIXON DOUGLAS E TR
1524 CARLSON DR
GARDNERVILLE NV 89410

RAO FORTUNATO +
60 GLEN LONG AV
TORONTO ON M6B 2M2
CANADA

MILLER CHARLES E & GINA L +
191 E MAIN ST
BATAVIA OH 45103

LAMANNA CARMELA +
1562 OAKBURN ST
PICKERING ON L1C 1W6
CANADA

GROSSO TONY +
46 FORESTER CRES
MARKHAM ON L6C 1W2
CANADA

SCHMEICHEL DONALD & GLORIA
781 VIMY RD
WINNIPEG MB R2Y 0T4
CANADA

WHITE ROGER C L/E
604 MEADOWVIEW LN
ELK RAPIDS MI 49629

COLLINS DENNIS F +
10401 MENARD AVE APT 109
OAK LAWN IL 60453

PARSONS RICARDO &
6586 HYPOLUXO RD UNIT 184
LAKE WORTH FL 33467

KREIGEL HAZEL J TR
2034 OLMSTEAD DR
WOODSTOCK IL 60098

GREEN LINDA
6897 ESTERO BLVD UNIT 134
FORT MYERS BEACH FL 33931

MILLER HARRY R & DAWN
19861 COUNTY RD 272
MEMPHIS MO 63555

COSTELLO KEVIN M &
461 EAST ST
WESTWOOD MA 02090

WEINGAND JOANNA TR
2042 E 67TH ST
BROOKLYN NY 11234

BULA JAMES & NANCY LEE
15 PERCHERON RD
MANALAPAN NJ 07726

EVANS NEIL & JENNIFER
11434 SOUTH SAWYER
CHICAGO IL 60655

TANGNEY BERNARD P TR
N7866 KETTLE MORaine DR
WHITEWATER WI 53190

JOHNSON STEVEN L + BEVERLY J
20967 SKYLER DR
NORTH FORT MYERS FL 33917

DZELIL OSMAN & MUDZEVER
3310 TWILIGHT LN #6501
NAPLES FL 34109

PALL JANINE M TR
42578 N ADDISON LN
ANTIOCH IL 60002

ALVAREZ HERMAN & CLARA
13 COBB CT
HUNTINGTON NY 11743

ZOCOLO LORI A
1617 MAPLE ROAD
CLEVELAND OH 44121

WILLIAM T CROFTS TRUST +
1308 N AUDUBON RD
INDIANAPOLIS IN 46219

SLACK JERALD D TR
6897 ESTERO BLVD #155
FORT MYERS BEACH FL 33931

ALLEN TERRY W & JULIE M
6897 ESTERO BLVD #156
FORT MYERS BEACH FL 33931

RAHRIG RANDALL L TR
8926 SW 85TH LOOP
OCALA FL 34481

COSTELLO JOHN F +
6897 ESTERO BLVD #162
FORT MYERS BEACH FL 33931

DAVID ANDERSON TRUST +
41787 N LOTUS AVE
ANTIOCH IL 60002

MACDONNELL FREDERICK M TR
85 ACADEMY ST
BRAINTREE MA 02184

DITROIA RAYMOND & NANCY +
8 OLIVER ST
SALEM MA 01970

YZAGUIRRE CYNTHIA O L/E
808 E MAIN ST
IMMOKALEE FL 34142

BUCKLEY JOHN RICHARD &
123 ACACIA CIR #407
INDIAN HEAD PARK IL 60525

EWART DOUGLAS B & PAULA R TR
6891 ESTERO BLVD #313
FORT MYERS BEACH FL 33931

STACHELSKI TERRANCE J +
2608 186TH ST #203
LANSING IL 60438

VILLAREAL DANIEL TR +
2756 W 95TH PL
EVERGREEN PARK IL 60805

POTREPKA M GLORIA L/E
90 OLD MILL RD
PLANTSVILLE CT 06479

LINDSAY SUSAN R &
550 N HEMLOCK RD
HEMLOCK MI 48626

RUSSO THERESA A TR
382 NAUGHTON AVE
STATEN ISLAND NY 10305

OCHOCINSKI CHRISTOPHER ADAM +
7760 CHICHESTER RD
CANTON MI 48187

CHRISTOPOULOS JAMES &
746 COLONIAL RD
FRANKLIN LAKES NJ 07417

DUKE JOSEPH E & SYLVIA
2539 S COLLEGE HILLS DR
HANOVER IN 47243

SCHREMSER WILLIAM J &
2818 STONEY CREEK DRIVE
ELGIN IL 60124

DANO MARCO &
1736 MARLYN RD
FORT MYERS FL 33901

HAERR JOANN MARIE TR
755 SAINT ANDREWS DR
PINEHURST NC 28374

FERGUSON DENNIS & MARIA G
3303 W 108TH ST
CHICAGO IL 60655

BADGLEY DANIEL P &
100 BRETT LANE
KIRKLAND IL 60146

SCHOTT AGNES +
7217 W CANBERRA STREET DR
GREELEY CO 80634

WALTEMATHE MARK D
6891 ESTERO BLVD #336
FORT MYERS BEACH FL 33931

GOUVEIA EILEEN P TR
4229 SW 11TH AVE
CAPE CORAL FL 33914

SEBASTIAN MARY M L/E
108 GREENWOOD RD
NICHOLASVILLE KY 40356

WILSON PEGGI J
1806 TWIN OAKS LN
LAFAYETTE IN 47905

OCHOCINSKI ANNA J TR
3889 RESEDA RD
WATERFORD MI 48329

VALADAO CARMEN +
724 E 3RD ST #1
SOUTH BOSTON MA 02127

SMITH DALE & MARY BETH
73 CARY ST
BUFFALO NY 14201

METKE MARY L & NELSON W
1203 CLAY HILL WAY
DURHAM NC 27703

BROJACK GREGORY &
PO BOX 1185
TUCKERTON NJ 08087

WRIGHT THOMAS R & ELIZABETH
11 FOUR SEASON LANE
MERRIMACK NH 03054

MESSINA NANCY M L/E
289 SEMINOLE AVE
ABSECON NJ 08201

KREAMER RONALD R &
14 WARWICK CIR
MECHANICSBURG PA 17050

ROBERT R + HANNELORE M VAN BEE
250 S WILBUR ST
KIMBERLY WI 54136

ZGODA VALERIE C TR
346 GOLFVIEW CT
BLOOMINGDALE IL 60108

HARP MICHAEL A & MARCI D TR
6891 ESTERO BLVD #362
FORT MYERS BEACH FL 33931

LACKI JAMES J & DIANE L TR
7941 SIOUX RD
ORLAND PARK IL 60462

KANE NICHOLAS R & PAIGE A
5895 ELDER ROAD
CANAL WINCHESTER OH 43110

GOSSETT ROBERT J & TONYA J
34 SCENIC DR NE
NEWARK OH 43055

SAKER PAUL K
6891 ESTERO BLVD APT 366
FORT MYERS BEACH FL 33931

WILLIAMS ROBERT L & DIANE
866 TULIP LN
NAPERVILLE IL 60540

STEPHANY CHARLES & RUTH
60 TETON CT
LAFAYETTE IN 47905

ENGLEHARDT WILLIAM +
21 GRAHAM AVE
WAYNE NJ 07470

TAVE DENNIS & LINDA Y TR
81 KENNARD RD
MAHOPAC NY 10541

RENNA SHARON A
6893 ESTERO BLVD #415
FORT MYERS BEACH FL 33931

INTERRANTE SAM I
6893 ESTERO BLVD UNIT 416
FORT MYERS BEACH FL 33931

DARIN GENE V
6893 ESTERO BLVD # 421
FORT MYERS BEACH FL 33931

PIETRUS TINA M +
6893 ESTERO BLVD #422
FORT MYERS BEACH FL 33931

WOLF THOMAS H & DEBORAH L
N4863 COUNTY ROAD F
BONDUEL WI 54107

UNKNOWN HEIRS OF
550 HOPEWELL AVE STE 209
TORONTO ON M6E 2S6
CANADA

DAVIS SHAWN R & CHRYSTAL
9675 EL CAMINO LN
PLAIN CITY OH 43064

WHITTY THOMAS A & WENDY R
14 TRUMAN DR
NORTH EASTON MA 02356

HANNA TIMOTHY R & JOY C TR
13679 WILDFLOWER WAY NE
PRIOR LAKE MN 55372

REYNOLDS ROBERT K TR
2600 SONNINGTON DR
DUBLIN OH 43016

BARLOW HARRY +
1118 STOKES DR
CORNWALL ON K6J 5J5
CANADA

RIZZO GUY
2627 MOUNTAINCREST AVE
NIAGARA FALLS ON L2J 4H8
CANADA

ROMAINE JOHN R TR
346 PROSPECT AVE
DUMONT NJ 07628

MALATESTINIC NICHOLAS
245 E 87TH ST APT 15F
NEW YORK NY 10128

HURLEY THOMAS F II
9 CAMBRIDGE SQ
WILLIAMSVILLE NY 14221

BROCK MARINA L +
87 CALWELL DR
PORT PERRY ON L9L 1T7
CANADA

PINTO ARLANDO & ZULMIRA
59 BLOSSOM DR
TOMS RIVER NJ 08753

WERNER CARL R +
CYNTHIA K WERNER
2116 HARBORVIEW BLVD
LORAIN OH 44052

KENNEDY JOHN A & CARRIE M
6946 GARNER RD
NIAGARA FALLS ON L2E 6S5
CANADA

SCHULTZ JOHN G SR &
12872 S BRIAN PL
PALOS PARK IL 60464

SCHULTZ JOHN G SR TR
12872 S BRIAN PL
PALOS PARK IL 60464

HAWKE JON D & KRISTINE S
905 KIEFFER ST
WOOSTER OH 44691

MARTIN JOSEPH T & KAREN M TR
8601 MORRIS RD
HILLIARD OH 43026

CECCARELLI GLORIA +
2958 WILSON LN
GLENVIEW IL 60026

HURLEY THOMAS F II
9 CAMBRIDGE SQ
WILLIAMSVILLE NY 14221

BOLE GARRY L & CHERYL E
8180 RIVER BAY DR E
INDIANAPOLIS IN 46240

DUBICKI DIANNE M
3759 BENNETT ST
DEARBORN MI 48124

STEIER SANDRA J TR
153 DRIFTWOOD LN
FORT MYERS BEACH FL 33931

SHAFFER JAMES L TR
6893 ESTERO BLVD #463
FORT MYERS BEACH FL 33931

RCM ENTERPRISES INC
399 BARTZ RD
VALPARAISO IN 46383

MUNIZ EDUARDO & ISABEL L/E
10265 SW 93RD TER
MIAMI FL 33176

SPIESS GWEN NADINE TR
3560 CRIMSON CT
PORT HURON MI 48060

ARNDT MICHAEL J & DENISE C
3385 GRANDVIEW CT
SHELBY TWP MI 48316

NICOTRA JOSEPH & NANCY E TR
6895 ESTERO BLVD #512
FORT MYERS BEACH FL 33931

DAUGHERTY ANGELINA TR
14007 GREEN HAMMOCK PL
BRADENTON FL 34211

SCHULTZ KEITH & BRENDA +
1703 WAMPLERS LAKE RD
BROOKLYN MI 49230

BRIER KENNETH LEO TR
14870 CURB BIT LANE
COLORADO SPRINGS CO 80921

DALZIEL SANDRA F
6895 ESTERO BLVD
FORT MYERS BEACH FL 33931

DONNIE M SNOW TRUST +
2980 SNOW RD
BURLINGTON KY 41005

PETERSON DEAN K & SANDRA L
6895 ESTERO BLVD #522
FORT MYERS BEACH FL 33931

FABER STEVEN GLEN &
N10436 WATER ST RD
LOMIRA WI 53048

BARBARA J SNOW TRUST +
2980 SNOW RD
BURLINGTON KY 41005

LOWNEY MARK P SR +
17 QUELLE LN
MARION MA 02738

REXHEPI REXHEP & ZIFE +
1347 JAMESWAY
FORT ATKINSON WI 53538

ESTERO531 LLC
3120 MILITARY ROAD
NIAGARA FALLS NY 14304

WIERTEL JAMES MARK &
3012 BEAVER DAM DR
MONROE NC 28110

KNICKLE JAMES G & ELLEN A
6895 ESTERO BLVD # 533
FORT MYERS BEACH FL 33931

KARAGEORGIS ATHANASIOS KONSTAN
801 FOREST PINE CT
SENECA SC 29672

KAECKER R J &
6895 ESTERO BLVD #535
FORT MYERS BEACH FL 33931

POLKA JOHN J JR & JULIE A
6920 SUNNYDALE DR
NIAGARA FALLS NY 14304

SILVA ROY & SUSAN
24 BRAYTON RD
SMITHFIELD RI 02917

HERMAN KATHLEEN A L/E
550 HALL RD
ELMA NY 14059

CERPA JENNY ELIZABETH &
4N371 SAMUEL LANGHOME CLEMENS CRSE
SAINT CHARLES IL 60175

BOOKMAN SUSAN J +
51 COOSEBERRY HILL
WETHERSFIELD CT 06109

HARTER JOHANN TR
9903 WHITE SANDS PL
BONITA SPRINGS FL 34135

GRIFFIN DANIEL J &
3914 W 102ND PL
CHICAGO IL 60655

ALEXANDER ANNILE R & JEAN M
58 CLAIRE DR
BRIDGEWATER NJ 08807

PEDERSEN LINDA M +
PO BOX 31437
SEATTLE WA 98103

GRICUS ROBERT W TR
8817 PALOS SPRINGS DR
ORLAND PARK IL 60462

O'FARRELL MARGARET E TR
6895 ESTERO BLVD #554
FORT MYERS BEACH FL 33931

OBERMEIER MAUREEN
209 N LOUISIANA AVE
MICHIGAN CITY IN 46360

BERTHOLET KELLY
2801 BERTHOLET BLVD STE 101
VALPARAISO IN 46383

BARTOLUCCI MASSIMO & INA L/E
45757 HEATHER RIDGE DR
MACOMB MI 48044

BOBAY ANDREW V &
7879 SUDELEY CT
WESTERVILLE OH 43081

BISIGNANO DOMINIC J +
6895 ESTERO BLVD #563
FORT MYERS BEACH FL 33931

REXHEPI BURIM
1347 JAMESWAY
FORT ATKINSON WI 53538

LUERS BERND-RUDIGER &
8621 77TH AVE
GLENDALE NY 11385

PUFFER TOM & BARBARA W TR
6895 ESTERO BLVD # 566
FORT MYERS BEACH FL 33931

GREENE RICHARD & KIMBERLY
4541 BAY BEACH LN # 142
FORT MYERS BEACH FL 33931

JOHNSTON ROBERT K
1129 TINKERHILL LN
MALVERN PA 19355

MINDE-PROPERTIES INC
W1551 COUNTY RD B
SULLIVAN WI 53178

MAIER CINDY
2384 HIGHBURY DR
TROY MI 48085

COTNER PAUL & JOPLIN
10055 US HIGHWAY 12
BROOKLYN MI 49230

WIELART FREDERICK +
GRABENSTR 16-18
LIMBERG 65549
GERMANY

KOCH HERBERT M & MICHELLE M TR
275 LORENZ ST
LORETTO MN 55357

CRAIG DEMARIA TRUST
6880 MISTY LAKE CT
FORT MYERS FL 33908

PATRICK STEVEN R & FABIA
286 MCBRIDE CRES
NEWMARKET ON L3X 2W4
CANADA

FORMELLER JOHN H &
1289 BRADLEY LN
ELK GROVE VILLAGE IL 60007

WALTER GERT
SANTA MARIA DOCK CO-OP
12573 NEW BRITTANY BLVD #23
FORT MYERS FL 33907

WILKIE ROBERT MICHAEL
181 LENELL RD #1A
FORT MYERS BEACH FL 33931

DUMONT THOMAS F TR
20 FOREST ST
DUNSTABLE MA 01827

ONEIL DAVID L & KATHLEEN V
181 LENELL RD #1C
FORT MYERS BEACH FL 33931

RIQUELME LEONARD
PO BOX 47157
INDIANAPOLIS IN 46247

MALANEY JIM & KAREN
64 WILCOX RD
MILFORD CT 06460

DIAMANT AMERICA INC
GUSSENBAUERGASSE 5-7
WEIN A-1090
AUSTRIA

CHODKOWSKI ADAM
120 E 85TH ST #4WSON
NEW YORK NY 10028

WEILAND TERRY & KATHLEEN
191 LENELL RD #4
FORT MYERS BEACH FL 33931

JONES L BRENT
5045 CONEWANGO AVE
WARREN PA 16365

KOCH KATHY M TR
7695 NORTH SHORE CIR N
FOREST LAKE MN 55025

BECKER PATRICIA A & GARY D TR
8237 ALLEN DR
ALLIANCE OH 44601

NELSON WILLIAM J TR
4619 RIVER RIDGE DR
INDIANAPOLIS IN 46240

URCHYK GAIL J TR
170 LENELL RD APT 301
FORT MYERS BEACH FL 33931

CHARLES J MILLER BONDING INC
191 E MAIN
BATAVIA OH 45103

FELDHEIMER DOLORES L TR
170 LENELL RD # 303
FORT MYERS BEACH FL 33931

ESKIN ROBERT J & JUDITH K
28050 GATES MILL BLVD
PEPPER PIKE OH 44124

SUNNYS FAMILY INVESTMENTS LLC
17 PEPITA ST
FORT MYERS BEACH FL 33931

WALTON BRENT D TR
2405 DUNWOODY AVE
WAYZATA MN 55391

170 LENELL RD LLC
13701 W JEWELL AVE #200-28
LAKEWOOD CO 80228

GILL ROSE BETHENE TR
885 CROSSPOINTE CT
WABASH IN 46992

WAHL JEAN LEE TR
170 LENELL RD APT 501
FORT MYERS BEACH FL 33931

WAZNEY REAL ESTATE LLC
38621 DODDS LANDING DR
WILLOUGHBY HILLS OH 44094

KENNETH W CARTER TRUST +
5655 CREEKVIEW DR
ANN ARBOR MI 48108

BERTHOLET KELLY
170 LENELL RD APT 504
FORT MYERS BEACH FL 33931

TORSTVEIT JOHN G &
170 LENELL RD APT 601
FORT MYERS BEACH FL 33931

DJK PARTNERSHIP
792 OLD RIDGE RD
AVELLA PA 15312

MULLINS RONALD D & JILL A
170 LENELL RD #603
FORT MYERS BEACH FL 33931

TENNANT WILLIAM D TR
124 STONECHURCH RD W
HAMILTON ON L9B 1A3
CANADA

LENELL ROAD INVESTMENTS LLC
4142 BAY BEACH LN #804
FORT MYERS BEACH FL 33931

DONATELLI RICHARD J
1024 PINE LAKE COVE
COLUMBIANA OH 44408

FINK JOHN P & TERRI L
811 HILLCREST DR
CANONSBURG PA 15317

TRAUTMANN KAREN B TR
901 OHIO PIKE #200
CINCINNATI OH 45245

BURGESS PHILIP M TR
1142 MAINSAIL DR
ANNAPOLIS MD 21403

EATON MARY BEA
79 CHERRY HILL LN
BELPRE OH 45714

BRUNO SANDRA L TR
4 N 762 MOUNTAIN ASH DR
WAYNE IL 60184

ROSS CAROLYN T TR
6951 MARY JOY CT
CLEVES OH 45002

CARTER GRAHAM N & SHEILA E
8 TALEWORTH PARK
ASHSTEAD SURREY KT21 2NH
UNITED KINGDOM

MICHAEL P VAN HAM TRUST +
727 N EVERGREEN AVE
ARLINGTON HEIGHTS IL 60004

FULLER SINDY TR
440 OLD TRAIL DR
HOUGHTON LAKE MI 48629

ALBERT L FREDERICK JR TRUST +
2597 W RIVER RD
NEWTON FALLS OH 44444

FREDERICK DAVID A TR
10360 BARR RD
BRECKSVILLE OH 44141

NELSON GORDON E & KELLY A
5364 SECLUDED PINES CT
OXFORD MI 48371

PELL JACK +
12550 PARK DR
WAYLAND MI 49348

CLAY ROBERT E & PATRICIA M
4870 MALTESE CT NE
BELMONT MI 49306

CLAY ROBERT E & PATRICIA M
4870 MALTESE COURT NE
BELMONT MI 49306

LEVASSEUR ROGER & DAWN
4560 COLONY VILLAS DR #1701
BONITA SPRINGS FL 34134

NEUMANN VERONICA TR
150 LENELL RD APT 404
FORT MYERS BEACH FL 33931

VICKAR GARRY & BONNIE
14352 SPYGLASS RIDGE
CHESTERFIELD MO 63017

BUCCAFURRI GARY A
150 LENELL RD #502
FORT MYERS BEACH FL 33931

GRAHAM THOMAS EDWARD TR
1210 COUNTY ROAD 6
ELKHART IN 46514

MAHONEY ROBERT
150 LENELL RD #504
FORT MYERS BEACH FL 33931

MALO GREGORY D & CELESTE J
150 LENELL RD #601
FORT MYERS BEACH FL 33931

GILBERT P STIENER TRUST +
639 E BROOKSIDE DR
CROWN POINT IN 46307

LOVENGUTH JASON C
97 EAST LAKE RD
SKANEATELES NY 13152

LARSEN DANIEL S TR
150 LENELL RD #604
FORT MYERS BEACH FL 33931

GRAEFEN BETTE TR
19701 BERRYBROOK CT
TINLEY PARK IL 60487

OHARA WILLIAM J & WANDA L
10603 W 154TH PL
ORLAND PARK IL 60462

WOODS JAMES +
51 PROSPECT ST
FREEPORT NY 11520

704 LLC
5320 S BELMONT ST
INDIANAPOLIS IN 46217

MURPHYS LENELL PROPERTIES LTD
PO BOX 340670
DAYTON OH 45434

150 LENELL 802 LLC
EDNALYNN MORRISON
1511 NW 28TH AVE
CAPE CORAL FL 33993

TUCKER CLINE & PATRICIA
53270 QUINCE RD
SOUTH BEND IN 46628

STEVENS MICHELLE E
3887 ST ANDREW CT
MASON OH 45040

MHC FISH TALE LLC
DUFF & PHELPS
917 W WASHINGTON MS 316
CHICAGO IL 60607

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FORMUSA-LINAUSKAS KARRIE JANE
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TORONTO ON M4B 2N1
CANADA

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DUFF & PHELPS
917 W WASHINGTON MS 316
CHICAGO IL 60607

SHELTON STEVEN D & BRENDA S
1415 BAYSIDE RD
TRENTON ME 04605

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

MHC FISH TALE LLC
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917 W WASHINGTON MS 316
CHICAGO IL 60607

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CHICAGO IL 60607

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

Yellow Sheet Number: **2025-220**

1. Request:

Meeting Date: February 11, 2025

1. 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 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.

2. Request from Pelican Watch Condominium Association, Thomas F. and Debra Danford as managers and members of Coastal Cottages LLC, and Edwin T. French III, to have Intervenor Status.

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 replace the existing Schedule of Uses, Master Concept Plan and Conditions to allow for development of a food truck park with outdoor seating, consumption on premises (COP), and a commercial parking lot. This action will replace the previously approved "Option A" MCP for the CPD. This item was heard by the LPA on January 9th and was continued. The LPA voted 3-3 to deny the application, based on the goals and objectives of the Comprehensive Plan. The LPA then voted 3-3 to approve with conditions.

One member was absent from the meeting. As there was no majority of opinion the LPA choose the continue the meeting to February 11th.

A separate request to expand the previously approved CPD boundaries to include 2518 Estero and 2543 Cottage Avenue was part of a separate ordinance that the LPA reviewed on January 9th and recommended approval to Town Council.

Following the January 9th meeting the applicant made several changes to the MCP and list of conditions in order to address some of the concerns expressed by neighbors. The configuration of the service structure was situated closer to the single-family homes to better block noise.

The building was slightly increased in size to accommodate food service as well as beverage service. There is also an option to locate the comfort station closer to the parking lot for easier public access.

The applicant has agreed that the hours of the mobile vending/food truck park will be 7am to 10pm with the commercial parking operating on the same schedule. Outdoor entertainment will end at 9pm. The following conditions have also been added since the staff report was prepared

for the January 9th meeting:

1. At the time of local development order approval, directional and restrictive vehicle access signage (e.g. NO THRU TRAFFIC) will be provided at the primary access and along Chapel Street and Cottage Avenue.
2. At the time of local development order approval, on-street/right-of-way buffer landscape plantings, no parking signage and infrastructure (e.g. decorative post and rope/chain) will be provided to help eliminate illegally parked vehicles within the Chapel Street and Cottage Avenue right-of-ways abutting the subject property. The on street/right-of-way buffer landscape area will vary in width based on the roadway configuration and consist of shrubs and trees complementary to the adjacent on-site landscaping; be maintained less than 36 inches high for shrubs; and will not violate vehicle visibility requirements.
3. Outdoor lighting: In no case may the illumination exceed 0.2 footcandles measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.0 footcandles measured at 10 feet from the property line onto the adjacent residential property. (NOTE: Current regulations allow 0.5 footcandles measured at the property line and 0.2 footcandles 10 feet from property onto residential property.)
4. Proper site management, including site cleanliness and proper waste removal is the responsibility of the property owner/manager and any violations will be issued to the site ownership for remediation and not to individual vendors.

Attachments:

1. Draft Ordinance 25-01 Estero Blvd Food Truck Park
2. LPA Staff Report
3. Property Survey
4. Exhibit A - 07-28, Resolution and MCP
5. Exhibit B - MCP and Schedule of Uses
6. Exhibit C - Application
7. Exhibit D - Applicant Narrative
8. Exhibit E- Parking Analysis
9. Postcards
10. INTERVENER EXHIBIT 1
11. INTERVENER EXHIBIT 2

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: January 28, 2025

Frankie Kropacek, Operations & Compliance Director

Date: January 29, 2025

nancy stuparich, Town Attorney

Date: February 03, 2025

Amy Baker, Town Clerk

Date: February 04, 2025

ORDINANCE 25-XX

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/REPEALING 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 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 adopted in Resolution 07-28 with the expanded boundaries as adopted in Ordinance 25-xx, to a Mobile Vending Park 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, which was continued and was held again on February 11th, 2025;

WHEREAS, at the February 11th, 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 February 11th, 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 March ____, 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 B 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 A 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 MCP with six deviations to the LDC in order to develop a Mobile Vendor 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 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 #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:**

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2025.

Exhibits:

A-Conditions of Approval

B - Master Concept Plan (MCP) and Schedule of Use

Exhibit A: Conditions of Approval

- 1) The development of “Option A”, as approved and conditioned in resolution 07-28, will no longer be valid.
- 2) 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 a minimum 7.5-foot-wide buffer with a minimum of 10 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row.
 - c) Along the south and east property lines adjacent to 2553 and 2563 Cottage Avenue, a minimum 10-foot-wide buffer with 6-foot-high opaque fence, where applicable, 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) Along Cottage Street (the south property line), 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.
- 3) A maximum of 5 mobile vendor/transient merchant pads, in addition to a permanent service structure (maximum of 2500 sf), is permitted. Any additional mobile vendor pads not shown on the MCP shall require prior Town approval.
- 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) Consumption on the premises will be limited to beer and wine only.
- 6) Hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week.
- 7) The parking lot will be available for use the same hours as the mobile vending park, 7am to 10pm seven days a week. Camping or sleeping in vehicles is prohibited..
- 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. Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the 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) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
- 10) A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will either be integrated within the proposed park support structure or as a stand-alone structure on-site. Public access to the "comfort station" will only be during the same hours of operation for the mobile vending park.
- 11) Per Deviation #5, the applicant may utilize a stabilized gravel/lime rock/crushed shell parking surface. The applicant is encouraged to use a grid/semi-pervious paver system to increase permeability and to aid in retaining materials on site in the parking lot area.
- 12) Mobile food vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious or semi-pervious surface.
- 13) 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.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) All mobile vendors and 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 or the Town of Fort Myers Beach. The removal of vendor vehicles is the responsibility of the property owner. Vendors may not return until authorized by the Town or Lee County Sheriff's Office.
- 18) Restroom facilities must be provided based on maximum occupancy of the total seating area in conformance with the Florida Building Code.
- 19) All alcohol sales must be in conformance with state regulations.
- 20) 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.
- 21) 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.
- 22) All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131
- 23) Access to and from the property for mobile vendors only 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.
- 24) At the time of local development order approval, directional and restrictive vehicle access signage (e.g. NO THRU TRAFFIC) will be provided at the primary access and along Chapel Street and Cottage Avenue.
- 25) At the time of local development order approval, on-street/right-of-way buffer landscape plantings, no parking signage and infrastructure (e.g. decorative post and rope/chain) will be provided to help eliminate illegally parked vehicles within the Chapel Street and Cottage Avenue right-of-ways abutting the subject

property. The on street/right-of-way buffer landscape area will vary in width based on the roadway configuration and consist of shrubs and trees complementary to the adjacent on-site landscaping; be maintained less than 36 inches high for shrubs; and will not violate vehicle visibility requirements.

- 26) Outdoor lighting: In no case may the illumination exceed 0.2 footcandles measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.0 footcandles measured at 10 feet from the property line onto the adjacent residential property. (NOTE: Current regulations allow 0.5 footcandles measured at the property line and 0.2 footcandles 10 feet from property onto residential property.)
- 27) Proper site management, including site cleanliness and proper waste removal is the responsibility of the property owner/manager and any violations will be issued to the site ownership for remediation and not to individual vendors.



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: Mobile Vending/Food Truck Park

LPA

HEARING DATE: February 11th, 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 provide for a Master Concept Plan, Schedule of Uses and Conditions of operation to allow for development of a mobile vending/food truck park with outdoor seating, consumption on premises and a commercial parking lot.

Subject property: See attached Survey and Master Concept Plan

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 expand the CPD boundaries approved by Resolution 07-28 (under a separate Ordinance) and a new Master Concept Plan (MCP) 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 to be 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. Under a separate ordinance, 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.

Through the ordinance presented here, the applicant is requesting to invalidate the prior approved schedule of uses, MCP, and site development regulations known as "Option A" and replace it with a new schedule of uses and MCP as a mid-term use of the site within the proposed expanded boundaries. The proposed MCP would include mobile vendors/transient merchants with outdoor seating/entertainment/recreation area, consumption on premises (COP) for beer and wine, 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 will be well below that maximum, which is compliant with Town regulations.

Ordinance 96-14 allows “transient merchants” to operate within the Town and provides guidelines for the permitting of such business. However, Florida State Statute 509.102 preempts the Town from requiring local permitting in addition to a “mobile food dispensing vehicle” license from the Florida Department of Business and Professional Regulation. All relevant requirements must still be maintained, such as Lee County health department certification, but the provision of the permitting under the ordinance is not applicable.

The proposed MCP 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, a public comfort station and a permanent support structure with food/beverage service (2500 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.

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 30 parking spaces dedicated to the mobile vending/food truck park use and permanent support structure with food/beverage service (2500 SF maximum). There are a total of 45 parking spaces provided in total. The 15 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

RESIDENTIAL:

- DWELLING UNIT:
 - MULTI-FAMILY
 - LIVE/WORK PURSUANT TO LDC SECTION 34-1773

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
- OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN
- COMMERCIAL PARKING LOT

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. There are 27 recommended conditions for approval of this application. These restrictions along with the significant buffer and landscape plantings will help to minimize sound carrying over to the surrounding properties. The proposed development is a reduction in intensity of land use as compared the existing CPD MCP.

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)**

Staff Response: There is insufficient distance from Estero Blvd. to Cottage Avenue to allow compliance with this code section. This deviation is necessary to allow access to the site.

- **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 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: 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. See conditions 24 and 25.

- **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, 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 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 access must be restricted to use by the mobile not for the general public or service/delivery vehicles. 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 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 additional parking spaces for the commercial parking lot. However, the deviation would not be necessary if only the parking area of the mobile vendor/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 other development 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 vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious surface.

- **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, 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

10 foot-wide buffers for areas abutting rights-of-way. The proposed 10-foot-wide buffer will contain a minimum of 8 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. Mobile Vendor/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 mobile vendor/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. Mobile Vendors/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: Staff finds the request 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 current request is less intense than the previously approved MCP 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, as it is in the Boulevard Future land use. The expanded boundary area (under separate ordinance), additions to the Schedule of Uses and the MCP are appropriate. The Mobile Vendor/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 mobile vendor/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 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 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. 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 regulations provided 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) 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 a minimum 7.5-foot-wide buffer with a minimum of 10 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row.
 - c) Along the south and east property lines adjacent to 2553 and 2563 Cottage Avenue, a minimum 10-foot-wide buffer with 6-foot-high opaque fence, where applicable, 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) Along Cottage Street (the south property line), 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.
- 3) A maximum of 5 mobile vendor/transient merchant pads, in addition to a permanent service structure (maximum of 2500 sf), is permitted. Any additional mobile vendor pads not shown on the MCP shall require prior Town approval.
- 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) Consumption on the premises will be limited to beer and wine only.
- 6) Hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week.
- 7) The parking lot will be available for use the same hours as the mobile vending park, 7am to 10pm seven days a week. Camping or sleeping in vehicles is prohibited..
- 8) Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the Master Concept Plan. Outdoor amplified music or entertainment 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) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
- 10) A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will either be integrated within the proposed park support structure or as a stand-alone structure on-site. Public access to the "comfort station" will only be during the same hours of operation for the mobile vending park.

- 11) Per Deviation #5, the applicant may utilize a stabilized gravel/lime rock/crushed shell parking surface. The applicant is encouraged to use a grid/semi-pervious paver system to increase permeability and to aid in retaining materials on site in the parking lot area.
- 12) Mobile vendors, outdoor seating, restrooms and any storage space must be located on an approved stabilized non-pervious or semi-pervious surface.
- 13) 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.
- 14) Mobile 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.
- 15) 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.
- 16) All mobile vendors shall be required to connect to onsite utilities including electrical, water and sanitary sewer. Generator use is only allowed when electrical service is disrupted or temporarily non-available due to designated disaster related events.
- 17) All mobile vendors and 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 or the Town of Fort Myers Beach. The removal of vendor vehicles is the responsibility of the property owner. Vendors may not return until authorized by the Town or Lee County Sheriff's Office.
- 18) Restroom facilities must be provided based on maximum occupancy of the total seating area in conformance with the Florida Building Code.
- 19) All alcohol sales must be in conformance with state regulations.
- 20) 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.
- 21) 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.
- 22) All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131
- 23) Access to and from the property for mobile vendors only 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.
- 24) At the time of local development order approval, directional and restrictive vehicle access signage (e.g. NO THRU TRAFFIC) will be provided at the primary access and along Chapel Street and Cottage Avenue.

- 25) At the time of local development order approval, on-street/right-of-way buffer landscape plantings, no parking signage and infrastructure (e.g. decorative post and rope/chain) will be provided to help eliminate illegally parked vehicles within the Chapel Street and Cottage Avenue right-of-ways abutting the subject property. The on street/right-of-way buffer landscape area will vary in width based on the roadway configuration and consist of shrubs and trees complementary to the adjacent on-site landscaping; be maintained less than 36 inches high for shrubs; and will not violate vehicle visibility requirements.
- 26) Outdoor lighting: In no case may the illumination exceed 0.2 footcandles measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.0 footcandles measured at 10 feet from the property line onto the adjacent residential property. (NOTE: Current regulations allow 0.5 footcandles measured at the property line and 0.2 footcandles 10 feet from property onto residential property.)
- 27) Proper site management, including site cleanliness and proper waste removal is the responsibility of the property owner/manager and any violations will be issued to the site ownership for remediation and not to individual vendors.

V. EXHIBITS

Staff Report Exhibits:

A – Resolution 07-28 and MCP “Option A”

B – Mobile Vending/Food Truck MCP and Schedule of Uses – Revised 1.28.25

C – Application

D - Applicant Narrative – Revised 12-10-24

E – Parking Analysis

F - Postcards

EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

D.I.E.
 RR
 WPP
 GUY
 ONP
 MBOX
 LP
 CB
 CONC
 MON

03/01/2000

4401 NW 20TH TERRACE
CAPE CORAL, FL 33903
239-571-4968
LB 9456

SURVEYOR	DGM
DRAWING BY	DGM
APPROVING	CAPE CORAL
DATE	10/24/2023
SHEET TITLE	

BOUNDARY SURVEY

PROJECT:

19-46-24-W3-01204.0100	2500 ESTERO BLVD.	
LOTS 10, 11, 12 & PART 13	SEAGRAPE SUBDIVISION	
19-46-24-W3-01204.013A	2443 COTTAGE AVE.	
PART LOT 13	SEAGRAPE SUBDIVISION	
19-46-24-W3-01302.000	2510 ESTERO BLVD	
LOT 2	BLAINE'S SUBDIVISION	
19-46-24-W3-01307.0000	2518 ESTERO BLVD.	
LOT 1	BLAINE'S SUBDIVISION	



INHERENT CREDIBILITY TO THE BEST OF MY KNOWLEDGE THAT "THE SURVEY OF THE HUMAN DISCOURSED UNCLE TOM'S CABIN REPRESENTATION OF THE FLEET SLAVEY MARCHES UNDER JACOB TO THE STANDARDS OF THE PROGRESSIVE PROTESTANT CHURCHES AND CONGRUOUS TO THE STANDARDS OF PROGRESS FOR PROTESTANT CHURCHES AND CONGRUOUS AS OUTLINED IN COMPLETE REPORT OF THE FURNISHING OF THE CODE."

DANIEL J. KELLY
GENERAL COUNSEL, K&N
PROFESSIONAL, SARGENT AND MUELLER
FLORENCE, DISTRICT OF COLUMBIA

2500 Estero Blvd. Property Location Map



March 8, 2024

Air Photos: 2023 Hi-Res (3 inch)

HospitalLocations

School Locations

Library Locations

H

S

L

CCC_Parks

School Locations

HospitalLocations

P

S

H

Major Roads Medium

County Boundary

US 41

M

C

41

Other Roads

Other Highways

Parcels Near

I - 75

0

20

40

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.

Page 117 of 406

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:

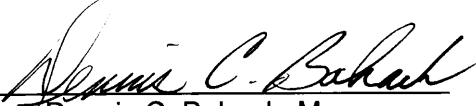
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests:
 - 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>

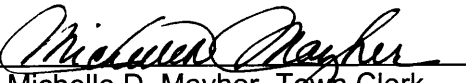
DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

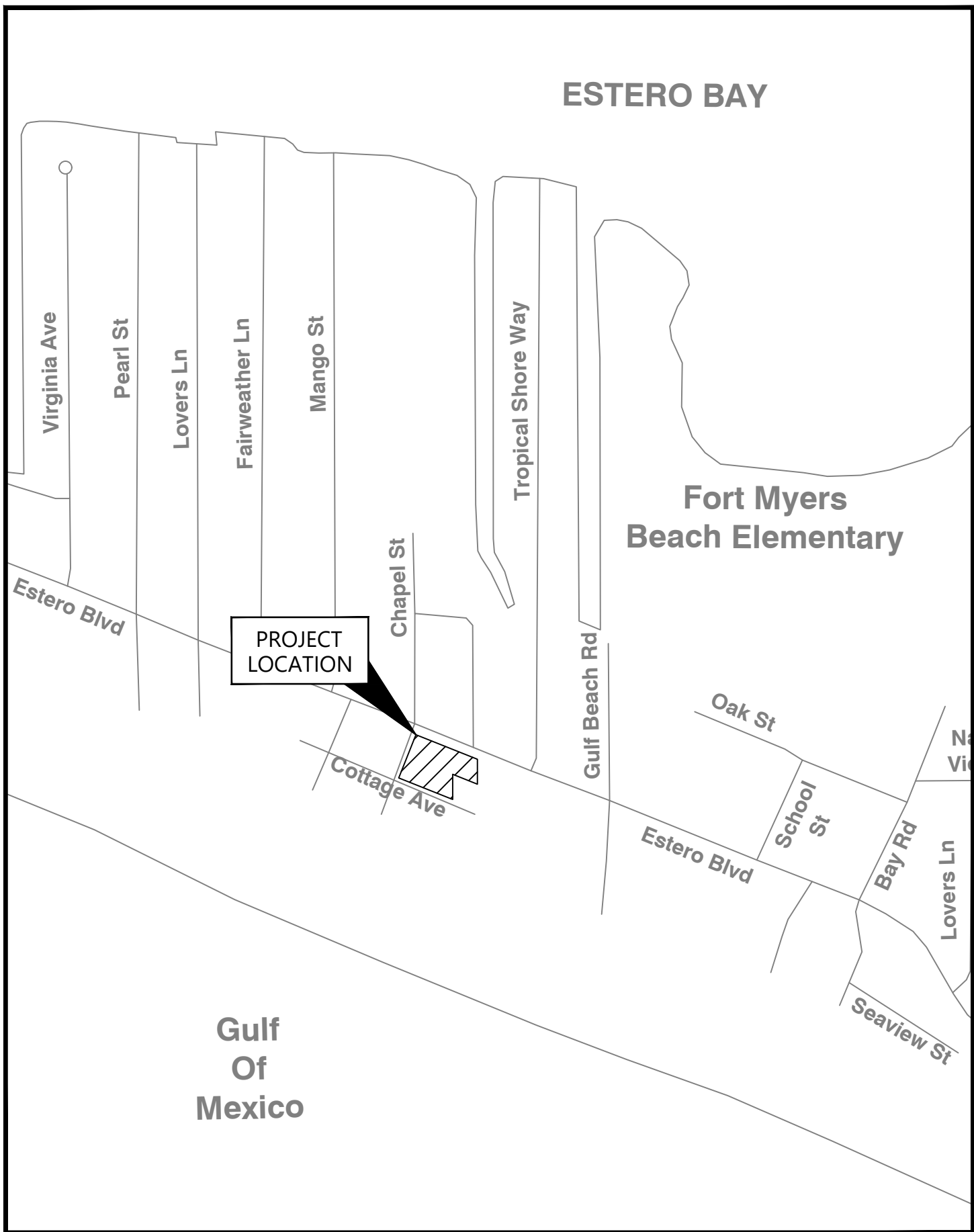
By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle D. Mayher, Town Clerk

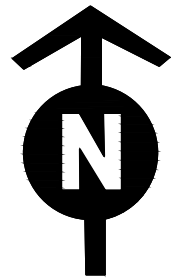
MASTER CONCEPT PLAN FOR

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:



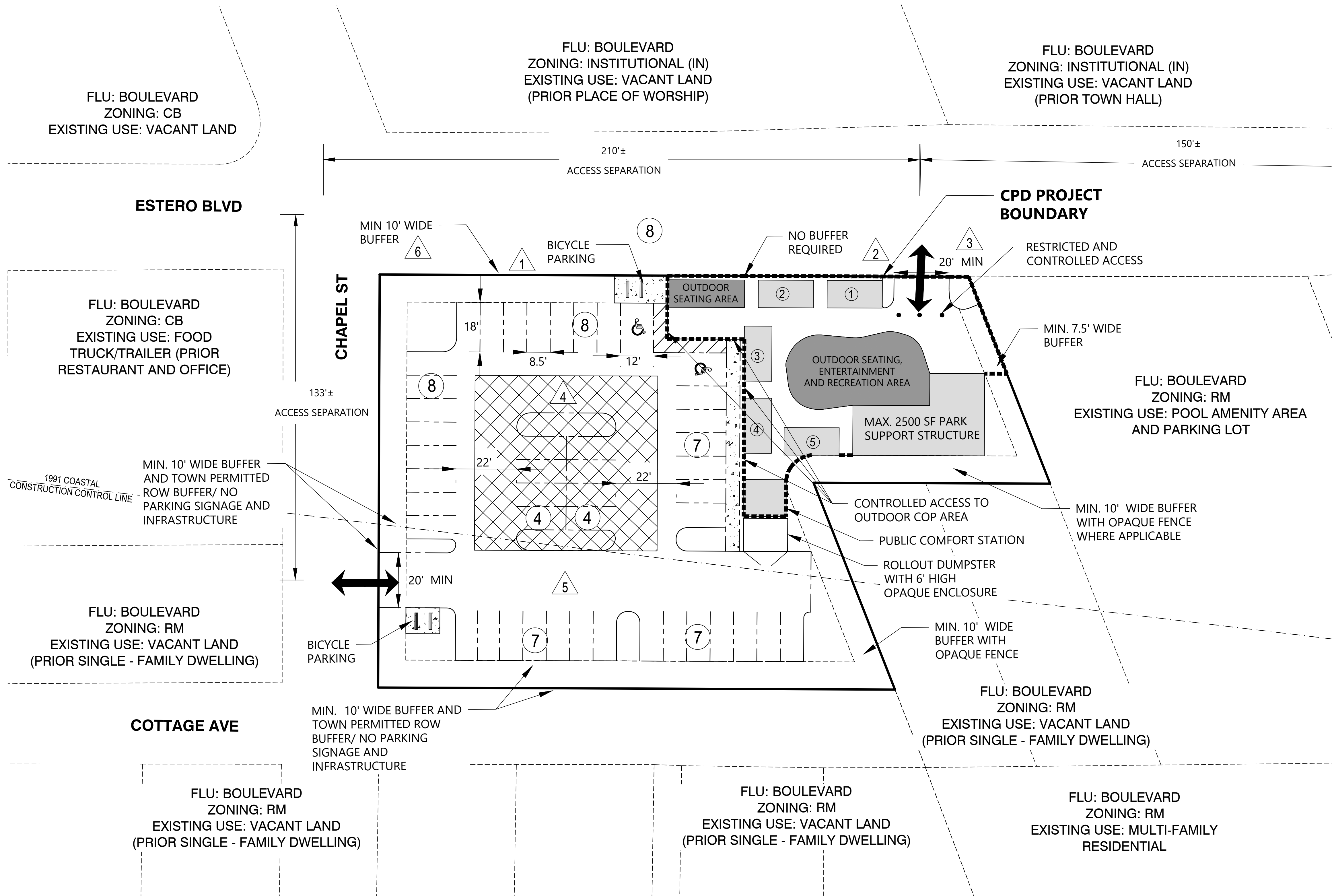
5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

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.:
January, 2025	230035.01.01	1 OF 3



LEGEND			
	-	CPD BOUNDARY	
	-	OUTDOOR COP BOUNDARY	
	-	MOBILE VENDOR/TRANSIENT MERCHANT PAD UNLESS LABELED OTHERWISE	
	-	STORMWATER MANAGEMENT UNDERGROUND CHAMBER	
	-	VEHICULAR INGRESS / EGRESS	
	-	DEVIATIONS	

0

20

40

DATE

DRAWN

REVISION

#

	CLIENT: EMPIRE HOLDING CORPORATION		PROJECT: 2500 ESTERO PLANNED DEVELOPMENT (CPD) AMENDMENT		TITLE: MASTER CONCEPT PLAN	
	PROJECT NO.: 230035.01.01	DATE: 12/24	DRAWN: F.L.	DESIGN: K.G.	SHEET NUMBER: 2	OF 3
	5618 WHISPERING WILLOW WAY FORT MYERS, FL 33908 WWW.THENEIGHBORHOOD.COM/COMPANY					



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

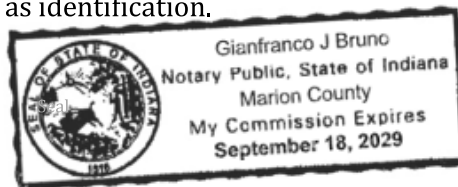
Title

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]

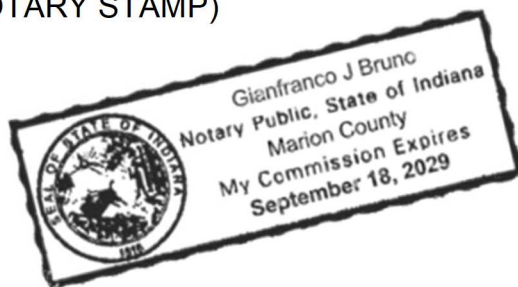
Print Name: James R Hotka

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.

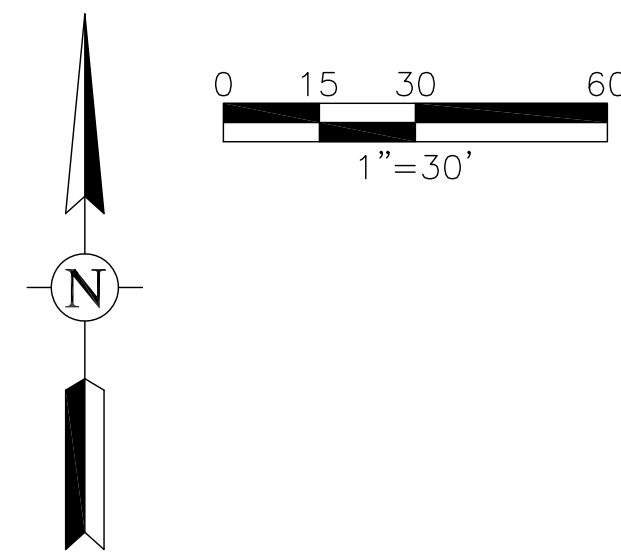
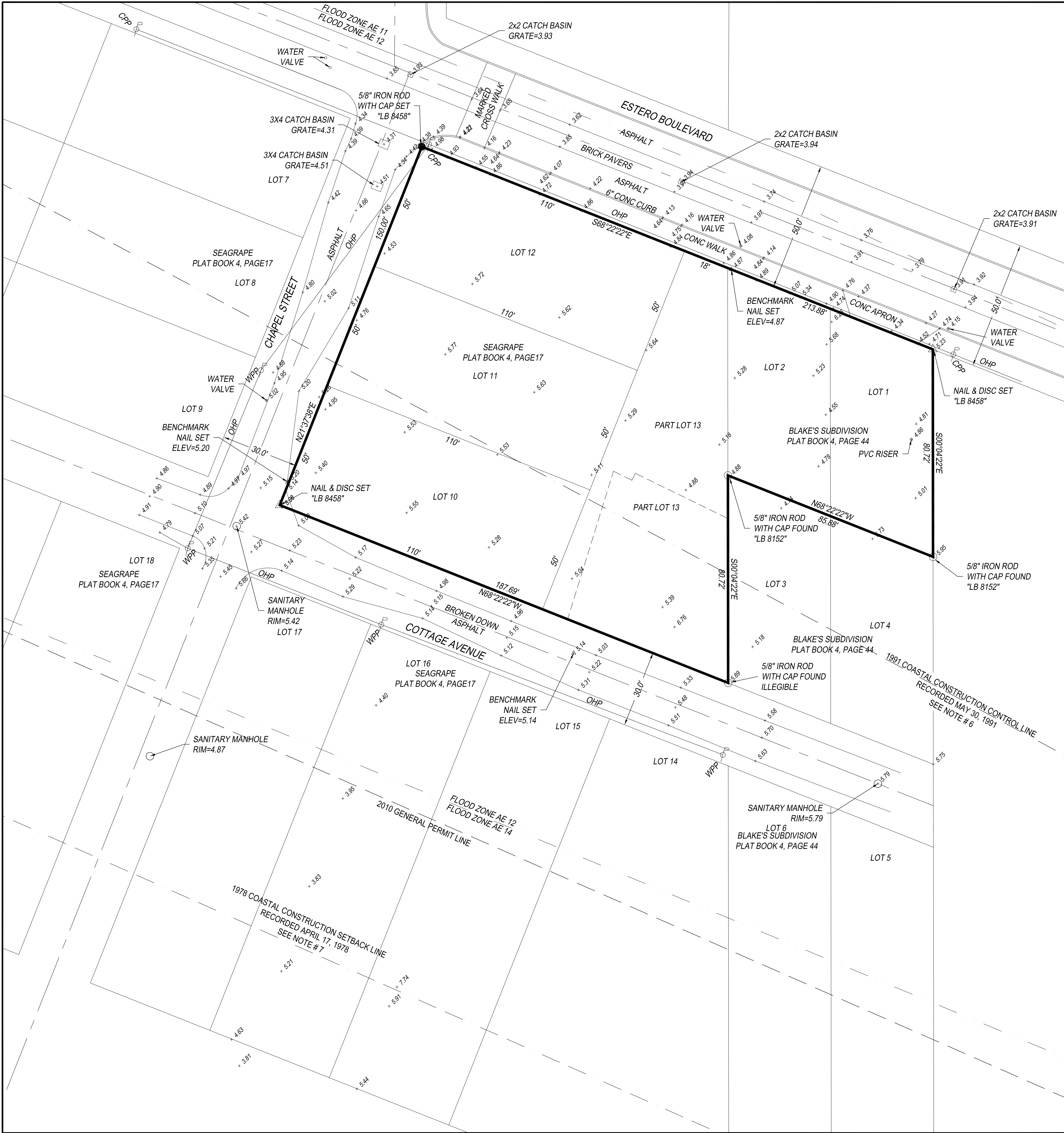
Due to the justifications provided above, we respectfully request waivers from LDC Sec. 10-473 and LDC Sec. 10-286 which require a Listed Species Survey and a Traffic Impact Statement to accompany the CPD Amendment application.



**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
MBX	MAIL BOX
LP	LIGHT POLE
CB	CATCH BASIN
CONC	CONCRETE
MON	MONUMENT



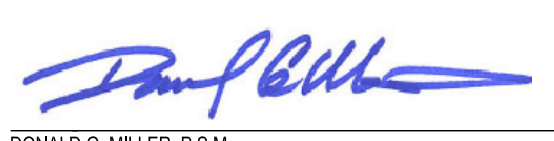
MILLER GEOSPATIAL LLC
YOUR LAND SURVEYING PARTNER

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.

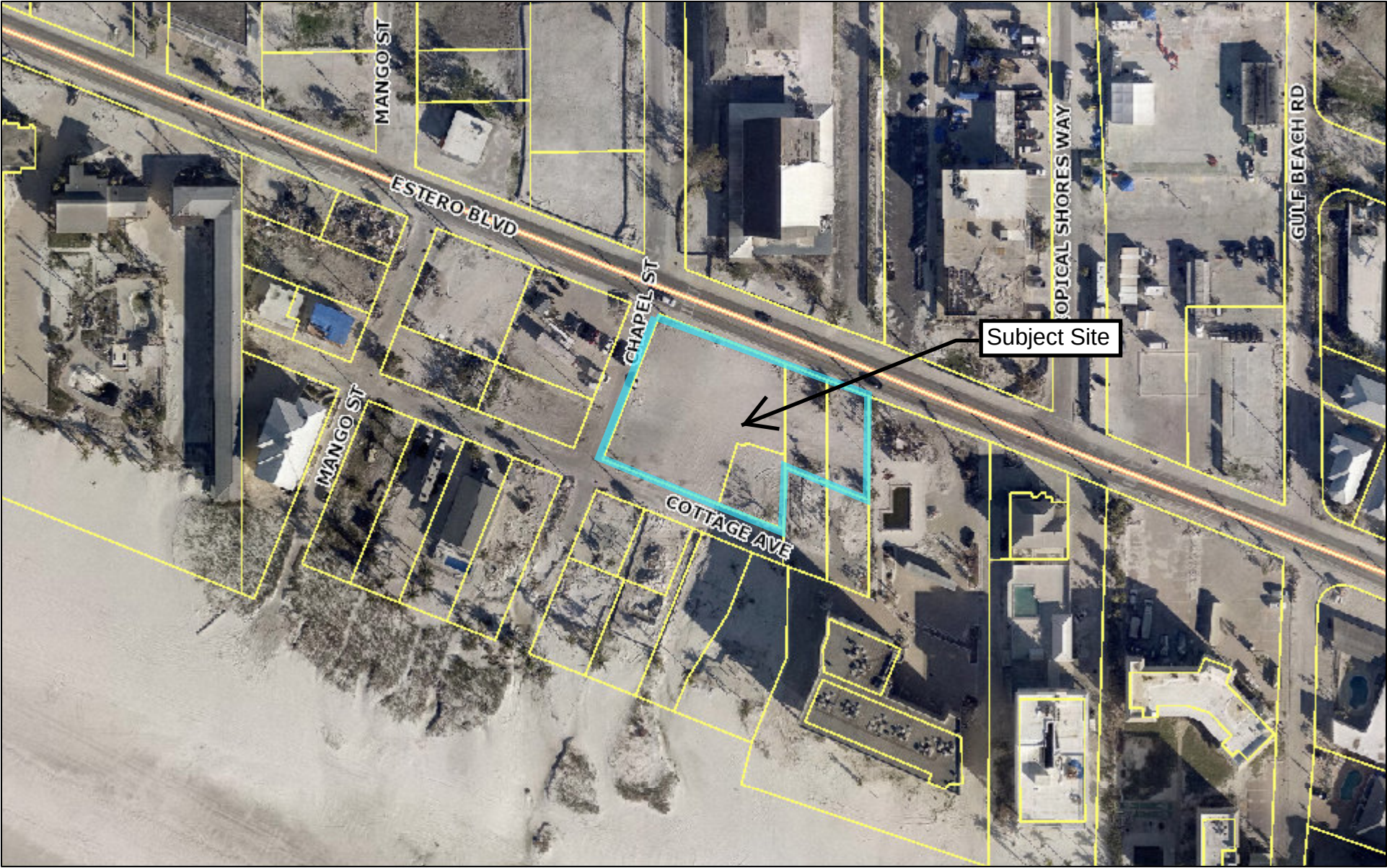
CERTIFIED TO:
EMPIRE HOLDING CORPORATION



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 Blvd. Property Location Map

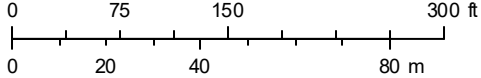


March 8, 2024

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 +		553 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 MULDOWNEY 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 #3B	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 EDGEEMERE 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	

C. Comprehensive Plan Compliance.

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

Please see attached Narrative

D. Design Standards Compliance

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

Please see attached Narrative



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

[illegible]

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

[illegible]

G. Administrative amendments to approved Master Concept Plan

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

Please see attached Narrative

PART 2 Submittal Requirements

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

Required Items

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

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

Guide to Filing Supplement PH-D for Planned Developments

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

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

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

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Part 1 Narrative Statements:

Comprehensive Plan Amendments

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

Construction Phasing

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

Comprehensive Plan Compliance

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

Design Standards Compliance

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

Decision-making compliance

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

Schedule of deviations and written justification

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

Administrative amendments

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

Part 2 Submittal Requirements

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

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

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

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

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

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

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



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

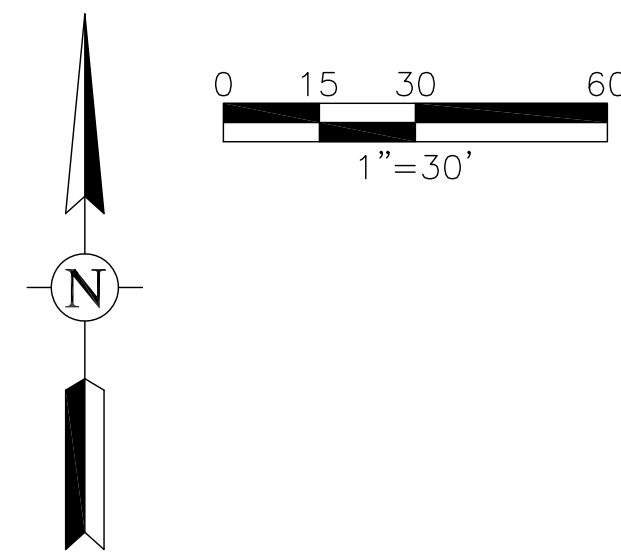
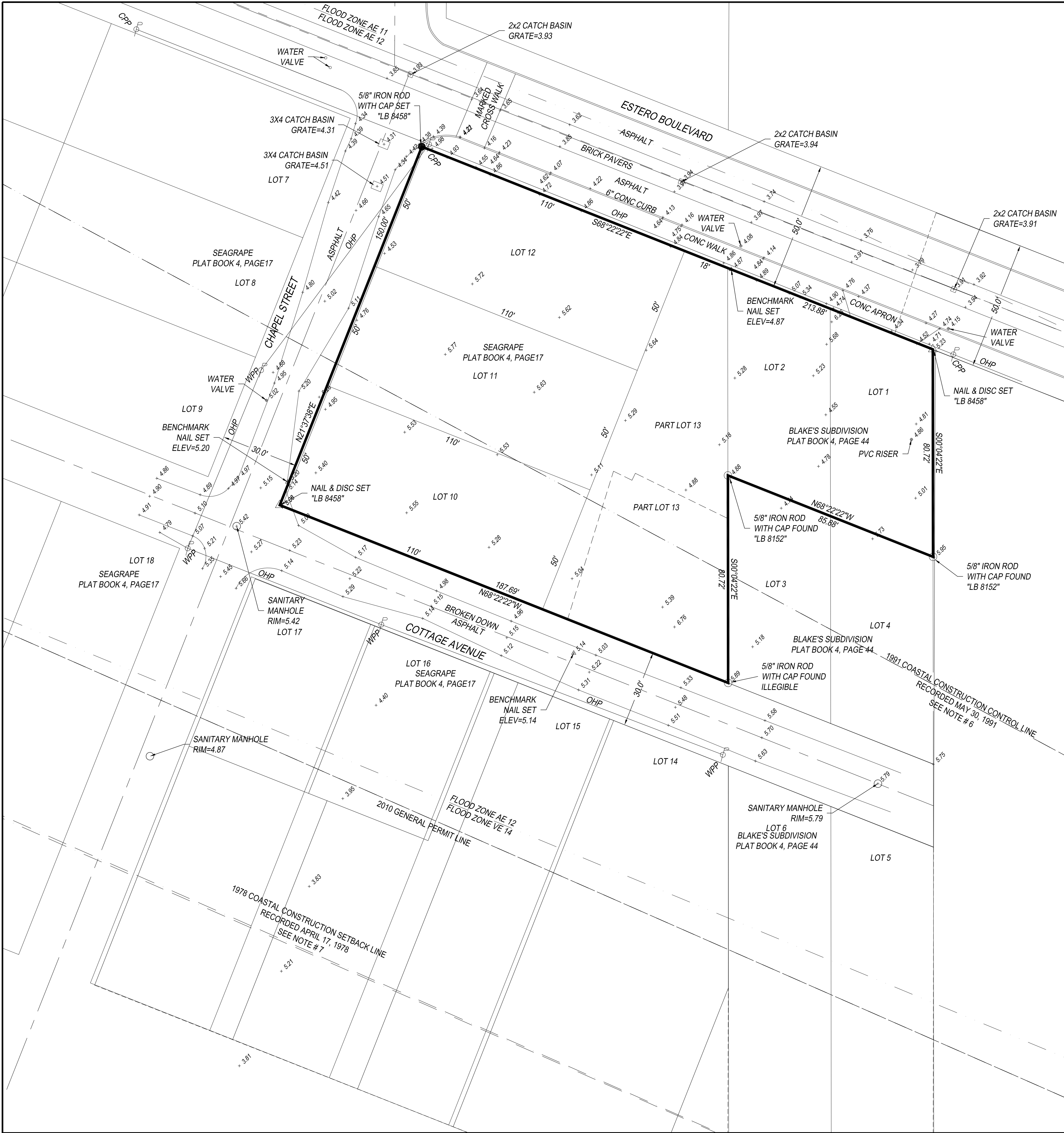
Kenrick Gallander, AICP Vice President, Partner

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

23154_BOUND.DWG



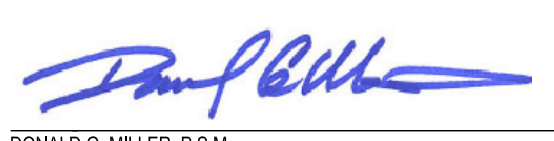
MILLER GEOSPATIAL LLC
YOUR LAND SURVEYING PARTNER
4401 NW 20TH TERRACE
CAPE CORAL, FL 33903
238-571-4668
LB 8458

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

10/26/2024 - REVISED FLOOD ZONE OFF PROPERTY TO "VE"

**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.



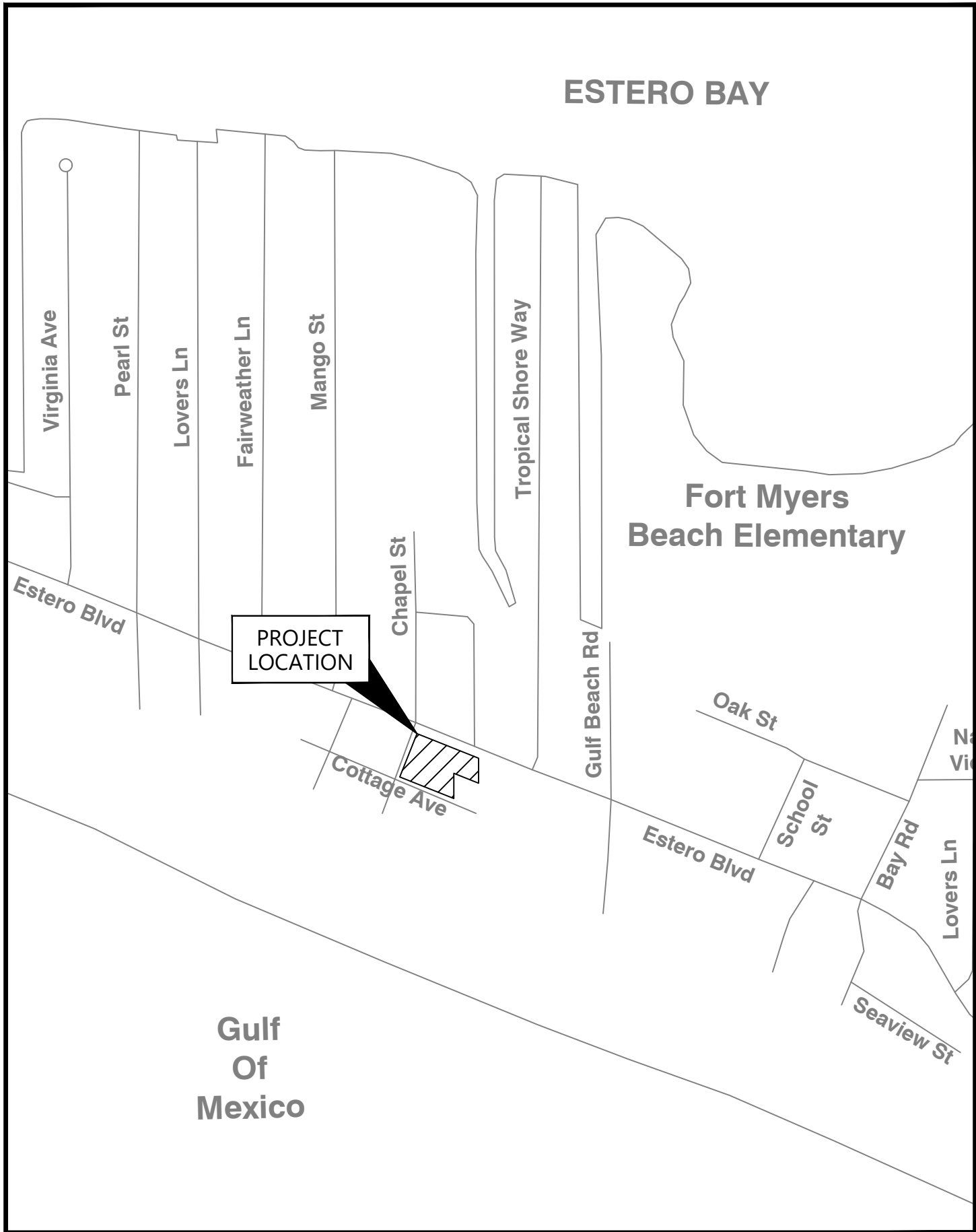
DEVIATION #6 seeks relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

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.

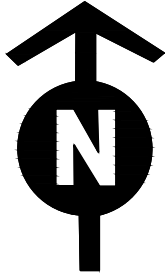
MASTER CONCEPT PLAN FOR

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



THE NEIGHBORHOOD COMPANY

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

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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 February 11, 2025; 1st Town Council March 3rd, 2025; 2nd Town Council April 7th, 2025

CASE: DCI20240137.1 and DCI20240137.2

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

Town of Fort Myers Beach
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«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

David J. Moscoso
Attorney at Law
Phone: 305.260.1003 Fax: 305.442.2232
dmoscoso@beckerlawyers.com



Becker & Poliakoff
2525 Ponce de Leon Blvd, Suite 825
Coral Gables, FL 33134

Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

February 4, 2025

VIA E-MAIL ONLY: jfrankel@fmbgov.com

Judith Frankel, AICP, Principal Planner
Community Development
Town of Fort Myers Beach

***RE: Opposition to CPD Amendment Case Nos. DCI Rezoning 20240137.1
and 2024137.2 (Project Name: Food Truck Park) at 2500/2510/2518
Estero Boulevard and 2543 Cottage Avenue, Fort Myers Beach, Florida***

Dear Ms. Frankel:

Please be advised that our Firm represents the following with respect to the above-referenced applications:

1. Pelican Watch Condominium Association, Inc. ("Pelican Watch"), which operates and controls the Condominium Property, comprised of forty-eight (48) residential condominium units and common element property, located at 2530 and 2532 Estero Blvd., Fort Myers Beach, Florida;
2. Thomas S. and Debra S. Danford, Managers and Members Coastal Cottages LLC, owning residential property located at 2520 and 2522 Cottage Ave., Fort Myers Beach, Florida (the "Danfords"); and
3. Edwin T. French, III, 2548 and 2550 Cottage Ave., Fort Myers Beach, Florida ("Mr. French").

Pelican Watch, the Danfords, and Mr. French are collectively referred to herein as our Clients.

The Pelican Watch Condominium Property immediately abuts 2518 Estero Blvd. and is ±39-feet from 2543 Cottage Ave. that are subject to the proposed Commercial Planned Development

(“CPD”) amendments. The respective properties of the Danfords and Mr. French are also ±31-feet from the properties subject to the proposed CPD amendments. If the proposed CPD amendments are approved, they will detrimentally affect Pelican Watch and its unit owners, the Danfords, and Mr. French. Accordingly, our Clients write to object to the above-referenced applications due to threatened harm and disproportionate impacts threatened by same.

Together with this letter, our Clients submit the following **enclosures** into the record for the above-referenced cases and ask that same be included in the agenda packets for the Local Planning Agency (“LPA”) hearing on February 11, 2025 and any subsequent public hearings at which these cases will be heard:

1. Expert Planning Report prepared by Max Forgey, AICP, Forgey Planning, dated February 3, 2025, and Mr. Forgey’s CV;
2. Expert Traffic Report prepared by Mohsen Salehi, AICP, ITE(F), Corbel Design Consulting Services, dated February 4, 2025, and Mr. Salehi’s CV;
3. Value Impact Study prepared by Matthew S. Simmons, State-Certified Residential Real Estate Appraiser, State-Licensed Real Estate Broker, and Managing Partner, Maxwell, Hendry, Simmons, dated January 31, 2025, and Mr. Simmons’ CV;
4. Renderings of the existing development and proposed redevelopment in the vicinity of the proposed project, layered onto the Applicant’s renderings, which were prepared by Justin Rios, AIA, NASCLA, Director of Pre-Construction and Design, New Path Construction and Consulting;
5. Minimum Requested Mitigations/Conditions; and
6. Letters of objection from area residents addressed to Town staff received as of the date of this transmission and a corresponding map of their property addresses in relation to the proposed development. Any additional letters of opposition received after this transmission will also be submitted into the record at the LPA hearing on February 11, 2025.

Our Clients have established the adverse impacts posed by these proposed CPD amendments and that the proposal is incompatible with the surrounding uses. As a result, the proposal will greatly diminishes the existing residents’ quality of life. For all the above reasons and the reasons detailed in the enclosures, which are supported by substantial competent evidence, as well as the testimony before and discussion by the LPA on January 9, 2025, we respectfully urge the LPA to recommend denial to Town Council, and for Town Council to ultimately deny these applications.

Thank you.

Very truly yours,



David J. Moscoso
For the Firm

DJM/KOB/ma
Enclosures (as stated)

cc: Clients

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February 3, 2025

SUBJECT: JUSTIFICATION FOR DENIAL OF COMMERCIAL PARKING LOT AND FOOD TRUCK PARK REZONING APPLICATION (CASE NO. DCI REZONING 20240137.2) AND FOR DENIAL OF 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

1. Purpose of Report and Qualifications of Expert

Purpose: This report was prepared on behalf of the PELICAN WATCH CONDOMINIUM ASSOCIATION, INC. ("Pelican Watch"), Randy Briesath, President; which operates and controls the Condominium Property, comprised of forty-eight (48) residential condominium units and common element property, located at 2530 and 2532 Estero Blvd., Fort Myers Beach, Florida; EDWIN T. FRENCH III, owner of properties at 2548 and 2550 Cottage Avenue ("Mr. French"); and THOMAS S. AND DEBRA S. DANFORD, Managers and Members of Coastal Cottages LLC, owning residential property located at 2520 and 2522 Cottage Ave., Fort Myers Beach, Florida ("the Danfords").

This letter addresses the rezoning application for the proposed food truck park located at 2500/2510/2518 Estero Blvd. and 2543 Cottage Ave., Fort Myers Beach, FL. This report identifies inconsistencies with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other potential adverse impacts on the community, and will propose findings of fact to justify the denial of this application.

Qualifications: The undersigned has an MPA in Urban and Regional Planning from the O’Neill School of Public and Environmental Affairs at Indiana University, Bloomington, and has been a member in good standing of the American Institute of Certified Planners (AICP) since 1993, with extensive experience in land use planning and regulatory review. Notable projects include authoring key elements of the Lee County, City of Cape Coral, and Charlotte and Osceola County Comprehensive Plans. Additionally, the undersigned has provided expert witness services in rezoning and land use cases across Florida, focusing on compatibility analyses, environmental impacts, and procedural compliance.

2. Quasi-judicial nature of rezoning cases.

This rezoning case involves a quasi-judicial action, as distinguished from a legislative action, such as any amendment to the Town’s Comprehensive Plan. W. Thomas Hawkins, in his magisterial *Land Use Law in Florida* [Routledge, 2021] posits that “Florida courts call as-applied land use actions quasi-judicial, and subjects those decisions to strict scrutiny, a standard which...requires competent and substantial evidence and testimony showing that the decision meets applicable requirements of law. Additionally, parties affected by quasi-judicial decisions are entitled to procedural due process protections to which parties affected by legislative decisions are not entitled [pg. 35].

Hawkins further states that:

“Procedural due process ‘serve[s] as a vehicle to ensure fair treatment through proper administration of justice where substantive rights are at issue.’ The ‘core’ of procedural due process is ‘the right to notice and meaningful opportunity to be heard’. And the opportunity to be heard requires ‘a meaningful opportunity to contest [a possible government deprivation] usually before it is imposed.’” [pg. 47].

Hawkins identifies six indicia for the conduct of quasi-judicial hearings by local governments:

“In Florida, case law dictates how local governments must conduct quasi-judicial hearings. Parties to quasi-judicial hearings are generally entitled to: (1) receive notice of the hearing; (2) an opportunity to be heard; (3) present and rebut evidence; (4) cross-examine witnesses; (5) a tribunal which is impartial in the matter; and (6) be informed of all the facts on which the commission acts.” [pg. 47]

In any quasi-judicial case, neighboring property owners should be afforded an opportunity to speak and be heard about the short and long term impacts of a proposed land use on their own use and enjoyment of their properties. The January 9th hearing did not afford that opportunity; they hope that the February 11th continuance will invite a high level of participation.

3. The subject property and proposed uses.

The following table summarizes the Zoning Map and Future Land Use Map designation for the subject and surrounding properties and their existing uses.

Direction	Zoning Map	FLUM	Existing Uses
Subject Property	CPD, CB and RM	Boulevard	Vacant
North	RM	Boulevard	Vacant
East	CG	Boulevard	Pelican Watch Condo
West	RM and CB	Boulevard	(One) Food Truck and vacant
South	RM	Boulevard	Vacant

4. Staff Reports. There are two applications for rezoning of this subject property which are addressed in two separate staff reports, both of which are dated January 9, 2025:

1. **DCI Rezoning 20240137.1**, to 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 [8 pages]; and
2. **DCI Rezoning 20240137.2**, to 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 [12 pages].

These reports will be analyzed in paragraphs 5 and 6, below.

While both Staff Reports contain detailed analysis, and both recommend approval with conditions, the analysis minimizes some important considerations which will be addressed in this report. Specifically, the Staff Reports:

- a) Do not address the adequacy or inadequacy of the Owners’ existing entitlements, which are the same as those of the residents of the Pelican Watch, and of Mr. French and the Danfords. These neighboring property owners contend that the applicants’ Future Land Use Map (FLUM) designations and zoning category are appropriate entitlements for the subject property and should not be amended.
- b) Contain no analysis of the potential impacts of the changed use on neighbors in the immediate vicinity. Despite the very short notice afforded to the residential neighbors, including Pelican Watch residents and Mr. French and the Danfords, these neighbors raised a host of potential impacts to the use and enjoyment of

their properties, including antisocial behavior, trespassing, public drunkenness, unauthorized parking, noise, odors, debris, electric light pollution., rodents, and other nuisances.

- c) Do not address the statutory definition (Sec. 163.3164(9)) of compatibility, with its strong emphasis on coexistence of different uses in relative proximity over time. The undersigned contends that the applications, as proposed, are categorically incompatible with the statutory definition and should be denied for that reason alone.
- d) Rely upon the research performed by the Applicants and Applicants' experts to apply the ordinances of nearby communities with very different geographies and commercial patterns. The uses of Lee County's ordinance is particularly problematic, because Lee County prohibits operating on undeveloped lots. requiring the developer to comply with Sec. 34-2017(a), "High turnover parking lots" and Sec. 34-2018 "Joint use of parking lots" of the City of Fort Myers Beach Code. This will require the developer to address vehicle fluid seepage from both the food truck vendor vehicles and patrons using the site for parking.

5. Rezoning 20240137.1—the expansion of boundaries. Property owner, Empire Holding Company, requests an expansion of the CPD boundaries on the existing .52+/- acre parcel previously approved in Resolution 07-28. Subsequent to the approval of the resolution, the property owner purchased two additional adjoining properties with dwelling units which brought the subject property to an area of .69 +/- acres. The two dwelling units were destroyed by Hurricane Ian in 2022. The Fort Myers Beach Comprehensive Plan assigns a Future Land Use Map (FLUM) designation of "Boulevard" and designates the neighborhood as "Civic Complex."

The Staff Report addresses "Neighborhood Compatibility" on page 2. The report states the distance between the subject property and the commercially intensive Times Square, and refers to adjoining streets, but does not address the impact which the proposed development might have on the immediate vicinity. Moreover, it does not cite the statutory definition which appears in Sec. 163.3164(9):

"Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

The proposed use will not be compatible with the "single and multifamily properties" referred to in the report. Neighboring residents and property owners testified at the January 9, 2025 LPA hearing about the potential direct undue negative impact upon the use and enjoyment of their properties which would be caused by this development. Specifically, they cited their reasonable

concerns about noise, trash, antisocial behavior, disruptive traffic and illegal parking, and annoying electric light. Because the applicant proposes a permanent, instead of a temporary, use of the property by food trucks, the possibility of coexistence in relative proximity over time is negated.

Noise is a matter of particular concern in determining whether a proposed development is compatible with existing uses. In this case, the most intrusive use is immediately adjacent to the Pelican Watch pool which is dawn/dusk operation per Florida Department of Health. Extreme incompatibility will occur during winter months when dusk is much earlier than the proposed hours. The height disparity between the residential homes (being rebuilt Post Ian) and Pelican Watch makes noise mitigation nearly impossible. Similarly, the sole reliance on a mere 7.5-foot buffer between Pelican Watch's fence, which has not been rebuilt to date following its destruction in Hurricane Ian, along the NE property line cannot enhance compatibility between the proposed development and residential neighbors, including the single family lots owned by Mr. French and the Danfords.

6. Rezoning 20240137.2—the Food Truck Park. In this case, Staff's analysis turns to the details of the food truck park itself. Staff observes on page 1 that: "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...designed for five (5) improved pads." It is noteworthy that this describes a proposed use on a less than seven-tenths of an acre (.7-acre) parcel of land. The analysis further states that "[a]dditional outdoor seating is also proposed along Estero Boulevard to further activate the public realm" and that "[t]he proposed mobile vendor/ transient merchant park will provide island residents and visitors an opportunity to access a destination for socialization near the beach." It is further noteworthy that the opportunity for socialization has never been wanting on Estero Island and that testimony from the Pelican Watch residential neighbors, Mr. French, and the Danfords about the existing impacts of visitors between Estero Boulevard and the beach are too much of a good thing. The "public realm" in this situation means public interaction and commerce, which are not undesirable in themselves, but which require a high level of mitigation in the form of an exceptionally long catalogue of staff-proposed conditions.

The Staff Report makes no mention of the investment-backed expectations of neighbors to the proposed development, including Mr. French who intends to rebuild two single family units at considerable expense on his properties which will be severely compromised by intense outdoor development in close proximity. The applicants have relied upon the food truck ordinances of the Cities of Fort Myers, Cape Coral, and Bonita Springs as their models, and the Staff Report has validated that their use as good examples for Fort Myers Beach. There are two reasons for caution in applying these standards. (1) The fact that these communities have ordinances strongly suggests that Fort Myers Beach should also have an ordinance. (2) Despite the proximity of these

municipalities, they are not barrier island communities with the exceptionally fine-grained land use pattern of land use found on Estero Island.

The Applicants did not cite the Lee County Land Development Code (LDC) as a model. Sec. 34-2017, cited below, should be considered as model language:

“Sec. 34-2017. - Parking lot surface.

(a) High turnover parking lots.

(1) Parking aisles. Except as provided in Subsection (d) of this section, all high turnover parking lot aisles must be provided with a **paved, dustfree, all-weather surface**.

(2) Parking spaces. All parking spaces, except those seaward of the coastal construction control line, must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb. All disabled parking spaces, including disabled parking spaces seaward of the coastal construction control must be paved with asphalt or concrete to provide a smooth surface without gaps or holes that create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include **asphalt, concrete, paving block and other similar types of treatment**. Parking spaces, excluding disabled parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the Director.” [Emphasis added.]

This would require the developer to address vehicle fluid seepage from both the food truck vendor vehicles and patrons using the site for parking.

Fort Myers Beach resident Jerry Weaver summarized the justifications for denial of this application as follows: “As a Ft. Myers Beach resident I feel our town mission should be to promote and create an environment for restaurants, cafes and delis with permanent structures (like we used to have). These type of businesses cannot begin to justify the initial expense when competing against food trucks. Just another reason why many communities have rejected food truck courts.”

The undersigned concludes, based upon competent substantial evidence and careful review of the Staff Reports, that this application is not ready for adoption and will not be until the Town reaches out to the residents of Pelican Watch, Mr. French, the Danfords, and other neighbors to adopt a fitting ordinance regulating the siting and operation of food truck parks.

7. Issues identified in the January 9, 2025 LPA hearing. The Town’s Local Planning Agency (LPA) conducted a quasi-judicial on January 9, 2025. Following testimony, the LPA was deadlocked by a 3-3 vote and decided to continue the case to February 11, 2025 at 9:00 AM. The undersigned welcomes the opportunity to rehear this application on February 11th and to offer fresh evidence and analysis.

The undersigned watched and listened to the entire three-hour, forty-eight (3:48) minute hearing on You-Tube and offers a summary of the proceedings, including issues identified by the participants, as an **Attachment to this report**. Times cited in [brackets] are approximate. Due to the sometimes poor audio quality, it was not always possible to accurately quote each speaker.

8. Comprehensive Plan Consistency

Existing Future Land Use (FLU) Designation:

- **Boulevard:** Intended for mixed-use development that balances residential and light commercial activity while prioritizing pedestrian-oriented spaces and limited intensities.

Inconsistencies with Comprehensive Plan:

- **Policy 4-B-1:** The proposed amendment introduces overbuilding risks, contradicting the policy's emphasis on small-town character preservation and judicious planning.
- **Policy 4-C-3:** The lack of adequate pedestrian infrastructure, including sidewalks and trails, undermines this policy's goal to promote walkable, connected activity centers.
- **Objective 11-B:** The project does not provide sufficient parking, creating potential spillover effects on adjacent residential streets. Proposed deviations (e.g., reduced buffer widths) weaken protections for surrounding properties.

9. Adverse Community Impacts

Lay testimony is allowed, and appropriate, in quasi-judicial hearings. Since the January 9th LPA hearing, neighbors have provided several written communications that expressed their concerns with this proposed development. Their responses have been exceptionally articulate and speak to their individual concerns. Some residents, including Sue and Vince Todd, summed their concerns in a list of noxious effects ("Instead of nice peaceful, beautiful views of sunsets over Sanibel Island, we will be forced to tolerate food trucks, loud music, traffic, garbage, odors, birds, rodents, and public sanitary facilities none of which belong in a family residential neighborhood") A sample of their comments appear in this section.

Noise Pollution:

The proposed food truck park, with outdoor seating and entertainment, will operate seven days a week (7:00 AM to 10:00 PM), with live entertainment until 9:00 PM. Noise levels are likely to exceed acceptable thresholds for adjacent residential properties. The most intrusive use is immediately adjacent to the PW pool which is dawn/dusk per Florida Dept of Health. Extreme incompatibility during winter months when dusk is much earlier than the proposed hours. The

height disparity between the residential homes (being rebuilt Post Ian) and PW makes noise mitigation nearly impossible.

Residents and property owners have expressed concerns about noise disturbances, particularly during evening hours, which would significantly impact their quality of life and privacy. These include Steve and Sue Whitehead ("all this noise, lights and music blaring all evening, and waking us up early in the morning"), Mavis Sutton ("The noise and food odors will be pervasive and not welcome by our owners or our renters"), Pat and Dick Ooykaas ("The noise will be unbearable to sit on our lanais if they are allowed to be open from 7 in the morning until 10 at night"), Kim and Pam Stickley ("This is primarily a residential area where people in their units can sit in the evening and enjoy the view. If they have loud music this takes that away from us"), Rick Bruner ("50 yards from my lanai and directly adjacent to our pool will totally impact me and all our neighborhood residence for the reasons we moved here to enjoy the ambience of the beach lifestyle"), and Barbara White ("Open-air food truck parks often bring prolonged and amplified noise, including music, crowd chatter, and vehicle sounds, particularly during evening hours. This noise is disruptive to the residents of our condo, many of whom value the peace and quiet of our neighborhood").

Traffic and Safety:

Mohsen Salehi, the client group's transportation expert, makes these observations about the impact of additional traffic upon the neighborhood:

"The applicant has argued that since the approved resolution 07-28 allows intensities higher than the proposed Food Truck Park and the associated uses, the required traffic impact statement should be waived, without any substantiation on behalf of the applicant. Considering the fact that **the segment of Estero Blvd between Center St (north of the proposed development) and Tropical Shores way (south of the proposed development) has been experiencing LOS F for a number of years it would make traffic Impact analyses essential** for any development impacting this failing segment of Estero Blvd further.

"The applicant's assertion as to '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 and the staff response on page 9 of 12 in the staff report "presented to LPA on January 9, 2025, indicating that "[t]he "Option B" is less intense than the currently approved "Option A" and should not place an undue burden on transportation services would require substantiation (i.e., Saying so, does not make it so.). Particularly since there are unknowns such as the number of food trucks having a floor (i.e., minimum of five (5 food trucks)) but not a ceiling or maximum."

A sampling of lay testimony on this concern was received from Dick and Pat Ooykaas (“The traffic will increase because there will be parking access for the beach. People not knowing that Cottage is a dead end into our parking garage will inadvertently drive through it causing a hazard to our owners who have under building parking spaces. We have two of them”), Kim and Pam Stickley (“Our building has parking below the building where we can drive through and exit at the end. I am afraid people will see this as a way to drive under our building to avoid the congestion at the entrance to the food court. Most of us have young grandchildren who will be walking to the beach and crossing where they would be driving. I’m not sure how we could prevent this from happening”), and Barbara White (“A food truck park in close proximity to a residential area is likely to draw significant vehicle traffic, exacerbating congestion and creating parking challenges in our neighborhood”).

This application should not be granted without a traffic impact analysis that will project the impacts of both the minimum (five trucks) and the maximum (hitherto unspecified) number of “food trucks,” which may be used to sell items other than food and beverage. Additional traffic and safety issues, which were cited in the January 9th hearing, include:

- The site’s limited vehicular access via Chapel Street raises concerns about increased congestion and safety hazards, particularly for pedestrians and cyclists.
- The requested deviations (e.g., reduced driveway spacing) compromise traffic flow and exacerbate safety risks on Estero Boulevard, a critical evacuation route.
- Increased parking overflow, as described by the Whiteheads, could inhibit emergency vehicle access and exacerbate local traffic issues.
- The applicant proposes a publicly accessible “comfort station” consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will either be integrated within the proposed park support structure or as a stand-alone structure on-site. Public access to the “comfort station” exceeds the scope of the proposed use and FLUM designation. Further, the “comfort station” exacerbates the existing issue of vagrancy and uncontrolled pedestrian traffic for the abutting property owners, while providing no measures to guarantee its use to be limited to certain hours of operation.

Aesthetic and Environmental Concerns:

- The inclusion of crushed shell parking surfaces, while cost-efficient, fails to meet aesthetic and functional expectations for this prominent location.
- Inadequate buffering along property lines increases visual and acoustic impacts on adjacent residences.
- Concerns were also raised regarding turtle nesting disturbances due to excessive lighting, which violates the environmental integrity goals outlined in the Comprehensive Plan.

10. Procedural Deficiencies

Incomplete Justification for Deviations:

- Several requested deviations from the Land Development Code lack substantial justification. For example, **Deviation #4** seeks to place parking in a non-compliant location without demonstrating how this serves a legitimate public purpose.
- The lack of sufficient documentation supporting deviations like buffer reductions undermines the credibility of the application.

Lack of Community Engagement:

- Despite claims of public input, no substantial evidence has been provided to show community support for this project.
- The January 9, 2025 LPA meeting indicated a strong opposition presence, with residents articulating concerns about compatibility and adverse impacts. The continuation to the February 11 hearing suggests unresolved issues requiring further scrutiny.
- Correspondence from the Pelican Watch Condominium Association reflects continued frustration with the lack of meaningful outreach or resolution efforts by the developer, despite the city's encouragement of such discussions.
- The Neighborhood Company has repeatedly refused to address mitigation efforts aimed at creating a meaningful sound barrier between the areas where live music is contemplated to be played seven (7) days a week from 7:00 a.m. to 9:00 p.m. There is no buffer offered by the applicant to address the concerns of abutting residential properties, including Pelican Watch Condominium Pelican and Steve and Susan Whitehead, 2563 Cottage Ave, and every mitigation request to address this issue has been denied by the applicant.

11. Recommended Findings of Fact

Finding 1: Neighboring property owners, including residents of Pelican Watch, Mr. French, and the Danfords were not afforded sufficient procedural due process and had no opportunity to engage counsel in a timely manner or cross examine witnesses at the January 9, 2025 hearing.

See items (a), (b), and (ee) in the Attachment below for a reference to the testimony received in the January 9, 2025 hearing concerning the inadequacy of public notice.

Finding 2: The Fort Myers Beach Comprehensive Plan does not provide specific guidance for the siting of Food Truck Parks. Given the potential conflicts between outdoor food truck vendors

and customers and their residential neighbors, Fort Myers Beach should not authorize Food Truck Parks at this or any other location until the Town has had the opportunity to avail the community of the planning process to adopt appropriate standards within the Comprehensive Plan and Land Development Code.

See paragraph 6 above for more information.

Finding 3: The proposed rezoning application is inconsistent with the Fort Myers Beach Comprehensive Plan, particularly Policies 4-B-1 and 4-C-3, as it introduces uses incompatible with the “small-town character” of the community.

Finding 4: The proposed development fails to meet the statutory definition of compatibility under Florida Statutes Sec. 163.3164(9), introducing a high-impact commercial use that cannot coexist in a stable manner over time with adjacent residential neighborhoods.

See paragraph 5 above for more information.

Finding 5: The proposed rezoning fails to adequately address traffic safety concerns, as deviations for driveway spacing and lack of parking provisions undermine transportation safety on Estero Boulevard, a critical evacuation route. Public comment at the January 9, 2025 LPA hearing provided competent substantial evidence from knowledgeable neighbors to support the contention that the residential neighborhood is already beset by serious on-street parking problems that are likely to be exacerbated by the use as proposed.

See items (p), (gg), and (jj) in the Attachment below for a reference to the testimony received in the January 9, 2025 hearing concerning traffic and parking. Additional expert analysis will be presented in Mohsen Salehi’s testimony.

Finding 6: The proposed rezoning does not meet environmental protection standards outlined in the Comprehensive Plan, as increased lighting and insufficient buffering would adversely impact turtle nesting areas and neighboring properties.

Finding 7: Procedural deficiencies, including inadequate justification for requested deviations and insufficient community engagement, fail to satisfy requirements for equitable and transparent land use decision-making.

Finding 8: Community opposition, as expressed in documented testimony from Pelican Watch residents, from Mr. French, and from the Danfords, highlighting significant concerns about noise, aesthetic, and safety impacts, underscoring the project’s incompatibility with surrounding land uses.

See items (ff), (gg), (hh), (ii), and (jj) in the Attachment below for a reference to the testimony received in the January 9, 2025 hearing concerning regarding nuisance impacts.

12. Conclusion and Recommendations

The proposed rezoning application would introduce incompatible commercial use into a transitional residential area, failing to meet the intent of the Comprehensive Plan and Land Development Code. The adverse impacts on neighboring properties, combined with procedural deficiencies, justify denying the application.

Recommendations:

- **Deny the Application:** The Town Council should reject the proposed rezoning and protect the existing character of the surrounding community based upon the above Recommended Findings of Fact.
- **Develop Clear Standards for Food Truck Parks:** Incorporate standards for the siting and operation of Food Truck Parks in the Fort Myers Beach Comprehensive Plan and Land Development Code, ensuring compatibility with adjacent uses.
- **Enhance Public Engagement:** Future development proposals should include transparent and meaningful engagement with affected stakeholders, such as the Pelican Watch Condominium Association and other nearby residents. As noted by the LPA chair, attempts at resolution should be well-documented and form part of the application package.
- **Consider Site-Specific Concerns:** The site's unique location and adjacency to historical properties and residential neighborhoods demand heightened sensitivity in terms of noise, safety, lighting, and environmental protections.

Respectfully,
Daryl Max Forgey, AICP

AICP #051,330

ATTACHMENT: Digest of the January 9, 2025 Local Planning Agency Hearing

Times cited in [brackets] are approximate. Due to the sometimes poor audio quality, it was not always possible to quote each speaker verbatim.

- a) Disclosures offered by the LPA members lacked definition. [18:00 et seq.] Individual LPA members stated on the record that they had received emails from the applicants or met with the applicants and their professionals, but offered no details about their encounters, e.g. presented no summaries of their conversations and offered no notes or recordings.
- b) Town staff recommended a lengthy list of conditions of approval “in the packet delivered this morning [i.e. January 9]” [27:00] The actual number of conditions was 27.
- c) According to Staff Planner Judith Frankel AICP, “we don’t have specific regulations governing food truck parks as an entity.” [28:05 et seq.] She noted that Town of Fort Myers Beach regulates individual food trucks, but not food truck parks, as City of Fort Myers does. Bonita Springs and Cape Coral also regulate clusters of food trucks.
- d) The Town Attorney noted that the regulations for this subject property would apply “only to this application.” [29:55]
- e) The applicants also seek approval of a commercial parking lot of 48 spaces. [31:44]
- f) As proposed, paid parking could be 24 hours per day. [35:35]
- g) At first, the proposal for food trucks was temporary only, to allow wiped out brick-and-mortar businesses to operate for a few years while rebuilding their old restaurants and shops. Staff said no, according to applicant spokesperson. [45:00]
- h) Applicants James and Debbie Hotha declared their intention to “do something to create income” [43:00 et seq.] They further stated that it would “not be a late night party place.”
- i) Applicants request a CPD amendment [52:00] requesting some of the old zoning.
- j) Compatibility slide [55:19] is problematic because it mentions “prior” and “future” uses, but downplays the largest existing use which would be impacted by the proposed use—the residences at Pelican Watch.
- k) There was an extended discussion of hours of operation, the minimum and maximum number of trucks and how noise, odor, and other nuisances would be regulated and enforced, and other matters. [57:00 et seq.]
- l) Applicant stipulated that no beverages stronger than beer or wine would be sold. [59:00]
- m) The minimum required number of parking spaces was 26, and not 45. [1:09:28]

- n) Amplified music would not be allowed after 9:00 PM and amplified sound would be directed away from residences. [ca. 1:16:00 et seq.]
- o) Applicants' representative stated that the trucks didn't have to be food trucks; they might, for example, sell hardware, and the parking lot would be supervised. [1:17:10]
- p) Ca. 1:18:00 there began a lengthy discussion of what ifs—would overnight RV parking be allowed? Would there be spaces reserved for customers? Would there be credits and parking vouchers?
- q) Ca. 1:26:00 there began a discussion about vegetation, drainage and paving materials, including crushed shell.
- r) At 1:31:12 and thereafter, there was an extended discussion of temporary uses (condition #12), emergency generators (#17), and licenses (#15). Vape selling would be prohibited.
- s) At 1:34:00 and thereafter, there was an extended discussion about evacuation and the uses for the site during states of emergency.
- t) At 1:36:50 there commenced a discussion of conditions #24 and #27, and the right of first refusal, of outdoor lighting and undesired access to the Pelican Watch property.
- u) Beginning at 1:39:30, there was an extended discussion of traffic signage, lighting, and sea turtles.
- v) Beginning at 1:48:45, there was a discussion of fencing and other buffering issues. At 1:49:31, the applicant stated that he hoped to open the development in time for next year's [2025/6] season. Some LPA members expressed concern about what happens if the proposed development did not open. An LPA member recommended that sunsetting would be a good idea in fairness to brick and mortar operations and that brick and mortar and food truck operations have different overhead. Patrick Vanasse, for the applicant, said that the highest cost was the cost of land.
- w) Beginning at 2:00:00 Judith Frankel criteria for approval from the Town Land Development Code (LDC). She found that: (1) Site was vacant prior to Ian. (2) Adjacent properties were added to the subject property. (3) Staff "did not feel" that it would not impact neighboring uses. (4) The proposed use was compatible with neighboring uses. (5) The proposed use "complies with Town ordinances and codes." Ms. Frankel presented a series of slides beginning at 2:07:00 in support of her claim.
- x) At 2:08:40 Ms. Frankel restated her earlier observation that "we could create an ordinance if this is desired."
- y) At 2:12:30, Ms. Frankel observed that the proposed use would be compatible with existing residential uses. Pelican Watch clients emphatically disagree.

- z) At 2:14:28, Ms. Frankel stated that Food Truck Court is not defined in the Comprehensive Plan.
- aa) At 2:19:00, an LPA member observed that “there are a lot of conditions here, which is unusual.” There were, in fact, 27 conditions, which strongly suggests how difficult it has been for the applicant to make this proposal fit the site and the vicinity.
- bb) At 2:21:00, Judith Frankel wrapped up with references to sound and light, and buffering. Underlying zoning applies, and we are creating “new zoning that lives with the land” and would apply to a new owner. There will be a permanent structure with bathrooms.
- cc) At 2:24:30, “you can’t sleep in cars overnight; we may want to put that in.” Question: who will enforce? Concerns about crushed shell—compaction and runoff. Honeycomb or grid patterns could be installed.
- dd) At 2:26:30, grease (condition #16). Restaurants are required to maintain a grease trap. Need to work with Code Compliance; we want to protect the sewer system. Applicant has thought about grease traps, but the odor would be a serious problem in open air.
- ee) At 2:43:23, in citizen comments, Randy Brieseth summarized his group’s opposition, observing that he has been the president of the PCHOA since 2012. He urged the LPA not to vote on that date [Jan 9th] and that he and his neighbors had learned of the application for only two days and had only one day to act, compared to the applicant’s year. Engaged counsel yesterday [Jan 8th]. Request continuance. Will present on noise and traffic.
- ff) At 2:47:07, Gary Fields, with 40 years of experience in Minnesota. Issues—quality of life, property values, deceptive drawings don’t illustrate Pelican Watch.
- gg) At 2:50:48, Susan Bon Figli of 2434 Cottage raised parking issues, observing that people habitually park on Chapel Street. The applicant is building a commercial parking lot. Is this a food mall? There will be beer and wine. Hurricane prep is a good idea, but no guarantee that it will work. There will be smells. Even cinnamon buns and bacon can get powerful outdoors. Noises, smells, trash, and sometimes only one person to enforce.
- hh) At 2:55:00 et seq. Dave and Monica Tor. This use belongs in Margaritaville, or in tourist and industrial designated zones. DT: “Commercial access that goes through my two properties.” This is a residential neighborhood; there is no ordinance in place. MT [2:58:38]: Where are the truck owners? Side street parking—people won’t pay for parking, but will eat there. Cottage Street is full. Brick and mortar is OK; there were rats at the old Mucky Duck.
- ii) At 3:01:00 Ed French of 2538 Cottage where he has lived ca 55 years. Good project, wrong place. Parking on my property; hosing off beach chairs.

- jj) At 3:03:00 Tom and Deb Danford at 2522 Cottage. We're trying to rebuild our properties. You have gotten letters. People won't pay to park when they can block streets. Smells. Drunks. Traffic. What can we do to improve the neighborhood?

DARYL MAX FORGEY AICP
LAND USE CONSULTANT & EXPERT WITNESS
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Cape Coral FL 33904
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239.560.5864

Max Forgey is an experienced land use planner with more than three decades of professional experience and success in administration of local government comprehensive planning strategies, land development and regulatory controls, governmental relations, and public policy communications. Clients include governmental organizations and private property owners. He is the sole proprietor of FORGEY PLANNING LLC, a planning consultancy which provides expert witness services in land use cases and is allied with LAND SMART LLC, a Florida-based consortium of land use professionals which provides a broad range of professional assistance to public and private sector clients.

His professional knowledge encompasses creating and developing community and small-area plans, urban design and architectural standards, land development entitlements, project management, and expert witness testimony. Max has worked on more than 35 cases across 25 Florida counties and municipalities, frequently teaming with some of Florida's most respected land use and administrative lawyers, appearing before local planning agencies, city and county elected bodies, hearing examiners, administrative law judges, and circuit court proceedings.

Max also actively participates in and leads speaking engagements at professional development conferences and symposia through the Promised Lands section of the American Planning Association Florida chapter, with the American Institute of Certified Planners, the Florida Planning and Zoning Association, and other organizations. He is currently collaborating with other planning professionals to craft a continuing education program, provisionally called Urban Planning Institute, to familiarize elected and appointed officials and local government staff with planning law and practice.

Qualifications

- LAND SMART LLC, Managing Member of a Cape Coral, Florida-based consortium
- FORGEY PLANNING LLC. Owner of an urban planning and land-use consulting practice.
- Master of Public Affairs (MPA) in Urban and Regional Planning, Indiana University.
- Member American Institute of Certified Planners (AICP).
- Member Florida Planning and Zoning Association (FPZA).
- Qualified as an expert witness in Lee County Hearing Examiner proceedings.
- Former Planning and Community Development Director in Charlotte County.
- Former Planning Commissioner (LPA), City of Cape Coral, Florida.
- Contract planner for the Town of Kenneth City.

Accomplishments

- Lead author of Kenneth City Evaluation and Appraisal Report (EAR) which was transmitted to the Florida Department of Commerce on October 21, 2024.
- Established FORGEY PLANNING, an urban planning and land use consulting practice.
- Developed a template for auditing the effectiveness of existing local governments comprehensive plans and zoning code for internal consistency of plan policy framework.
- Authored "The Platted Lands Challenge" report for the six-county area of Southwest Florida offering policy guidance for platted, scattered-lot properties.
- Development of implementation strategies which employ automation to create linked mixed media tools for restructuring and updating local government planning and zoning regulations.

Certification

AICP (American Institute of Certified Planners) Certification #051,330 Florida Chapter, APA Member in good standing since 1993. A national professional certification maintained by the American Planning Association. AICPs must first meet educational standards and then pass an examination covering all aspects of professional planning practice, and are expected to maintain their membership through a self-directed program of study that is monitored by the national organization, which includes regular training in law and ethics.

Professional Experience

Forgey Planning

Cape Coral, FL

Owner. 2008-present. A solo planning practice concentrating comprehensive planning work for Lee and Sarasota Counties, the City of North Port, the Captiva Community Panel, and the Town of Kenneth City, among others. Developed a template for auditing the effectiveness of existing local governments comprehensive plans which has been applied in Sarasota County and the City of North Port. An expert witness since 2013, working on more than 30 cases in 25 Florida counties and municipalities, appearing before planning commissions, city councils, county commissions, hearing examiners, administrative law judges, and circuit court. Qualified as an expert witness in Lee County Hearing Examiner proceedings and recognized as a lobbyist in Collier County.

Zoning Technologies

Cape Coral, FL

President. 2011-2017. A start-up subsection 'S' corporation that specialized in restructuring and updating local government comprehensive plans and developing implementation strategies which employ automation to create linked tools (e.g. application forms, automated worksheets, case reports, and adopting resolutions). The Zoning Technologies expert system prototype products were marketed statewide and were demonstrated at the American Planning Association (APA) national conference in Atlanta in 2014.

Osceola County, Florida

Kissimmee, FL

Planning Coordinator. 2005-2008. Authored key elements of the Osceola County Comprehensive Plan and most of the County's 2008 Evaluation and Appraisal Report.

Clay County, Florida

Green Cove Springs, FL

Senior Planner. 2003-2005. Authored the county's Interlocal Service Delivery Agreement Report (ISDAR) mandated by the Florida legislature, identifying all service overlaps between and among all local governments within Clay County.

Lake County, Florida

Tavares, FL

Planning Director. 2001-2003. Staff liaison to the Environmental Lands Management Advisory Committee, a citizen organization created by the Board of County Commissioners to study the creation of an environmental land program. Recommended policies were ratified in November 2002, when Lake County voters approved a one-third mil assessment for the acquisition of environmental lands.

Southwest Florida Regional Planning Council

Fort Myers, FL

Planner. 1997-1998. Reviewed local government plan amendments throughout the six-county area and authored "The Platted Lands Challenge" report.

Charlotte County, Florida

Port Charlotte, FL

Community Development Director 1995-1997; Planning Director 1990-1995. Early in his tenure, Gulf Development Corporation (GDC), the County's largest land subdivider, declared bankruptcy, shifting responsibility for completion of roads, bridges, drainage works, and utilities, to the public sector and forcing a host of development decisions upon the local government and public agencies. He had three memorable achievements during these seven years:

- Managed the research, preparation, and adoption of the County's Evaluation and Appraisal Report (EAR) and Comprehensive Plan. Aggressively negotiated with the Florida Department of Community Affairs (DCA) to remove the Plan's not-in-compliance finding.
- Led the staff team that rewrote the Charlotte County Comprehensive Plan and was the point person in the successful four-year effort to negotiate a stipulated settlement agreement between the Board of County Commissioners and the Florida Department of Community Affairs to find Charlotte County's Comprehensive Plan in compliance with Florida's Growth Management Act.
- Advocated against the rezoning of 42 parks (illustrated as such on GDC sales maps and the County's Future Land Use Maps) to residential uses. The Company's agents eventually relented on their policy position and donated 41 parcels to the people of Charlotte County.

City of Cape Coral

Cape Coral, FL

Deputy Planning Director. 1985-1990. Authored and supervised preparation of key elements of the 1988 Comprehensive Plan (the City's first plan under the 1985 Growth Management Act) and the City's 1989 Land Development Code.

Education

Indiana University

Bloomington, IN

Master of Public Affairs (MPA) from the O'Neill School of Public and Environmental Affairs, 1982.
Concentration in Urban and Regional Planning.

Bachelor of Arts (BA). 1976. Undergraduate degree in English Literature and History.

Important Cases, Continuing Education, Writing & Teaching

- Subcontracted with Bruce Hoch of New Jersey-based CPG Corplan on the *Economic Development Plan for the City of Cape Coral*. The final report was presented to City Council on January 22, 2025.
- Co-presented a panel "*Sometimes a Word is Worth a Thousand Pictures: Communication Skills for Planners*" with Tony Palermo, AICP, and Doug Kelly, AICP, at FPZA annual conference in Charlotte Harbor, June 5, 2024. His segment "The Rhetoric of Planning" focused on the words that form a persuasive narrative.
- Program chair for APA Florida/ FPZA "*The Perfect Storm Eight Months Out: A Symposium for Professional Planners, Design Professionals, Plan Commissioners & Regular People*" at Charlotte County Event & Conference Center Punta Gorda May 12, 2023.
- Presenting a panel "*Incorporation, Annexation, and Disincorporation*" with Jim Studiale, AICP, and Luke Lirot, Esq. at APA Florida state conference on Orlando September 7, 2022.
- Co-presented a panel "*Legislative and Quasi-judicial: What Every Planner Needs to Know*" with Attorney Andrew Dickman, AICP, at annual conference of Florida Planning and Zoning Association on Captiva Island June 3, 2022.
- Program Chair for "*The Swamp Peddlers*", an APA Florida/ Florida Planning & Zoning Association symposium conducted on August 6, 2021 in Punta Gorda. Keynote speaker Jason Vuic and other presenters explored the legacy of land sales scams in Southwest Florida on the twentieth anniversary of the General Development Corporation bankruptcy.
- Designed and co-presented "*Land Use 101*", a seminar for planning commissioners, elected officials, and new planners, hosted by the City of Cape Coral on June 16 and July 14, 2021 with

co-presenters Vince Cautero, AICP, the City's Community Development Director, and Attorney Ralf Brookes.

- Expert witness for client West Villagers for Responsible Government (WV4RG), a citizen organization which challenged the annexation of the 8730-acre non-contiguous West Villages subdivisions into the City of North Port. The City Commission rejected the Villagers' challenge by a unanimous vote, but following appeal presented by attorney Luke Lirot, the Twelfth District overturned the City's order denying petition for contraction in *West Villagers for Responsible Government v. City of North Port*.
- Moderated a panel for law credit at the September 9, 2020 Zoom-facilitated American Planning Association's Florida state conference. Co-presenters were attorneys Karen Consalo, Thomas Hawkins, and Andrew Dickman. *"The Rules are Very Different Here: How to Reform Florida's Land Use Decision-making Process"* surveyed the inconsistencies among local governments' handling of land use decision-making and proposed a new Environmental Land Management Study (ELMS) to improve those processes.
- Attended and participated in American Planning Association Florida chapter's 18th annual *Public Policy Workshop* at Florida State University, Tallahassee February 2020.
- Drafted update of Town of *Fort Myers Beach Sign Ordinance* to reflect SCOTUS *Reed v. Gilbert* opinion for Weiler Engineering Fall 2019-Winter 2020.
- Program chair for *"Planners in Peril: Law, Legislation, and Ethics for Design Professionals,"* an APA Florida Promised Lands section symposium December 6, 2019 at Bonita Springs City Hall.
- Program chair for *"How High is the Water, Ma?: Rising Sea Level on the Florida Gulf Coast and what we can do about it,"* sponsored by Friends of Boca Grande Community Center, March 22, 2019 at the Boca Grande Community Center Auditorium.
- Member, *Faith Presbyterian Affordable Housing Board*, a not-for-profit corporation which aspires to offer quality housing for low- and moderate-income persons in Cape Coral. Appointed 2018; appointment ended December 2020.
- Received 2018 American Planning Association Florida Chapter, Promised Lands section's first-ever *Wayne Daltry Award for Planning Programs* for developing professional education symposia.
- Prepared *policy audit of Town of Fort Myers Beach Comprehensive Plan* for Weiler Engineering, Summer 2018.
- Program chair for American Planning Association symposium *"Warped Tour '18: Land Use Law for Planners"* March 23, 2018 in Punta Gorda.

- Attended and participated in the hurricane-shortened APA Florida chapter annual conference in Daytona Beach September 4-6, 2017. Led panel with Greg Beliveau, AICP and Jane West Esq. entitled *"How to Build a Better Client."*
- Program chair for Captiva Community Panel/ Florida APA symposium *"Now in My Back Yard: Rising Sea Level on Florida's Gulf Coast and what can be done about it"* January 13, 2017 at South Seas Resort on Captiva Island.
- Co-authored article with Karen Consalo, Esq. *"Best Practices for Local Government Land Use Decision-making"* in Summer 2016 edition of *Florida Planning*.
- Speaker at American Planning Association Florida Chapter Annual Conference in Tampa, September 9, 2016. *"A Pre-tirement Guide for Perplexed Planners: Making the Transition to Solo Practitioner."*
- Attended and participated in CLE International's annual *Land Use Law symposium* in Tampa, August 18-19, 2016, and August 6-7, 2015.
- Speaker at University of Central Florida 2016 Public Administration Research Conference April 8, 2016. Topic: *"What's the Big Idea: New Software that Aids Land Use Decisions."*
- Attended and participated in *APA Florida chapter annual conference* in Hollywood, Florida September 10-13, 2015.
- Coordinator and presenter for daylong FAPA-sponsored symposium *"Everything You Ever Wanted to Know about Florida Land Use"* in Cape Coral May 16, 2014.

Jurisdictions - Expert Witness Work

Bonita Springs	Miramar
Bradenton	Monroe Co (2, incl ALJ)
Cape Coral (5)	North Port
Charlotte County (2)	Orange County
Collier County (4)	Ormond Beach
DeSoto County	Pasco County (2)
Fort Myers Beach (4)	Palm Beach County (ALJ)
Hardee County	Polk County (C court)
Hendry County (C Court)	Punta Gorda (2)
Hernando County	St. Johns County (4)
Highlands County	Sarasota County
Hillsborough County (4)	Sumter County

Hillsboro Beach
Lantana
Lee County (8)

Suwannee County
Venice

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February 4, 2025

SUBJECT: Justification for Coordinated Objection Assistance on behalf of Pelican Watch Condo Association to the proposed CPD amendment to expand the CPD boundary and to amend the allowable uses to include a Food Truck Park alternative (Town of Ft Myers Beach Case Nos. DCI Rezoning 20240137.1 and 20240137.2; Project Name: Food Truck Park)



Context of Proposed Food Truck Park

1. PURPOSE OF REPORT & QUALIFICATIONS OF EXPERT

Purpose of this report. This report was prepared on behalf of client Pelican Watch Condo Association who owns 2532 Estero Blvd, as well as his neighbors, Thomas & Debra Danford, and Ed French of Fort Myers Beach, FL 33931. Pelican Watch Condo Association President is Randy Briesath who also resides at this address and whose use and enjoyment of the property, along with his neighbors including Thomas & Debra Danford, Ed French will be adversely affected by the proposed CPD amendment as well as amendments allowable uses to include a Food Truck Park alternative, with negative and precedent setting implications for the Town of Fort Myers Beach Comprehensive Plan relevant Goals, Objectives, and Policies, if approved. Pelican Watch property and its residential neighborhood adjacent to the property subject to the proposed CPD amendment and the allowable uses including the proposed Food Truck Park alternative would be adversely impacted.

This report sets forth the justifications for denial, by the Town's Local Planning Agency (LPA). This report supplements testimony which will be provided in person by the author, Mr. Briesath, Mr Danford, and Mr. French, as well as other neighbors and residents in the immediate vicinity and consultants including the author, Max Forgey, and Matt Simmons.

Qualifications and professional experience. The respective qualifications and professional experiences of the undersigned professional can be summarized as follows and copies of his resume is enclosed with this report.

1. Mohsen Salehi, AICP,¹ ITE(F),² Salehi Consulting Services. Mr. Salehi holds a master's degree of City & Regional Planning (Urban Design/Infrastructure Major), from Clemson University and a bachelor's degree of Architectural Engineering (Design/Construction Major) from Southern Polytechnic State University (formerly a division of Georgia Institute of Technology). Mr. Salehi's career spans over 30 years of public- and private-sector experience with an extensive track record in transportation/infrastructure planning and urban design, low impact development and redevelopment projects, complete streets/context-sensitive design solutions, traffic calming/roadway safety audits, traffic and parking studies, development review services, and expert testimony for public agencies and community organizations. Mr. Salehi's public-sector work included assisting Spikowski Planning

¹ American Institute of Certified Planners ("AICP"). AICP is the only organization that provides independent verification of planners' qualifications across the United States. AICP certification is a sign of competence and integrity for planners, requiring knowledge of planning principles and practices, continuing education, and adherence to a strict code of ethics.

² Institute of Transportation Engineers Fellow ("ITE(F)"). ITE(F) have been members of ITE for at least five years; have at least 10 years of professional experience; have attained significant professional stature that may be demonstrated by having a license or certification based on education, examination, and experience, or by comparable evidence of professional statutes as determined by the ITE Board; have had responsible charge of important transportation engineering or transportation related work, including scientific, educational and managerial activities, for at least five years; have demonstrated an active commitment and contribution to the work of ITE and the profession; and provided three professional referenced as part of the application.

Associates in the preparation of the Fort Myers Beach Comprehensive Plan taking effect January 1, 1999.



2. JUSTIFICATIONS FOR DENIAL OF THE CPD AMENDMENTS

The Fort Myers Beach Land Planning Agency should deny the proposed Food Truck Park in conjunction with the public parking lot and associated uses due to their adverse impact on Estero Blvd level of service (LOS) as well as incompatibility with the adjacent residential neighborhood and the potential parking spill from the proposed development over onto adjacent residential neighborhood based upon the following findings of fact:

1. Although a Food Truck Park, in and of itself could serve a short term purpose of providing an alternative food service for tourists and residents as well as the labor force engaged in reconstruction/redevelopment of the island, during the post hurricane(s) reconstruction, and may indeed reduce traffic to and from other food establishments during the reconstruction, its location at the failing segment of Estero Blvd would be highly questionable. Furthermore, its long term viability at this location is also questionable. It should be pointed out that upon approval, any future redevelopment of this CPD zoned site more than likely results in more intensity and additional trips along an already failing segment of Estero Blvd unless the approval is conditioned upon a trip cap less than or equal to the proposed Food Truck Park and associated uses.
2. The dual use of the proposed Food Truck Park parking spaces when the proposed facility is in-active, further complicates the case, in the absence of any designated parking spaces for each use, particularly during peak hours of the proposed Food Truck Park operation. This may lead to parking spill over onto adjacent residential streets or private parking spaces within the adjacent residential neighborhoods as well as further congestion along Estero Blvd for those searching for alternative

parking which would compound the problem contrary to Objective 7-F of the Comprehensive Plan.

3. Currently there are no regulations for "Food Truck Parks" and utilizing other local municipalities in different setting and dissimilar to coastal towns such as FMB is questionable. Furthermore, since in the absence of local regulations, County Regulations would prevail, Lee County Ordinance 22-01 governing Mobile Food Vendor operation, clearly states that the operation would have to be located at "permitted location – may not be located on undeveloped property and may not be located within 50 feet of a residential lot unless screened appropriately". The proposed Park distance from two residential developments, currently under construction is estimated at only thirty-one (31) feet in violation of Ordinance 22-01, and accordingly even "screening" at a distance well below fifty (50) feet requirement not adequate to mitigate noise and air pollution for future residents.
 - 4 Table 18 (2024 Concurrency Report page 40) defines Road Segment Level of Service Qualitative Characteristics for LOS F as: Highly unstable operations with forced or breakdown flow, average travel speed 25% or less of free flow conditions; unstable operation unacceptable to most drivers; high levels of congestion; poor signal progression and long cycle lengths with frequent cycle failures.
- **POLICY 4-B-1 OVERBUILDING:** Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match **road capacity and the physical environment**. Since such planning came too late, the [T]own must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.



Residential Neighborhood Adjacent to Food Truck Development

- 5 The intensity of the proposed development violates **Policy 4-B-1**, because this is precisely the kind of "OVERBUILDING" that ignores "road capacity and physical environment" limitations to accommodate the proposed development at this particularly residential neighborhood which can least afford. The operation of the Park would adversely impact both externally, Estero Blvd level of service, and internally impacting the neighborhood for emergency response contrary to the judicious planning required to avoid overbuilding. It further fails to adequately deal with "today's congestion plus the impact of future development that have vested rights to proceed." The potential overbuilding at the site of the proposed Food Truck Park is also significant.
- 6 ***The Town's Comp Plan per Goal 7, views Estero Blvd peak season mobility as integral to the mobility of the entire Island.***
 - **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 [T]own 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.**
- 7 The proposed development is not consistent with Goal 7 of the Comp Plan and adversely impacts and does not improve mobility or evacuation capabilities for the Town. The project will adversely impact quality of life for the adjacent residential neighborhood and mobility along Estero Blvd, by overcrowding the impacted residential community by the proposed Food Truck Park and associated uses as well as the proposed public parking's traffic impact to and from the proposed development, impeding the viability of Chapel St and Cottage Ave as residential streets while adversely impacting peak season mobility of Estero Blvd, which is inconsistent with Goal 7 of the Town Comprehensive Plan.
- 8 It should also be pointed out the applicant proposed traffic signage and the proposed landscaping buffer along Chapel St and Cottage Ave would be necessary, adjacent to the proposed development, but it would not be sufficient to protect adjacent residential properties and would not minimize parking spill over to other residential streets and private properties within the neighborhood and the proximity to Beach Access #26.

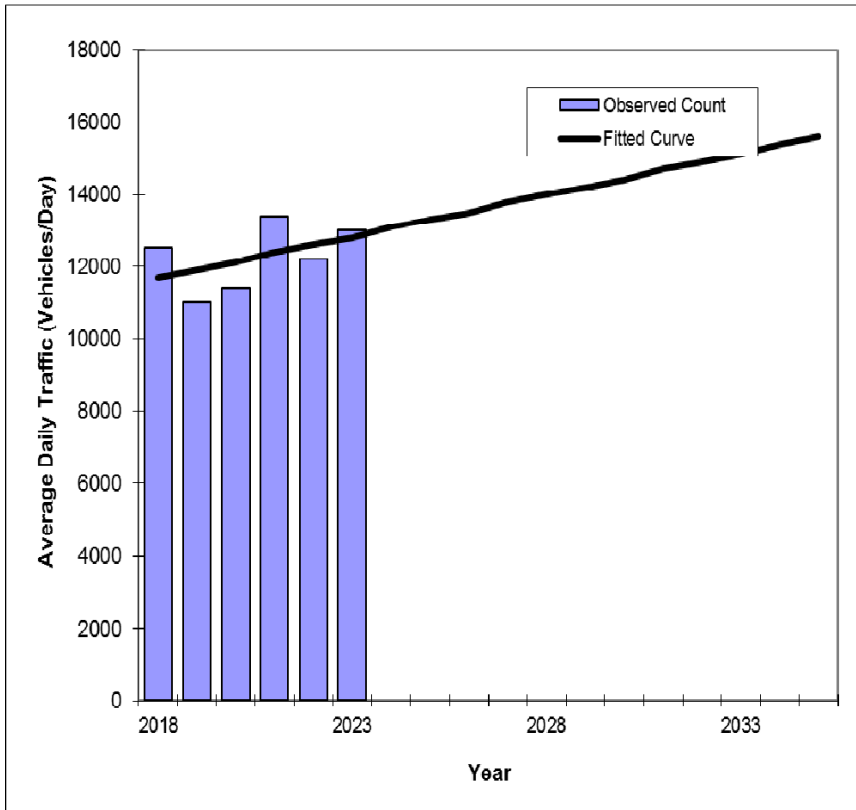
Policy 7-J-2 Traffic Impact Analyses

Traffic Trends - V03.a

ESTERO BLVD --

FIN#	1234
Location	1

County:	Lee (12)
Station #:	6044
Highway:	ESTERO BLVD



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	12500	11700
2019	11000	11900
2020	11400	12100
2021	13400	12400
2022	12200	12600
2023	13000	12800
2025 Opening Year Trend		
2025	N/A	13300
2030 Mid-Year Trend		
2030	N/A	14400
2035 Design Year Trend		
2035	N/A	15600
TRANPLAN Forecasts/Trends		

** Annual Trend Increase:	231
Trend R-squared:	22.13%
Trend Annual Historic Growth Rate:	1.92%
Trend Growth Rate (2023 to Design Year):	1.98%
Printed:	1-Feb-25
Straight Line Growth Option	

*Axle-Adjusted

Estero Blvd Traffic Trends

- 9 The traffic trends for Estero Blvd, based on the available data would indicate an alarming traffic congestion in the next five (5) to ten (10) years in violation of Policy Additionally since there is no data available to indicate the full impact of the Margaritaville resort (the opening for the resort was on December 2023 and it is not clear whether one month in 2023 would be sufficient to assess the full impact of this development on Estero Blvd Traffic), not to mention, externally, the impact of the Harbour Marina in San Carlos Island on Estero Blvd traffic.
- 10 Without any TIS submitted by the applicant for the proposed development, there is no evidence that the proposed development has taken into account the impact of any concurrent and/or potential developments that have impacted traffic flow along Estero Blvd (e.g., Primarily, Margaritaville, and to a lesser extent Bay Harbour Marina in neighboring San Carlos Island) contrary to "Policy 7-J-2" on traffic impact analyses and measures to offset traffic implications of the proposed development (Also see LDC **Section 10-287(1)(b)&(c)**).

The applicant has argued that since the approved resolution 07-28 allows intensities higher than the proposed Food Truck Park and the associated uses traffic impact statement should be waived without any substantiation. However, the fact remains that the segment of Estero Blvd between Center St (north of the proposed development) and Tropical Shores way (south of the proposed development) has been experiencing LOS F for a number of years making traffic Impact analyses essential and a necessity particularly for this failing segment.

Traffic Mitigation Plan

- 11 The proposal does not comply with the Town's requirement for a Traffic Mitigation Plan either, per **Sec 10-287 (1)(b)&(c)**, which states:
 - (1)The function of the Traffic Mitigation Plan is to:
 - ...
 - (b) Relate the various needed improvements to the occupancy and use of developed land, particularly regarding the relative timing of occupancy and availability of the road improvements; and
 - (c) Clearly identify the parties who will be responsible for the cost of the improvement
- 12 No traffic impact study or traffic mitigation plan has been devised as such to fully mitigate anticipated future traffic to and from the proposed Food Truck Park. Therefore, the proposed development is inconsistent with the Comprehensive Plan's Goal 7, Policy 7-J-2 and LDC Sec 10-287 (1)(b)&(c).
- 13 The traffic complication and localized congestion due to the Food Truck Park/public parking and the associated uses, more than likely will compromise the safe movements of vehicles along Estero Blvd, Pelican Watch Driveways, Chapel St, and Cottage Ave, as evidenced by persistent LOS "F" for this segment of Estero Blvd.

The parking operation maneuvers to compensate for the proposed development being filled to capacity or saturated all the onsite parking of the proposed development would probably lead to the possible unauthorized parking spill over to adjacent properties including the Pelican Watch property and the neighboring residential properties parking spaces. Even any available off site parking location would further complicate the traffic flow along already congested Estero Blvd as well as Chapel St intersection. Additionally, although the applicant's request for a waiver of the LDC Sec. 10-286 Traffic Impact Statement (TIS) was initially denied by the Town Staff on 4-24-24, subsequently per staff Report presented to LPA on January 1, 2025 TIS requirement was waived for the proposed Food Truck Park and the associated uses.

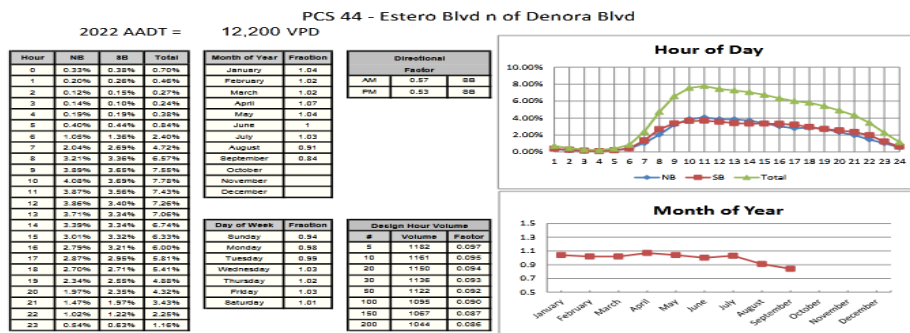


Chapel St /Beach Access 26 Context

- 14 The applicant assertion as to "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 and the response on page 9 of 12 " in the staff report " presented to LPA on January 9, 2025, indicating that "The "Option B" is less intense than the currently approved "Option A" and should not place an undue burden on transportation services", would require substantiation (i.e., Saying so, does not make it so.). Particularly since the proposed development parameters are not clear, such as the number of food trucks

having a floor (i.e., a minimum of five (5 food trucks)) but not a ceiling or maximum, and the support structure for the proposed development that has already increased from 1,500 to 2,500 Sq Ft.

- 15 The Town Council Resolution 07-28 approved the applicant's Option A, stipulating 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 13,115square feet in two (2) buildings, not to exceed a maximum building height of 40 feet above base flood elevation/3 stories.
- 16 Despite the assertion submitted by the applicant under the proposed "Recommended Conditions" that "Access to and from the property for mobile vendors only via Estero Blvd access point will not be allowed during typical peak season traffic times, which are 8 am-11 am and 4 pm to 7 pm." According to the graph above (provided only for 2022 data by the County and the not beyond), which indicates a typical traffic profile for Estero Blvd, contains no peaks and valleys, typical of most urban corridors, but rather it would form a plateau extending from 10am to 6pm (See Comp Plan Transportation Element, Appendix B, Page 7-B-19, Figure 13). Considering the proposed development hours of operation per the proposed "Recommended Conditions" item 7, from 7am-10pm, which coincides with typical peak volumes between 11am to 4pm. parking lot will be available) At the time of local development order. If the proposed development is approved vendors may not have access to Estero Blvd truck exclusive driveway from 10am to 6pm due to the impact it would have on Estero Blvd traffic at this failing segment.



- 17 Additionally, the town staff response on page 6 of their report to LPA on January 1, 2025, under Deviation #3 stating: "Applicant should provide site signage indicating the restricted use and installing gating to restrict access during operation hour. Gate should be located a minimum of 20 feet from the property boundary to avoid issue of vehicle stacking on Estero Blvd." does not seem to have been taken into account in.

The most recent revised MCP "Option B".

- 18 It is not clear how many additional food trucks beyond the applicant's proposed minimum of five (5) food truck parking spaces could be accommodated at this location and what would be the trade-offs for the potential conversion of paid public parking to additional food truck parking spaces, as well as the impact of such conversions might have on the adjacent residential neighborhood quality of life.
- 19 In any event, in the absence of any TIS for the proposed development from the applicant, the following parameters are derived from the applicant MCP Option B narrative for an estimate for the proposed development's potential PM peak hour trips:

Land use			Units(X)	ITE Code	Trip Rate	Peak Hr Trips
Food Truck/Food Cart Pod			5	926	6.16	30.80
Support/Fast Casual Restaurant			2.5	930	12.55	31.38

Source: Trip generation rates above are based on the Institute of Transportation Engineers publication, trip generation manual, 11th edition.

- 20 The 63 peak hour trips generated in the table above and directionally adjusted factor of 55.40% (See Attachment A/FDOT) would result in an additional 35 trips to already failing segment of Estero for a total of 757 peak direction, bi-directional conversion using the same directional factor of 55.4% results in 1,367 exceeding the peak capacity per Policy 7-I-2 (or volume to capacity ratio of 1.13 for the year 2023).
- 21 According to Policy 7-I-2 The peak capacity of Estero Blvd's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Blvd shall be that average of monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level more than four calendar months in any continuous twelve-month period.

09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	2LN	E	726	A	264	0.36	A	277	0.38	^(H) constrained
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	2LN	E	726	D	648	0.89	D	681	0.94	^(H) constrained
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	2LN	E	726	D	648	0.89	D	681	0.94	^(H) constrained
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	2LN	E	671	F	722	1.08	F	759	1.13	^(H) constrained
14400	ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	2,000	B	921	0.46	B	1,092	0.55	non-county maint; T and T DR/Cyp Vw CPD

22. Based on latest available data from the Lee County 2024 Concurrency Report (Appendix B, page 63 of 68) the level-of-service (LOS) for Estero Blvd between Tropical Shores Way (south of the proposed development) and Center St. (north of

the proposed development) indicates LOS F for 2023 as well as LOS F for 2028 future forecast for the same segment.

Based upon the above findings indicating the insufficiency of the documents submitted by the applicant to clearly indicate the full impact of the proposed development including: 1) the lack of the required TIS necessary to gauge the traffic impact of the proposed development on this persistently failing segment of Estero Blvd; 2) the loose ends as to the maximum number of food trucks and a "fix" on the square footage of the support structures.

The recent increase from 1,500 square feet to 2,500 for support structures may indicate additional food truck parking spaces contemplated by the applicant. Additionally, a traffic mitigation plan to address the residential neighborhood concerns for their quality of life, inclusive of Estero Blvd traffic and parking and un-parking of vehicles to and from the proposed Food Truck Park/paid public parking and other associated uses. Considering all of the above and my testimony and my fellow consultants, Max Forgey, AICP, and Matt Simmons, and Katie Berkey, JD, AICP as well as our clients, Randy Briesath, Ed French, and Thomas & Debra Danford and other concerned neighbors, the undersigned recommends denial of this application.

Respectfully,

Mohsen Salehi, AICP, ITE(F)

cc: Randy Briesath
Ed French
Thomas & Debra Danford
Katie Berkey, JD, AICP
David Moscoso, JD
Max Forgey, AICP
Matt Simmons

MOHSEN SALEHI, AICP, ITE(F)
Corbel Design Consulting Svcs
Ft Myers, FL (239/994-1320)
Mohsen@corbeldesign.com

ACADEMIC BACKGROUND

Masters Degree of City & Regional Planning, Urban Design/Infrastructure Major, Clemson University, Clemson, SC, 1984

Bachelors Degree of Architectural Engineering, Design/Construction Major, Southern Polytechnic State University (formerly a division of Georgia Institute of Technology), Marietta, Georgia, 1980

SPECIALIZED PROFESSIONAL COMPETENCE

Mr. Salehi's career spans over 30 years of public- and private-sector experience with an extensive track record in transportation/infrastructure planning and urban design, low impact development and redevelopment projects, complete streets/context sensitive design solutions, traffic calming/roadway safety audits, traffic and parking studies, development review services, and expert testimony for public agencies and community organizations.

Salehi Consulting Services, 1997-present

Provide full-service infrastructure/transportation planning services to public- and private-sector clients throughout southeast and southwest Florida, including continuous focus on Complete Street concepts.

- **Consultancy for Corbel Design, Architecture & Planning, 1997-present**
Providing services for architectural projects Traffic Impact Studies (TIS), parking issues, and other traffic related matters.
- **Florida Main Street Program, 1997-present**
Member of resource teams dispatched to Clewiston, Clearwater Beach, and Dania Beach communities with traffic circulation and design services, PM Bob Field, 410-323-4465. Presented at FMS annual conferences in Ft. Pierce (1999)& Fort Walton Beach (2002), Stuart (2014), & St Petersburg (2015).
- **Florida Redevelopment Association (FRA), 1997-present**
Provide technical services for parking and flood insurance issues. PM Carol Westmoreland, @850-701-3608.
- **Roadway Safety Audit, Bonita Springs, 2012-13**
Conducted roadway safety audit for completing 1.1 mile section of Old SR 41 from Bonita Beach Road to Collier County line. PM Domingo Noriega, P.E. @813-503-7743.
- **Bayshore Corridor Redevelopment Overlay, Collier County, 1999-00**
Developed an overlay to create incentives for urban design and traffic calming for tax base enhance-ments. PM Jim LaRue @ 239-334-3366.
- **Development review & transportation concurrency services, Comp Plan & LDC for LaRue Planning & Management Services' public sector clients including Village of Estero, Boynton Beach, North Bay Village, El Portal, Moore Haven, & City of Okeechobee. PM Jim LaRue @ 239-334-3366.**
- **Consultancy for CALTRAN Engineering Group for Miami Downtown Development Authority Complete Streets**

Project, SE/SW 1st; Charlotte County: Countywide Parking Study (2019), Deep Creek Community Sidewalk Master Plan (2020), PM Juan Calderon @786-456-7700.

Traffic Consultant, City of Bonita Springs (Public Works), 2000-11, Provided transportation planning services, reporting to City Manager Gary Price @239-980-9400.

- **Bonita Springs Bikeways/Walkways Facilities Plan Update, 2008-09**
Prioritized facilities funding based on Complete Street Decision Matrix.
- **Project Management Services**
 - Traffic Circulation Study, 2008-09
 - I-75/BBR interchange improvements (Addition of left turns and sidewalks relocation behind overpass supports), 2007-08
 - East Terry I-75 overpass widening , 2005
- **Development review & urban design services, 2008-09**
- **Expert testimony, 2000-11**
Testified before Bonita Springs City Council, Planning & Zoning Board, & Local Planning Agencies.

Project Manager, Lee County Community Redevelopment Agency (CRA), 1995-97

Managed several concurrent projects reporting to County Manager Roger Desjarlais @239-533-2221.

- **Old 41 Corridor**
Responsible for \$3.1 million TIF funded for planning and design from Imperial River Bridge to Oak Creek Bridge in Bonita Springs (0.3 miles)
- **Palm Beach Blvd/I-75 interchange**
Conducted \$500,000 Storefront Grant program & redevelopment concept plan for Dos Rios.
- **CRA liaison for local redevelopment planning committees.**

Section Manager, Lee County Dept. of Transportation and Engineering (DOT&E), 1990-95

Responsible for DOT&E's Alternate Modes Section.

- **Annual budget of \$1 million and \$2.8 million in federal funding under Intermodal Surface Transportation Efficiency Act (ISTEA) including:**
 - Six Mile Cypress Bikepath (8.3 miles)
 - Stringfellow Bikepath (12.1 miles)
 - Estero Blvd Sidewalk (4.2 miles)
 - Ten Mile Canal Linear Park (3 miles)

- Funds used for planning, design, and construction of safe, routes to schools (including design-build of Lehigh Acres Pedestrian Bridge over ECWMD canal as an alternative to bussing due to hazardous walking conditions), transit (installation of bike racks on LeeTran busses), public parks (free access for bicyclists and pedestrian to Lakes Park) & commercial facilities for walking, cycling & promotion of demand management solutions in Lee County
- Acted as liaison before Bicycle/Pedestrian Advisory Committee (BPAC), Chairman Ed Benjamin @239-410-5186.

Consultant, Neighborhood Planner/Architectural Consultant, 1989-90

- Responsible for redevelopment & revitalization of 2.1-mile Dekalb Ave. corridor & Reynolds-town neighborhoods
- Conducted building energy audits, Designed ADA compliant solutions for private schools

Urban Planner, City of Atlanta Bureau of Planning (BOP), 1987-89

Reported to Reemberto Rodriguez @240-777-5307.

- Responsible for Urban Design/Land Use Section of BOP.
- Coordinated land use amendments to the City's redevelopment plan and transit oriented developments (TOD)/parking limitation districts in the vicinity of transit stations (MARTA).

Urban Designer, Central Area Study II (CAS II), City of Atlanta, 1985-87

Reported to Reemberto Rodriguez @240-777-5307.

- Responsible for traffic & parking data collection, analyses for a public private joint planning effort for re-development of downtown Atlanta.
- Supervised 10 interns.
- Provided urban design services.
- Participated in three design charettes.

PROFESSIONAL AFFILIATIONS

- American Institute of Certified Planners (AICP) Member
- Institute of Transportation Engineers (ITE) Fellow
- American Society of Civil Engineers (ASCE) Transportation & Development Institute Member
- Southwest Florida Branch of American Public Works Association (APWA) Member

PROFESSIONAL AWARDS & CERTIFICATIONS

- Florida Planning Association/Promised Lands Section Scholarship Award for FPC 2020
- Florida Planning & Zoning Association's 2002 Certificate of Merit for Greater Pine Island Community Plan Update
- 1999 Outstanding Public Report for Town of Fort Myers Beach Comprehensive Plan
- Florida Department of Transportation (FDOT) Pre-qualified for System Planning (13.4), Corridor Planning (13.5), & Land Planning/Engineering (13.6) 2013-15.

PRESENTATIONS & PUBLICATIONS

- Florida Main Street Program, *Implications of New Transportation Trends for Main Street Businesses*, August 2015, St. Petersburg, Florida
- Florida Main Street Program, *Visioning Okeechobee*, September 2014, Stuart, Florida
- Florida Redevelopment Association Professional Development Program, *Parking Problem? No Problem!* June 2003, Orlando, Florida
- Florida Main Street Program, *Economic Vitality & the Arts/Arts Enterprise Zones*, March 2002, Fort Walton Beach, Florida
- Florida Main Street Program, *Parking Problems and Solutions*, October 1999, Fort Pierce, Florida
- American Planning Association Conference, Peachtree Street: The Linear City, *May 1989, Atlanta, Georgia*
- Clemson University Graduate School 1984 Master's thesis entitled: *An Alternative Energy Approach in Optimizing Growth within Built Environments*

SAMPLE EXPERT WITNESS TESTIMONY SERVICES

- Town of Ft Myers Beach, in opposition to Application 20230152, Moss Marina/The Arches on behalf of LLC Magnum. Provided traffic impact analyses, April 2024
- City of Ft Pierce Commission, in Opposition to Case#18-4390002 Cumberland Farms Major Amendment to PD, Provided traffic impact analyses testimony, August 2019
- The Circuit Court of Lee County, in Support of Case# 18-CA-003805, Chris Patton V. Town of Ft Myers Beach/TPI-FMB Rezoning Case, Provided land use and traffic impact analyses report, 2018-19
- The Circuit Court of Lee County, in Support of Case# 18-CA-001938, Lani Kai Island Resort Vs. Town of Ft Myers Beach, Provided parking calculations, 2019
- Florida Division of Administrative Hearings, in support of DOAH Case No.: 18-003613, ARGO V. Village of Estero Provided deposition testimony in support of the Village Comp Plan Transportation Element, February 13, 2019
- Lee County Hearing Examiner, in Opposition to Port Sanibel CPD Amendment, provided traffic impact analysis report and testimony, July 18, 2017
- St. Johns County Board of County Commissioners, in opposition to Case# 2016-03, COMPAMD Watermarke /Beachcomber, provided traffic Impact analysis and testimony, September 20, 2016

SAMPLE PROJECTS

Bonita Springs: MPO's Congestion Monitoring Report

http://www.mpo-swfl.org/content/CMR_081009.pdf

Pine Island Community Plan Update

<http://spikowski.com/Pine%20Island%20Report-September30.pdf>

Fort Myers Beach Access & Circulation

<http://www.spikowski.com/SummaryReport%20w-o%20App%20C-D.pdf>

Miami Downtown Development Authority SE/SW 1st St

Complete Streets Project/ Aerial Drones footage for:

- SW First St at SW First Ct - curb extension with cones
<https://vimeo.com/165801251>
- SE First St at SE Third Av - ped island with cones
<https://vimeo.com/165801250>



MAXWELL HENDRY SIMMONS
real estate appraisers & consultants

Value Impact Study

Proposed Mixed-Use Development
DCI Rezoning 20240137.2
2500/2518/2510 Estero Blvd and 2543 Cottage Ave
Lee County, Fort Myers Beach, Florida, 33931

Published Date of Study: January 31, 2025

File Name: 25010106 – Pelican Watch Condominium Association - Estero Boulevard



Prepared For

Pelican Watch Condominium Association, Inc. ("Pelican Watch"), which operates and controls the Condominium Property, comprised of forty-eight (48) residential condominium units and common element property, located at 2530 and 2532 Estero Boulevard, Fort Myers Beach, Florida;

Thomas S. and Debra S. Danford, Managers and Members of Coastal Cottages, LLC, owning residential property located at 2520 and 2522 Cottage Avenue, Fort Myers Beach, Florida (the "Danfords"); and

Edwin T. French, III 2548 and 2550 Cottage Avenue, Fort Myers Beach, Florida ("Mr. French")

Info@MHSappraisal.com
(239) 337-0555 • MHSappraisal.com
1619 Jackson Street, Fort Myers, FL 33901

Pelican Watch Condominium Association, Inc.
Thomas S. and Debra S. Danford, Coastal Cottages, LLC
Edwin T. French, III

Value Impact Study
Executive Summary

Study Charge

This report provides an analysis and evaluation of the impact to neighboring properties, if any, as a result of the approval and development of the proposed Mobile Vending/Food Truck Park project.

Objectives of the Study

The objectives of the study are to inform the client of any impact to property values as a result of the approval, and ultimate development, of the proposed project. The intent of the study is to sufficiently inform municipal planning staff and elected officials regarding these impacts, if any.

Research Methods

The study includes the following methods and research elements

- Analysis of the Subject Properties and Surrounding Uses/Neighborhoods
- Statistical Analysis of Individual Comparison Pairs and Marketing Trends
- Research of Applicable Academic Articles and Studies

Conclusions

The results of the study indicate that the approval of the proposed mobile vending/food truck park project at 2500/2518/2510 Estero Blvd and 2543 Cottage Ave will negatively impact the surrounding residential uses. These negative impacts extend to the single-family housing most proximate to the proposed project location and also to the residential condominium project contiguous to the south. Each of the research methods that were utilized suggested that conclusion.

Quantitatively, for units located within Pelican Watch, I anticipate diminution in value to be in the range of 8-10% per unit. For context, Pelican Watch has 48 residential units, and among the eight most recent offerings within the project (four sales, three listings, and an expired listing), the median list price has been \$894,500 and the median sales price was \$800,000. Using the median sales price and 9% (the midpoint of our above estimate on pricing impact) as the estimated diminution, this analysis suggests that the cumulative unit value loss within the Pelican Watch project would be \$3,456,000.

However, the most significant negative value impacts would likely apply to the directly adjacent residential parcels located at 2553 and 2563 Cottage Avenue. None of the statistical analysis, academic studies, or other resources researched provided an example of proximity of single-family as close to a mobile vending/food truck park project as what is proposed through DCI Rezoning 20240137.2 and Boundary Expansion case 20240137.1. While it's difficult to point to empirical data from which to draw a conclusion regarding the expected value impact, it's reasonable to opine that the impact to these properties would certainly exceed the 8-10% range

we can anticipate for the units within Pelican Watch. 2548/2550 Cottage Avenue would also fall into the category of a property that could expect value diminution in excess of the 8-10% that could be anticipated (in aggregate) for Pelican Watch units. Impacts that exceed 10% value diminution, potentially significantly exceeding that amount, are also indications applicable to sites designated for future single-family homes to be built. While a single-family home is presently under construction at 2563 Cottage Avenue (and other nearby sites further west of Pelican Watch and on the south side of Cottage Avenue), many vacant residential sites remain in relatively close proximity to the proposed development.

The study suggests that negative impacts to residential property values could extend up to 1,000 feet from a project such as what's proposed under DCI Rezoning 20240137.2 and Boundary Expansion case 20240137.1. Admittedly, the greater the distance from the project, the less impactful it becomes to value. However, for residential homes within 500-1,000 feet of the project, diminution of 1-5% is a reasonably anticipated result. But for vacant sites, the particularly challenging aspect is that the diminution ranges being discussed above are applicable to existing homes. When a vacant site is sold and the eventual improved structure is known, or at least anticipated, to be impacted by an external value influence, the only way a potential buyer of that site can mitigate the diminished value for what will be built is to translate that value loss to the land component. The inputs that constitute the construction costs are going to be the same (generally speaking) regardless of external influences, so a buyer of a vacant site for future residential development will discount the value of the land as significantly as possible with the knowledge that the only total project cost input they can use to blunt the eventual value diminution to a future home is a discounted price for the land component. This dynamic is well understood within the development community and a common example of it is the volatility in land prices (on a per unit basis) when larger tract home developers acquire land for development of future communities. The eventual cost inputs will be unimpacted by external factors, so if interest rates (the cost of money) increases significantly, the developer must diminish the underlying land value as much as possible to mitigate that factor. A similar dynamic exists for single-family sites that will be built with a use that is anticipated to suffer from a negative externality. I believe that will be the case as it relates to vacant residential sites in close proximity to the proposed development, and value diminution of as much as 30-40% (for the land component) would potentially be necessary to offset the value diminution applicable to an eventual single-family home.

Research of communities in Florida and around the country where this dynamic and contiguity already exist suggest that negative impacts to properties surrounding this project can be expected. The study results have been determined through the methods described above and the quantitative processes undertaken are statistically relevant for the project.

This is only a summary of the complete findings and conclusions of the study. The reader is encouraged to review the entirety of the report as the opinions and conclusions may only be understood in the context of the specific research parameters, methods and limitations of the individual methods.

Sincerely,



Matthew S. Simmons
State-Certified Residential Real Estate Appraiser, RD5762
State-Licensed Real Estate Broker, BK3214690

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SEC. I: INTRODUCTION

OWNERS OF RECORD:	Empire Holding Corp Trust (proposed development site) Various owners applicable to the properties under study
ADDRESS:	2500/2518/2510 Estero Blvd and 2543 Cottage Ave, Fort Myers Beach, FL, 33931 (proposed development site)
TAX ID:	19-46-24-W3-0120A.0100, 19-46-24-W3-01301.0000, 19-46-24-W3-01302.0000, and 19-46-24-W3-0120A.013A (proposed development site)
ZONING / FUTURE LAND USE:	<u>Proposed Mobile Vending/Food Truck Park</u> CPD (Commercial Planned Development – Seeking to amend the existing CPD RES#07-28 to provide for a Master Concept Plan, Schedule of Uses and Conditions of operation to allow for development of a mobile vending/food truck park with outdoor seating, consumption on premises and a commercial parking lot.) RM (Residential Multi-Family – (One parcel seeking to be added into an amended CPD) CB (Commercial Boulevard – (One parcel seeking to be added into an amended CPD) <u>Pelican Watch and Adjacent Residential Properties along Cottage Avenue</u> RM (Residential Multi-Family) Each of the properties referenced above are within the Commercial Boulevard Future Land Use category.
PUBLISHED DATE OF THE VALUE IMPACT STUDY:	January 31, 2025
CLIENT:	Pelican Watch Condominium Association
PROJECT CONCEPT:	The purpose of the study is to determine the value impact of the mobile vending/food truck park, if any, to properties surrounding the subject site. The study will emphasize determination of impacts, if any, relative to the Pelican Watch Condominium project. However, the study scope will not be limited only to potential impacts at Pelican Watch. The impacts anticipated for surrounding single-family properties along Cottage Avenue are also evaluated within the scope of this study.



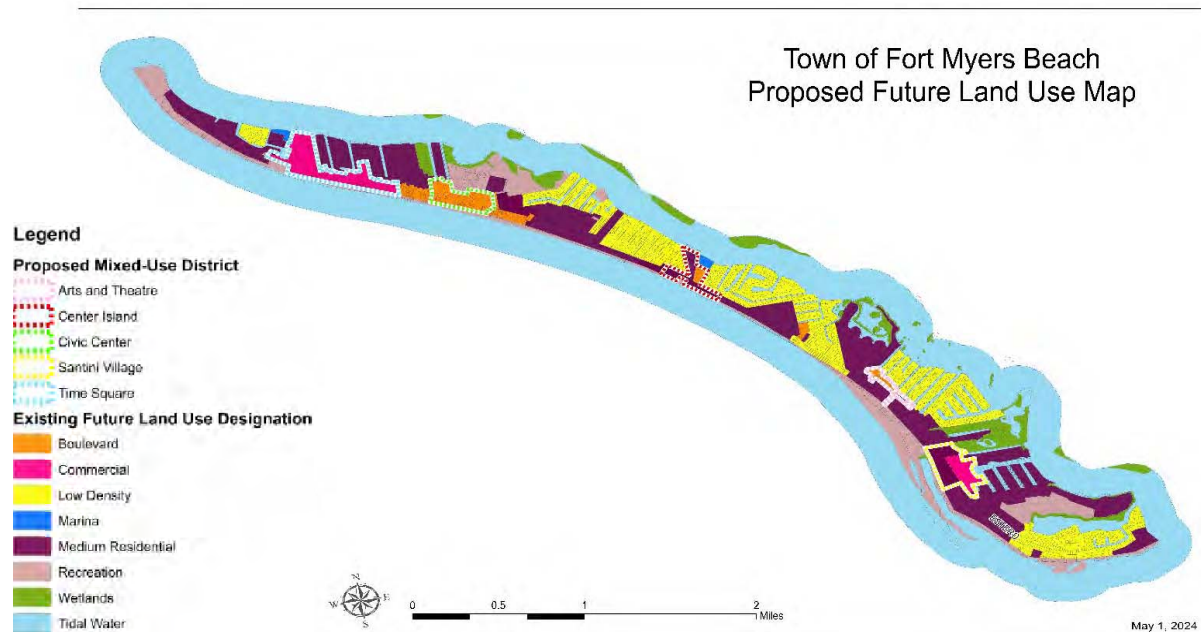
SEC. II: NEIGHBORHOOD CHARACTERISTICS



The area of study consists primarily of the "Downtown" and "Boulevard areas of Fort Myers Beach but is geographically bound to the Town of Fort Myers Beach. The geographic area includes 8 specified uses, but the majority use within this study area is Boulevard and Pedestrian Commercial. Both uses permit various commercial activity, but most intensive commercial uses are limited to the Pedestrian Commercial/Downtown area of the island. This distribution of uses is also consistent with the Future Land Use designations within the study area. The other six use types on the island are dispersed throughout.



The zoning designations within the study area execute a vision similar to the Future Land Use with commercial zoning making up a majority the Downtown area. The Boulevard Land use area has a greater variety of uses including RM, CPD, CB, and CR.





PELICAN WATCH

On the parcel southwest of the proposed mobile vending/food truck park is a Condominium Building named Pelican Watch. This project was built in 1981 and is 6 stories. Pelican Watch offers a variety of amenities including a community pool, clubhouse, spa, and beach access. The community pool for Pelican Watch is within a few feet of the property line separating the association property from the proposed project.



At present Pelican Watch has 3 units listed for sale. These listings range from \$750,000 to \$950,000. For sales within the project are reflected within the local multiple listing service as having closed escrow between June of 2023 and November of 2024. The sale prices of those units range from \$570,000 to \$900,000, with the median sales price among the four closed sales being \$800,000. However, it's worth noting that the 8-stack for units within Pelican Watch offer a larger floor plan, a corner unit location, and have typically sold at prices higher than the median price point within Pelican Watch. Contributing to this dynamic is the fact that units within this stack offer sunset views. The 8-stack within Pelican Watch is the stack of units that is closest to the proposed project and is the area of the project that's anticipated to suffer the most significant pricing consequences associated with the proposed project.

It should also be noted that a unit within the 8-stack was listed for sale over the past six months and two potential buyers expressed interest, but then inquired about what was going to be built on the proposed mobile vending/food truck park site. When they became aware of the proposed project, both buyers backed away from pursuing a purchase of the unit. This was confirmed by the listing agent for the unit. While anecdotal evidence, it illustrates the negative external influence referenced within this study.



AERIAL VIEW



The aerial image above further illustrates the proximity of the proposed project to residential uses (both single-family sites and the Pelican Watch Condominium).



FORT MYERS BEACH COMPREHENSIVE PLAN

New Policies for Commercial Development

The following items summarize the new commercial policies for Fort Myers Beach:

- The concept of avoiding commercial intrusions into residential areas will be maintained. The plan's prohibition against new commercial uses in residential areas will be made much more specific through the Future Land Use Map in those geographic areas where that policy is clearly appropriate. For instance, in the new "Low Density" category, commercial rezonings will not be allowed. In the "Mixed Residential" category, they will be severely limited (but not forbidding lower-impact uses such as offices and motels).
- The CRA plan for the Times Square area (including Old San Carlos) has withstood intense public scrutiny and is a sound basis for the town's continuing policy there, especially the incremental redevelopment of existing buildings at ground level with little or no setback to side property lines and with shared parking. The new Future Land Use Map incorporates the CRA plan in its new "Pedestrian Commercial" category. The successful evolution of this plan will require additional work beyond this comprehensive plan, including:
 - Further development of the shared-parking concept for the rear portion of lots on both sides of Old San Carlos (or, if not feasible, its rejection in favor of a parking garage);
 - Use of "dry-floodproofing" for the ground floor of commercial buildings; and
 - Refinement of the Land Development Code's redevelopment overlay district to simplify its use.
- The intense commercial activities at Times Square need not and should not extend into continuous linear development down Estero Boulevard. The current mixed-use character of land along Estero Boulevard down to the Gulfview Shops is desirable and should not be thought of as a transitional phase that will become continuous commercial development. In areas such as this where mixes of commercial and residential are desirable, the Future Land Use Map provides a new category called "Boulevard" with clearer policy language to guide future zoning decisions (which would require planned development zoning). Through the range of categories being provided on the Future Land Use Map, landowners will know whether commercial uses are clearly encouraged, completely forbidden, or allowed under certain circumstances.
- Some very early commercial buildings remain in use along Estero Boulevard, and many existing cottages have been converted for commercial purposes. The resulting environment is pleasant and will attract many more pedestrians once adequate sidewalks and street trees are provided. This plan will result in a combination of strengthening and loosening of existing regulations to support the re-use of older buildings. Revisions to the Land Development Code might include relaxed setbacks for cottages; allowing additional cottages to be moved in as they become available; and historic districts that ensure that new buildings and expansions maintain the historic character. Good examples of adaptive re-uses include the Huston Studio at 2101 Estero Boulevard (see Figure 10) and the Hussey Realty tourist information center at 2450 Estero Boulevard.

FUTURE LAND USE ELEMENT

JANUARY 1, 1999

PAGE 4-28

Excerpts such as these from the Comprehensive Plan are relevant in that they demonstrate how potential buyers rely upon municipal planning documents to make informed decisions regarding the intent and future character of areas where they choose to reside.

The following is an additional comparison to the character of the subject's location on Fort Myers Beach, in contrast to the Downtown Pedestrian area of Fort Myers Beach where uses such as the proposed mobile vending/food truck park project may be reasonably anticipated:

Commercial Boulevard

Character:

"The Commercial Boulevard district is primarily a mixed-use district with less-intense commercial areas, historic cottages, and a mix of housing types." Page 4-12

"This designation is intended to maintain the existing mixed-use character along portions of Estero Boulevard..." Page 4-18

Density:

"New residential development is limited to six dwelling units per acre, except for legally existing structures, which can remain at up to ten units per acre." Page 4-18

Purpose:



"This district preserves a blend of residential and commercial properties, with a focus on maintaining compatibility and preserving the public realm." Page 4-12

Design:

"All commercial development proposals must be designed to complement adjacent residential uses and enhance the pedestrian environment..." Page 4-18

Downtown Core Area

Character:

"The Times Square area, also known as the downtown core area, serves as the lively, pedestrian-friendly nucleus of commercial and tourist activities." Page 3-5

Infrastructure:

"Improvements include pedestrian malls, sidewalks, bike paths, and shared parking areas to reduce congestion and improve access." Pages 3-5 to 3-6

Land Use:

"The Downtown Core Area boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an 'old Estero Island' character." Page 3-6

Redevelopment:

"The Core Area Master Plan envisions expanded entertainment options, marina facilities, and revitalization of Old San Carlos Boulevard and Crescent Street." Page 3-15

Commercial Boulevard

Mixed-Use Character:

"The Commercial Boulevard designation along Estero Boulevard is intended to maintain the existing mixed-use character, which includes historic cottages, a variety of housing types, and small-scale businesses." Page 5-12

Infrastructure and Streetscape Improvements:

"Improvements along Estero Boulevard shall prioritize safety and usability for pedestrians and cyclists, while maintaining compatibility with adjacent residential properties." Page 5-14

Boulevard Policy and Designation:

"The Commercial Boulevard policy encourages sensitive commercial development that complements the residential character of nearby areas and enhances the public realm." Page 5-15

Downtown Core Area

Revitalization Focus:

"The Downtown Core Area, particularly Times Square, serves as the vibrant center for tourism and local commerce, with an emphasis on outdoor dining, pedestrian plazas, and entertainment." Page 6-1

Pedestrian and Streetscape Enhancements:



"Sidewalks, bike paths, and shaded pedestrian corridors are key features of the Downtown Core Area, ensuring a walkable and inviting environment for visitors and residents alike." Page 6-4

Distinct Districts Within the Core:

"Old San Carlos Boulevard and Crescent Street are integral parts of the Downtown Core, with unique redevelopment goals aimed at preserving their historic and community-oriented character." Page 6-5

Integration of Public Spaces:

"The redevelopment of Marina Plaza and Lynn Hall Park includes plans for expanded public spaces, enhancing connectivity and creating a unified recreational and commercial experience." Page 6-6



COMPARABLE PROJECTS COMPARISON

Finally, one of the challenges inherent in a study such as this is to find reasonable comparable situations where uses such as what's being proposed are in close proximity to residential uses. Ultimately, few examples were found to demonstrate this dynamic, and none of the examples include the factors of both proximity and an elevated view such as what would be present at Pelican Watch. Below are examples of nine projects throughout the state of Florida, and their respective proximity to residential uses. Again, however, none of these examples reflects proximity as close as what's being proposed under DCI Rezoning 20240137-2.

Name	Address	Proximity to Closest Residential Structure
Backyard Social	16371 Corporate Commerce Way, Fort Myers	0.47 Miles
Slipaway Food Truck Park & Marina	1811 Cape Coral Pkwy E, Cape Coral	100 ft (Apartments across street) / 200 ft (Home across Canal)
Celebration Park Naples	2880 Becca Ave, Naples	300 ft (Home across Canal)
The Village Garden Food Truck Park	1480 A1A S, St. Augustine	400 ft (Home - no view of building due to trees and vegetation)
Food Truck Backyard	1325 SW 70th Ave Unit Patio, Miami	100 ft (Multiple Homes nearby but trees and brush block view)
Food Truck Wynwood	210 NW 22nd Ln, Miami	.2 Miles (Apartments - no direct view)
World Food Trucks	5805 W Irlo Bronson Memorial Hwy, Kissimmee	.3 Miles (Apartment Complex with no view of Food Trucks because of Tree's/Brush)
Boxi Park Lake Nona	6877 Tavistock Lakes Blvd, Orlando	250 ft (Apartment Complex across the street)
Rooftop at Riverside	27333 Old 41 Rd, Bonita Springs	400ft (Homes - No direct view)



SEC. VI: APPLICABLE ACADEMIC RESEARCH AND STUDIES

The following is a sampling of pertinent studies reviewed in the context of this Value Impact Study:

"The Impact of Temporary Uses on Property Prices: The Example of Food Trucks"

Authors: Julia Freybote, Yiping Fang, and Matthew Gebhardt

Published in: Journal of Property Research, 2017

Summary: This study investigates the effect of food truck pods on nearby single-family home values in Portland, Oregon. The findings indicate that proximity to food trucks negatively impacts sales prices, primarily due to increased parking shortages and trash issues in the neighborhood.

"Examining the Economic Impact of Park Facilities on Neighboring Residential Property Values"

Authors: Yong-Suhk W. Lee, Nicholas T. Taylor

Published in: Urban Forestry & Urban Greening, 2019

Summary: This study applied hedonic regression models to examine the impacts of park facilities on neighboring residential property values in Minneapolis, Minnesota. The analysis suggests that certain active park facilities, especially skate parks and children's play areas, tend to introduce negative impacts on nearby property values.

"How Much Impact Do Parks Have on Property Values?"

Authors: John L. Crompton and Sarah Nicholls

Published in: Parks & Recreation Magazine, 2020

Summary: This review of 33 studies examines how proximity to parks influences residential property values. While many studies report positive impacts, some indicate that parks with active uses can have negative effects due to noise, congestion, and reduced privacy.



SEC. VIII: ADDENDA.

QUALIFICATIONS: MATTHEW S. SIMMONS

Educational Background and Training

Bachelor of Science in Business Management (2008) Florida Gulf Coast University, Fort Myers, Florida.
Appraisal Board Course I - ABI, Steve Williamson's Real Estate Education Specialists (2003) Orlando, Florida.
Real Estate Transactions, Florida Gulf Coast University (2003) Fort Myers, Florida.
Various Appraisal Institute Courses
Appraisal Board Course II - ABII, Academy of Real Estate (2005) Fort Myers, Florida.
63 - hour Sales Associate Pre-License Course, Career Web School (2008)

Experience

Gulf Coast Appraisal and Consulting Services, Inc., Cape Coral, Florida - Associate (2003)
Gulf Coast Appraisal and Associates, Inc., Cape Coral, Florida - Associate (2003-2005)
Maxwell & Hendry Valuation Services, Inc., Fort Myers, Florida - Residential Division Manager (2005-2013)
Maxwell, Hendry & Simmons, LLC, Fort Myers, Florida - Partner (2013-Present)

Professional Affiliations

State-Certified Residential Real Estate Appraiser, RD5762
State-Licensed Real Estate Broker, BK3214690
Qualified as an expert witness in the Florida District Court: 7th Judicial Circuit, 20th Judicial Circuit
Qualified as an expert witness in U.S. District Court: Middle District of Florida
Qualified as an expert witness in St. Croix County, Wisconsin
Realtor Association of Greater Fort Myers and the Beach, Inc. - Member (2009-Present)
National Association of Realtors - Member (2009-Present)
Real Estate Investment Society REIS - President (2015)
Sanibel-Captiva Chamber of Commerce - Member (2006-Present)
Southwest Florida Museum of History Foundation - Board Member (2014-2016)
HUD FHA Approved Appraiser
Associate Member of the Appraisal Institute (2011-Present)
Florida Real Estate Appraisal Board - FREAB - Gubernatorial Appointed Board Member (2012-2016)
Florida Real Estate Appraisal Board - FREAB - Chairman (2014)
IMAG History & Science Center - Board of Directors (2016-Present)
L.E.A.D. Foundation of SWFL - President (2017-Present)

Re-certification

As of the date of this report, I, Matthew S. Simmons, have completed the requirements under the continuing education program for the State of Florida.





MATTHEW S. SIMMONS		
SAMPLE OF TRIAL RELATED WORK (UPDATED THROUGH EARLY 2021)		
DATE	CLIENT	REFERENCE
4/2006	Dykema Gossett PLLG	US Bankruptcy Court N.D. Illinois, Eastern Dawson v. James S. Economou and Carol Economou; Case No. 05-B-13171
		appraisal, related trial preparedness
5/8/2006	Lee County Attorney's Office	Order-of-Taking in regard to Matlacha Park
6/2006	Berger Schatz	Boado v. Boado; appraisal, related trial preparedness
8/9/2006	Lee County Board of Commissioners	Order-of-Taking hearings and related updates, file review for Parcels 1005, 1015, 316A, and 333, Imperial Street, Lee County, Florida
2/2008	First Bank	First Bank v. Ofelia Marcelo; appraisal, testimony, related trial preparedness
4/2008	Rubinstein & Holz	Krill v. Krill; appraisal, testimony, related preparedness
8/2008	Melissa Skeen	Silverglide v. Silverglide; appraisal, related trial preparedness
10/2008	Henderson Franklin	Leli v. Marsala; appraisal, deposition, related trial preparedness
10/2008	Powell Law Offices, P.A.	Dennis Mark Clark vs. Steven Gribble and Gasparilla Properties, Inc.; appraisal, related trial preparedness
2/2009	Bank First	Bank First vs. Guy Pagsolingan; appraisal, testimony, related trial preparedness

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2/2009	Gibbons, Neuman, Bello, Segall, Allen, Halloran & Wright	Valley Bank v. Chris Hernandez; appraisal, testimony, related trial preparedness
2/2009	Troutman & Sanders, LLP	Taylor, Bean & Whitaker Mortgage Corporation vs. Lennar Corporation; appraisal, related trial preparedness
5/2009	Henderson Franklin	Warfield v. Stewart; appraisal, related trial preparedness
6/2009	John Nowell	John Nowell vs. Chad Turner; appraisal, related trial preparedness
9/2009	Stewart & Keyes	General Mortgage Associates Inc. vs Chapman and Associates, Inc., Dave Beckman, Julio Alvares, and Associates in Appraisal, Inc, and Patricia W. Sempstrott; appraisal, related trial preparedness, depositions, mediation
3/2010	Hale Law Group	Victor Rardin and Marianne Rardin v. Michael Sklorenko and Paula Sklorenko; appraisal, related trial preparedness, testimony
4/2010	Henderson Franklin	Quantum Funding Corp. v. Lisa A. Musial; appraisal, related trial preparedness
5/2010	Shendell & Pollock	IndyMac Bank FSB v. Viking Appraisal; appraisal, related trial preparedness
11/2010	Hale Law Group	Goldenberg v. Smith; appraisal, related trial preparedness
11/2010	Shelly Finman	Kennard v. Kennard; appraisal, related trial preparedness
1/2011	Carey, O'Malley, Whitaker, & Mueller	Fifth Third v. Landmark Homes; appraisal, related trial preparedness

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2/2011	First American Bank	First American Bank v. Purdy; appraisal, related trial preparedness
5/2011	Pavese Law Firm	Petrella v. Lee County; appraisal, related trial preparedness
4/2012	Lapin & Leichtling, LLP	U.S. Bank v. First American Bank; appraisal, related trial preparedness
2/2012	Angella Hill, P.A.	SCEWCD v. Kozak; appraisal, related trial preparedness, testimony
4/2012	DeBoest Stockman	Iberia Bank v. O'Brien; appraisal, related trial preparedness
4/2012	DeBoest Stockman	Iberia Bank v. Birmingham; appraisal, related trial preparedness
4/2012	S. Alan Johnson Law, LLC	NCUA v. Kenneth Chang; appraisal, related trial preparedness, testimony
4/2012	Bayer Jerger & Underwood	Brinley v. Brinley; appraisal, related trial preparedness
5/2012	Andrew S. Epstein, P.A.	Gibbons v. Sizemore; appraisal, related trial preparedness
5/2012	Roetzel & Andress	Reliance Bank v. Medinis; appraisal, related trial preparedness, testimony
5/2012	Law Office of Matthew D. Uhle	Brosh v. City of Bonita Springs & Centex Homes; appraisal, deposition, related trial preparedness
7/2012	Bush, Ross, P.A.	Fiore v. Hilliker; valuation related consulting work

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7/2012	Rogers Tower	Iberia Bank v. Fleischhauer; appraisal, related trial preparedness, testimony
7/2012	Carlton, Fields, P.A.	Dinello v. DiLoreto; appraisal, related trial preparedness
8/2012	Rogers, Tower	Century Bank, FSB v. Cathy Phillips; appraisal, related trial preparedness, testimony
11/2012	Rogers, Tower	Century Bank, FSB v. Anita Wingerter, Tobias Kurz, & R.A. Grant Corporation
11/2012	Mullin, Hoard & Brown	FDIC v. LSI Appraisal, FNIS, Inc., LPS, Inc., LPS, LLC, and LPS Property Tax Solutions, Inc.; appraisal, related trial preparedness
12/2012	Knott, Ebelini & Hart	Christoff v. Lewis; appraisal, related trial preparedness, testimony
12/2012	Fowler White Boggs	BMO Harris Bank v. Glenn McMaster; appraisal, related trial preparedness
1/2013	Chartwell Law Offices	Dorsey v. Century 21; valuation related consulting work
1/2013	FDIC Mortgage Recovery Law Group	FDIC v. Bank United; appraisal, related trial preparedness
2/2013	Henderson Franklin	Suncoast Schools Federal Credit Union v. Timothy and Kerri O'Leary; valuation related consulting work, testimony
2/2013	McGahee & Perez	Centerstate Bank v. Andrade; appraisal, related trial preparedness
5/2013	Henderson Franklin	Suncoast Schools Federal Credit Union v. Roger E. & Karla R. Carrasco; appraisal, related trial preparedness

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7/2013	Mullin, Hoard & Brown	FDIC v. LSI Appraisal, LLC and FDIC v. Corelogic Valuation Services, LLC; appraisals, related trial preparation
7/2013	Julie Rawl	Lance M. McKinney v. Gregory R. Rawl; appraisal, testimony
12/2013	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Lautenbach bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness, testimony
1/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Sewell bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness
1/2014	Holtz Mashie Decosta, P.A.	Charles Schwab Bank, N.A. v. Conroy & Singer; appraisal, related trial preparedness, arbitration, deposition, testimony
1/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Swingholm bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness, testimony
2/2014	Rich Springle	Spriggle v. Spriggle; appraisal, related trial preparedness
2/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Bernstein bankruptcy v. Sun Trust; appraisal, related trial preparedness
3/2014	Mortgage Recovery Law Group	FDIC v. Lennar Corporation; appraisal, reviews, related trial preparedness
4/2014	Debra Rowe, Esq.	Sklorenko v. Sklorenko; appraisal, related trial preparedness

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5/2014	Henderson Franklin	Suncoast Schools Federal Credit Union v. Charles Arabre; appraisal, related trial preparedness, testimony
5/2014	Pavese Law Firm	US District Court Middle District of Florida; Harrison and Koski bankruptcy v. Cypress Keep HOA; appraisal, related trial preparedness, testimony
6/2014	Quarles & Brady, LLP	City of Cape Coral v. Lentrip; appraisal, related trial preparedness
9/2014	Lee County Property Appraiser	Spivey v Wilkinson; appraisal, related trial preparedness
10/2014	Law Office of Matthew Uhle	Michael McGuigan v. Lee County; appraisal, related trial preparedness
11/2014	Henderson Franklin	Neff lien stipulation motion v. Suncoast Schools Federal Credit Union; appraisal, related trial preparedness, testimony
4/2015	Henderson Franklin	McLean lien stipulation motion v. Heritage Pointe Master Association; appraisal, related trial preparedness, testimony
4/2015	Roetzel & Andress	Cloninger v. Cloninger; appraisal, related trial preparedness, testimony
5/2015	Roetzel & Andress	Thompson v. Thompsons; appraisal, related trial preparedness
5/2015	Stafford Law	DiFiore v. DiFiore; appraisal, related trial preparedness

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5/2015	Kass Shuler, P.A.	US District Court Middle District of Florida; Murawski bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness
5/2015	Martin Law Firm	Arigno v. Arigno; appraisal, related trial preparedness
6/2015	Henewey Ross Law Firm	Kohlhare v. Kohlhare; appraisal, related trial preparedness
6/2015	Cohen Milstein	Hauser v. Rice Insulation; appraisal, related trial preparedness
7/2015	Henderson Franklin	Thomas v. Thomas; appraisal, related trial preparedness
7/2015	Angela Sullivan	Sullivan v. Sullivan; appraisal, related trial preparedness
7/2015	Jeanne Chambers	Chambers v. Chambers; appraisal, related trial preparedness
7/2015	Rubinstein & Holtz	Myhre v. Myhre; appraisal, related trial preparedness
7/2015	Tom Moran	Moran v. Moran; appraisal; related trial preparedness
7/2015	Pavese Law Firm	US District Court Middle District of Florida; Marie Paul bankruptcy v. Jubilation Community Associates; appraisal, related trial preparedness
7/2015	Thompson Family Law	Rist v. Rist; appraisal, related trial preparedness
8/2015	Rogers Tower	Norsota Associates, L.P. v. Agado; appraisal, related trial preparedness
8/2015	20th Judicial Circuit	Jugan v. Jugan; appraisal, related trial preparedness

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9/2015	Rogers Tower	US District Court Middle District of Florida; Coffey bankruptcy v. Nationstar Mortgage; appraisal, related trial preparedness
10/2015	Roetzel & Andress	DiCicco v. DiCicco; appraisal, related trial preparedness
12/2015	Pavese Law Firm	Moss v. Moss; appraisal, related trial preparedness
1/2016	Jeffrey Berlowitz, Esq.	US District Court Middle District of Florida; Edward P. Reilly bankruptcy v. Island Walk HOA; appraisal, related trial preparedness
1/2016	Bergermann Law Firm	Tawadras v. Patton; appraisal, related trial preparedness
1/2016	Paul Liles, Esq.	Sweet v. Sweet; appraisal, related trial preparedness
2/2016	Sheldon E. Finman, P.A. and Vergermann Law Firm	Longendyke v. Longendyke; appraisal, related trial preparedness
2/2016	Esmond Lewis Law Firm	US District Court Middle District of Florida; Green Bankruptcy; appraisal, related trial preparedness
3/2016	Rubinstein, Holz & King, P.A.	Eleinko v. Eleinko; appraisal, related trial preparedness
3/2016	Cassell & Cassell, PLLC	Warnars v. Warnars; appraisal, related trial preparedness
3/2016	Sheldon E. Finman, P.A.	Bond v. Bond; appraisal, related trial preparedness
3/2016	Dellutri Law Group	US District Court Middle District of Florida; Beverly Morgan bankruptcy; appraisal, related trial preparedness
4/2016	Howard Atkin, Esq.	Cadieu v. Cadieu; appraisal, related trial preparedness
4/2016	Grimes Goebel Grimes Hawkins	Hutler v. Hutler; appraisal, related trial preparedness

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5/2016	DeBoest, Stockman, Decker, Broughton & Hagan, P.A.	Hamilton v. Klaus; appraisal, related trial preparedness
7/2016	Pavese Law Firm	Dusseau v. Dusseau; appraisal, related trial preparedness
8/2016	William Hobbs	Hobbs v. Hobbs; appraisal, related trial preparedness
9/2016	Roetzel & Andress	Coral Lakes Homeowner's Association v. Trepkowski; appraisal, related trial preparedness, testimony
9/2016	Roetzel & Andress	Coral Lakes Homeowner's Association v. Ortega/Maldonado; appraisal, related trial preparedness, testimony
1/2017	Roetzel & Andress	Coral Lakes Homeowner's Association v. Barnes; appraisal, related trial preparedness, testimony
4/2017	Bergermann Law Firm	Rison v. Rison; appraisal, related trial preparedness
5/2017		McPheron v. McPheron; appraisal, related trial preparedness
6/2017		Peterson v. Peterson; appraisal, related trial preparedness, testimony
12/2017	Blount Law, P.L	1355 Marlin Drive, LLC v. Harry P.A. Adams-Mercer, and Wendy Mercer v. Michael S. Marino, Harry Michael Zea, and Imagine Home Concepts, LLC; appraisal, related trial preparedness, testimony
2/2018	Calvo & Calvo	Renaud v. Renaud; appraisal, related trial preparedness
3/2018	Calvo & Calvo	Garcia v. Garcia; appraisal, related trial preparedness

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3/2018	Bergermann Law Firm	Rison v. Rison; appraisal, related trial preparedness, testimony
4/2018	Bergermann Law Firm	VanVessel v. Bramble; appraisal, related trial preparedness, testimony
5/2018	Calvo & Calvo	Cedeno v. Rosales; appraisal, related trial preparedness
5/2018	Bergermann Law Firm	Navarro v. Navarro; appraisal, related trial preparedness
5/2018	Calvo & Calvo	Fries v. Bolliger; appraisal, related trial preparedness, testimony
5/2018	Bergermann Law Firm	Martin v. Martin; appraisal
6/2018	Hertz Schram, PC	Karnani v. Karnani; appraisal, related trial preparedness
6/2018	Calvo & Calvo	Heggemeier v. Heggemeier; appraisal
6/2018	Delutri Law Group	US District Court Middle District of Florida; Earnest Pittman bankruptcy; appraisal, related trial preparedness, testimony
9/2018	Porter, Wright, Morris & Arthur, P.A.	Goodrum v. Rhodes; appraisal, related trial preparedness
11/2018	Rubinstein, Holz, & King, P.A.	Piggott v. Piggott; appraisal, related trial preparedness, testimony
12/2018	Henderson, Franklin, Starnes & Holt, P.A.	Weiner, Alexandra v. Murty, Timothy; appraisal, related trial preparedness
1/2019	Wicker, Smith, O'Hara McCoy & Ford, P.A.	Bauer v. Heinlein; appraisals, related trial preparedness

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1/2019	Roetzel & Andress	NCUA v. Alfonso; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Alfonso; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Beddow; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Haggard; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Hallett; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Hallett; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Krizsan; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. O'Ferrall; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Rosser; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Shane; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Torres; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Wehner; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Wehner; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Wiley; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Wiley; appraisal, related trial preparedness

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1/2019	Roetzel & Andress	NCUA v. Youse; appraisal, related trial preparedness
1/2019	Quintairos, Prieto, Wood & Boyer, P.A.	Klayman and 3s Company Florida, LLC v. De Meo, Gordon, Hamilton-Franklin Realty, LLC, Sass, Target Surveying, LLC, Osborne, and Peters; related trial preparedness
1/2019	Martin Law Firm, P.L.	Jacobs v Jacobs; appraisal
3/2019	Cordell Cordell	MacDonald v. MacDonald; appraisal
6/2019	Martin Law Firm	Cook v. Cook; appraisal
6/2019	WCI Communities, LLC	WCI Communities, Inc. v. City of Bonita Springs, Florida; appraisal, related trial preparedness
7/2019	Henderson Franklin Starnes & Holt, P.A.	Suncoast Credit Union v. Griffiths; appraisal, trial related preparedness
7/2019	Sheldon E. Finman, P.A.	Jackson v. Jackson; appraisal
7/2019	Pavese Law Firm	Michael v. Daniel; appraisal
7/2019	Robert E. Tardiff, Jr. P.A.	US District Court Middle District of Florida; Brenda Hall bankruptcy; appraisal
8/2019	Kevin F. Jursinski & Associates, P.A.	Davis v. Berdick; appraisal, trial related preparedness, testimony
8/2019	Holland & Knight, LLP	Miller, Becker, Blanks, etc., v. City of Fort Myers; valuation consulting
8/2019	Sibylle Allendorff and Pennington Law	Allendorff v. Johnson; appraisal, related trial preparedness

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1/2020	Jursinski & Murphy Law Firm	Blakely v. Livorsi; appraisal, related trial preparedness
1/2020	Roetzel & Andress, P.A.	Boyd v. Wilk; appraisals, related trial preparedness
4/2020	Sheldon E. Finman, P.A.	Michaels v. Michaels; appraisal, related trial preparedness
4/2020	Gray Robinson	Weatherbee v. Nemeth A/C; appraisal, related trial preparedness
5/2020	Best & Flanagan / Willeke & Daniels	Peet v. Peet; appraisal, related trial preparedness
5/2020	The Law Office Karla Y Campos-Anderson	Melendez v. Melendez; appraisal, related trial preparedness
5/2020	Hagen Law Firm & Absolute Law	Turner v. McClory; appraisal, related trial preparedness
6/2020	Bergermann Law Firm	Coykendall v. Eischeid; appraisal, related trial preparedness
7/2020	The Law Office Karla Y Campos-Anderson	Gallegos v Zelaya; appraisal, related trial preparedness
8/2020	Allen Dell	Robertson v Robertson; appraisal, related trial preparedness
8/2020	Moore Bowman & Reese	Angler's Paradise of Bonita Springs Inc. v City of Bonita Springs; appraisal, related trial preparedness
8/2020	Edward Arasimowicz	Arasimowicz v Arasimowicz; appraisal, related trial preparedness
8/2020	James Campbell	Campbell v Kane; appraisal, related trial preparedness

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9/2020	Wilbur Smith	Schwartzel-Rienzo v Rienzo ; appraisal, consultaion, related trial preparedness
9/2020	Jursinski & Murphy Law Firm	Bertschinger Investments LLC v Scratch & Dent Saffron; consultation, related trial preparedness
9/2020	Jursinski & Murphy Law Firm	The Scratch and Dent Shop, inc. v Leco Court Holdings ,LLC ; appraisal report, consultation, related trial preparedness
9/2020	Sheldon E. Finman, P.A.	Brian Just v Megan Just; appraisal, related trial preparedness
9/2020	John D. Mills, P.A.	Burke v. Burke; 2016 appraisal report , related trial preparedness
9/2020	John D. Mills, P.A.	Burke v. Burke; 2020 appraisal reports , related trial preparedness
10/2020	Kevin Schapley & Terri Schapley	Kevin Schapley, Terri Schapley; consultation
10/2020	The Law Office Karla Y Campos-Anderson	Maricela Espinal v Melendez; appraisal , related trial preparedness
10/2020	Leah Meshelle Snyder, P.A.	Mrs. Macpherson v Joseph MacPherson - 2200 NE 14th Ave; appraisal, related trial preparedness
10/2020	Leah Meshelle Snyder P.A.	Theresa Schober v Thomas Cheshire - 1902 Florrie Ct; appraisal report, related trial preparedness
10/2020	Simmons Law Firm	James W. Harris v Constance L. Harris; several appraisal reports, related trial preparedness

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10/2020	Rachel Edmonds	Rachel Edmonds v Ryan Edmonds; appraisal, related trial preparedness
11/2020	Kubicki Draper, P.A.	Kevin L. Erwin and Andrea Erwin v Coastal Contracting of Florida, LLC and James K. McStravic Plumbing, Inc.; appraisal, consultation, related trial preparedness
11/2020	Sergio Castro	Castro v Castro; appraisal, related trial preparedness
11/2020	Roger M. Brown Trust	Kevin and Nicole Almeida v Roger M. Brown Trust; appraisal, related trial preparedness
11/2020	Carol Donoghue and Brian Donoghue	Carol Donoghue v Brian Donoghue; several appraisals, consultation, related trial preparedness
2005-2021	Numerous	Multiple representations before the Lee County and Collier County Valuation Adjustment Board over the past ten years. Multiple times providing testimony as a valuation expert on land use, zoning, feasibility, and economic impact related issues before a variety of planning/zoning boards and county commissions.

MAXWELL HENDRY SIMMONS



Matt Simmons

Matt is a native of Southwest Florida and a graduate of the Lutgert College of Business at Florida Gulf Coast University. He joined the appraisal profession in 2003 and joined Maxwell & Hendry Valuation Services in 2005 serving as the residential division manager until becoming a partner in the firm in 2013. Maxwell, Hendry & Simmons provides appraisal and consulting services for commercial and residential real estate in the 5-county region (Lee, Collier, Charlotte, Glades, and Hendry).

Matt's individual practice includes forensic valuation work for eminent domain, zoning matters, family law, foreclosure/deficiency actions, bankruptcy, VAB appeals, and general civil litigation. He leads the firms' efforts in specialized studies, including Value Impact Studies and Economic Impact Studies. Matt also manages the day-to-day commercial valuation service functions of the firm.

Matt is a Past-President of the Real Estate Investment Society, is an FHA/HUD approved appraiser, and has served as a guest lecturer at Florida Gulf Coast University for several years. Matt is qualified as an expert witness in Florida District Court: 20th and 7th Judicial Circuits, in U.S. District Court: Middle District of Florida, and in several jurisdictions outside of Florida. He has also been recognized as an expert on value and economic impacts in several Florida planning jurisdictions regarding applications for zoning and land use changes. He is a licensed broker and consults commercial and residential investors in income-producing acquisitions. In 2012, Matt was appointed by Governor Rick Scott to serve on the Florida Real Estate Appraisal Board. He is the youngest appointee in the history of FREAB and served as the 2014 Chairman. During his term of service he focused on issues of license enforcement and rule-making associated with the Administrative Code applicable to real estate appraisers, instructors, and appraisal management companies.

QUALIFICATIONS: MATTHEW S. SIMMONS

Educational Background and Training

Bachelor of Science in Business Management (2008) Florida Gulf Coast University, Fort Myers, Florida.
Appraisal Board Course I - ABI, Steve Williamson's Real Estate Education Specialists (2003) Orlando, Florida.
Real Estate Transactions, Florida Gulf Coast University (2003) Fort Myers, Florida.
Various Appraisal Institute Courses
Appraisal Board Course II - ABII, Academy of Real Estate (2005) Fort Myers, Florida.
63 - hour Sales Associate Pre-License Course, Career Web School (2008)

Experience

Gulf Coast Appraisal and Consulting Services, Inc., Cape Coral, Florida - Associate (2003)
Gulf Coast Appraisal and Associates, Inc., Cape Coral, Florida - Associate (2003-2005)
Maxwell & Hendry Valuation Services, Inc., Fort Myers, Florida - Residential Division Manager (2005-2013)
Maxwell, Hendry & Simmons, LLC, Fort Myers, Florida - Partner (2013-Present)

Professional Affiliations

State-Certified Residential Real Estate Appraiser, RD5762
State-Licensed Real Estate Broker, BK3214690
Qualified as an expert witness in the Florida District Court: 7th Judicial Circuit, 20th Judicial Circuit
Qualified as an expert witness in U.S. District Court: Middle District of Florida
Qualified as an expert witness in St. Croix County, Wisconsin
Realtor Association of Greater Fort Myers and the Beach, Inc. - Member (2009-Present)
National Association of Realtors - Member (2009-Present)
Real Estate Investment Society REIS - President (2015)
Sanibel-Captiva Chamber of Commerce - Member (2006-Present)
Southwest Florida Museum of History Foundation - Board Member (2014-2016)
HUD FHA Approved Appraiser
Associate Member of the Appraisal Institute (2011-Present)
Florida Real Estate Appraisal Board - FREAB - Gubernatorial Appointed Board Member (2012-2016)
Florida Real Estate Appraisal Board - FREAB - Chairman (2014)
IMAG History & Science Center - Board of Directors (2016-Present)
L.E.A.D. Foundation of SWFL - President (2017-Present)

Re-certification

As of the date of this report, I, Matthew S. Simmons, have completed the requirements under the continuing education program for the State of Florida.



Food Truck Court

- We understand the applicant has right to develop the property
- We fundamentally oppose this specific use case, meaning the outdoor food truck and beer garden
 - Depreciation of property values – per expert testimony
 - Lack of city regulations on food truck courts, and using the applicant's suggestions for the regulations
 - Lack of the cities ability to enforce the concerns we know will be there
 - Noise, there is no way to mitigate the noise entering our homes and pool areas
- We would support enclosed development with specific use parking, with any patio area facing and adjacent to Estero, with Estero being the main ingress/egress point

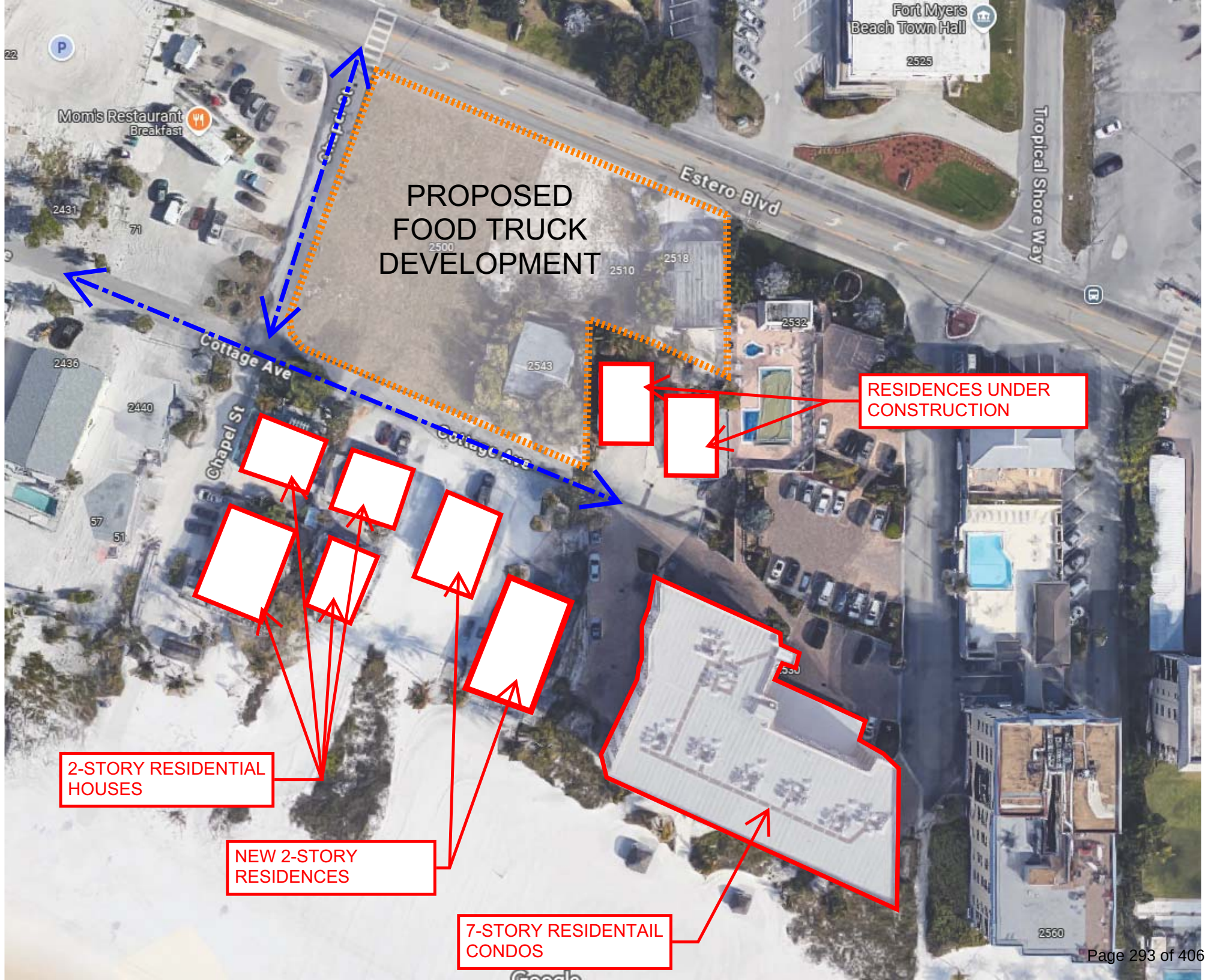
Mitigations/Conditions requested

- Applicant must fence off their entire property including along the PW pool line, with a gate to access their landscaping so its fully secure
 - Parking lot should be able to be “secured” at closing time
 - 50% of parking spaces should be specifically reserved for food truck customers
- Music
 - We prefer no music be allowed, not needed if “family centric”
 - There is no way to mitigate the sound from traveling onto our properties at significant levels
 - If allowed, then limit to 4-8 pm along with current suggested conditions
 - If allowed, then no special permits or event permits, this is too wide open
- Truck allowances – we would like to see a maximum allowed to prevent there from parking lot converted to “market”
- We would like to see the venue relocated to north end of the property so that the access is off Estero, not Chapel. This would serve to keep traffic out of the neighborhood.
- Prefer no alcohol sales – not needed if “family centric”
 - If alcohol permitted, sales should cease at 8 pm
- No food or alcohol sales after 8 pm – not needed if “family centric”

Mitigations continued

- Bathrooms and showers have to close in conjunction with closing times
- Parking lot must have pavers and accentuate the surrounding homes. New homes will all be multimillion dollar homes.
- City or applicant should place signage to reflect proper traffic flows, dead ends, privacy, towing, etc
- City should commit to proper enforcement of trespass, noise regulations – Rude Shrimp example of issues
- Security gates should be considered where possible for adjacent owners
- Buffer zone should meet Lee county standards, or much more than 5-10 feet





PROPOSED
FOOD TRUCK
DEVELOPMENT

RESIDENCES UNDER
CONSTRUCTION

2-STORY RESIDENTIAL
HOUSES

NEW 2-STORY
RESIDENCES

7-STORY RESIDENTIAL
CONDOS

Opposition Map Empire Holding / Food Truck Park 2-4-25

Untitled layer



Empire Holding Corp - CPD
Amendments



David and Monica Tezak, 2440
Cottage Ave



Helen Tezak, 50 Chapel St



Pelican Watch Condominium,
2530 and 2532 Estero Blvd



Pelican Watch Condominium
Property



Vince and Sue Todd, Pelican
Partners, 2532 Estero Blvd
#606



Patrick G. and Carolyn M.
McKeown, 2532 Estero Blvd
#605



Randy Briesath, 2532 Estero
Blvd #203



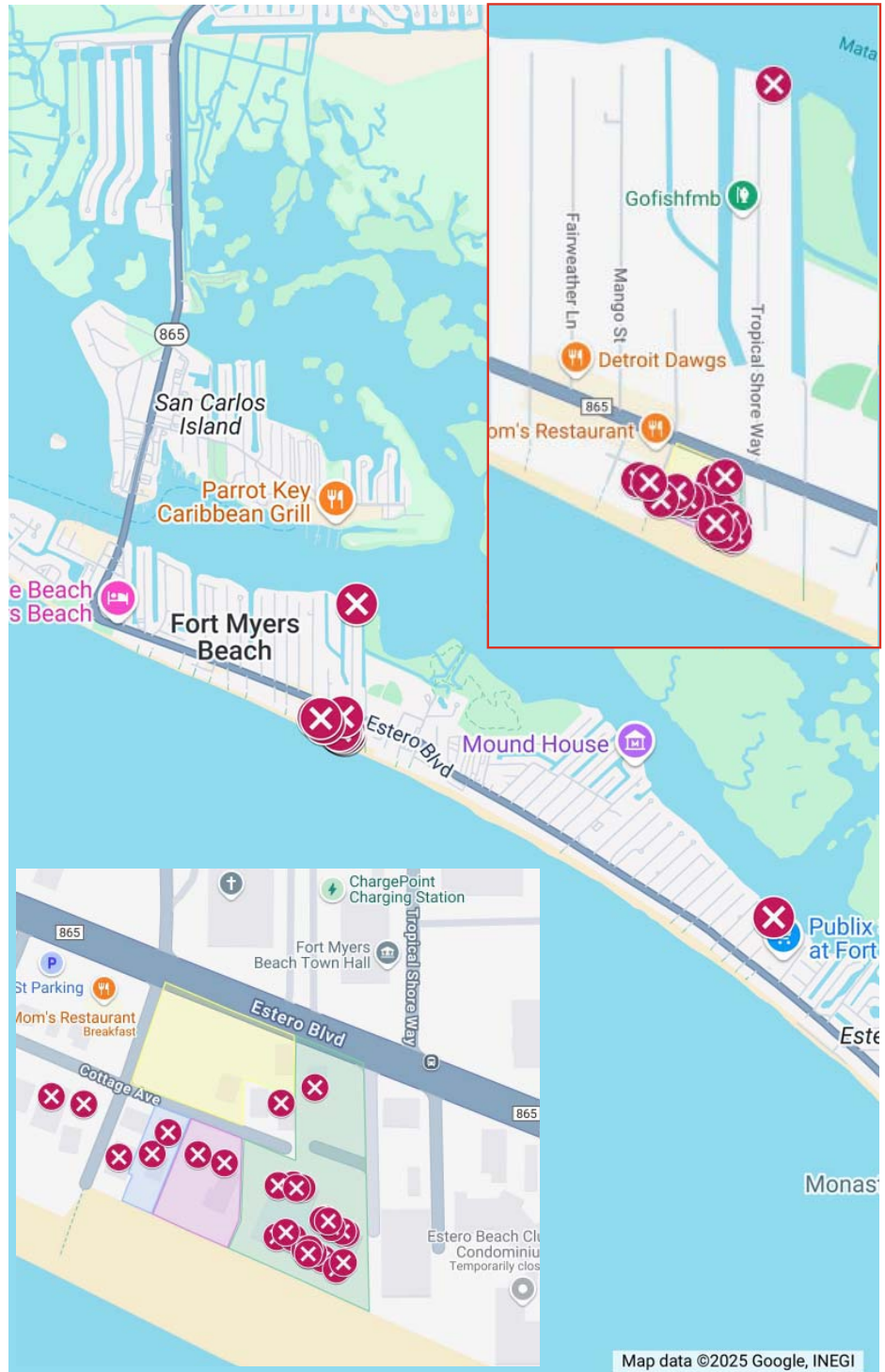
Tom and Deb Danford, Coastal
Cottages LLC, 2520 Cottage
Ave



Tom and Deb Danford, Coastal
Cottages LLC, 2522 Cottage
Ave



Edwin French, 2548 Cottage
Ave



Edwin French, 2550 Cottage
Ave



Brandon Richards, Ascend
Homes LLC, 2532 Estero Blvd
#205



Rich & Jackie Siefring, 2532
Estero Blvd # 307



Coastal Cottages
LLC/Danfords



Edwin French



Steve and Susan Whitehead,
2563 Cottage Ave



Susan Bonfigli, 2434 Cottage
Ave



Cecile Carstensen, 2532 Estero
Blvd #503



Dick & Pat Ooykaas and
Ooykaas Family, 2532 Estero
Blvd #107



Dick & Pat Ooykaas and
Ooykaas Family, 2532 Estero
Blvd #503



Ooykaas Family, 2532 Estero
Blvd #502



Dick & Pat Ooykaas, 2532
Estero Blvd #603



Russell Burgett, 2532 Estero
Blvd #101



Denise Hourigan/Dornfeld
Family, 2532 Estero Blvd #505



Mavis Sutton, 2532 Estero Blvd
#305



Kirk and Leslie Banerian, 2532
Estero Blvd #404



Lyle & Sheryl Grenz, 2532
Estero Blvd #302



John & Linda Vredenburg, 2532
Estero Blvd #301



Joyce LaCava, 2532 Estero
Blvd # 201



Kim & Pam Stickley, 2532
Estero Blvd #501



Barbara White, 2532 Estero
Blvd #108



Edwin French, 290 Tropical
Shore Way



Ed French, 4753 Estero Blvd
#405B



Gary & Lori Wiltse, 2532 Estero
Blvd #507



Rick Bruner, 2532 Estero Blvd
#206



Robin & Karen Amesbury, 2532
Estero Blvd #306

David and Monica Tezak
2440 Cottage Avenue
Fort Myers Beach, FL 33931

Helen Tezak
50 Chapel Street
Fort Myers Beach, FL 33931

January 6, 2025

Fort Myers Beach Local Planning Agency (LPA)
2731 Oak Street
Fort Myers Beach, FL 33931

Re: Formal Objection to Proposed Food Truck Park and Deviations for 2500 Estero Boulevard
(Ordinance 25-XX)

Dear Members of the Local Planning Agency,

I am writing to formally object to the proposed Commercial Planned Development (CPD) amendment and associated deviations for the property at 2500, 2510, and 2518 Estero Boulevard, as outlined in Ordinance 25-XX. The proposed food truck park raises serious concerns related to traffic safety, infrastructure inadequacy, compatibility with the surrounding residential area, and violations of the Fort Myers Beach Comprehensive Plan and Land Development Code (LDC).

Key Objections:

1. Chapel Street is Inadequate for Increased Traffic

Chapel Street, the primary proposed access point for the food truck park, is fundamentally unsuitable for such a high-traffic commercial use.

- **Narrow Width:** The road is only 20 feet wide (paved) with no permitted parking, leaving little room for two vehicles to pass safely, especially delivery trucks or larger vehicles associated with the food truck park. New development requires 50 feet wide paved roads for development.
- **Dead-End Configuration:** Chapel Street ends just 175 feet off Estero Boulevard, making it difficult for vehicles to turn around safely, creating gridlock, and exacerbating safety risks for residents and visitors.
- **Violation of LDC Requirements:** The proposed access point violates LDC Section 10-285, which requires a minimum spacing of 250 feet between accessways on major streets like Estero Boulevard. The proposed Chapel Street access is only 150 feet frontage. An

access point on Chapel Street will backup traffic on Estero Blvd due to the close proximity to Estero Blvd creating additional hazards.

- **Parking Overflow Risks:** The lack of permitted parking on Chapel Street will force overflow parking into surrounding residential areas, disrupting homeowner access and creating unnecessary tension in the community.

2. Traffic Safety and Emergency Access Risks

The proposed development will significantly increase traffic on Chapel Street, creating safety hazards for both residents and visitors. Emergency vehicle access could also be severely impeded due to congestion and the narrow dead-end configuration of the street. This is a direct threat to public safety.

3. Insufficient Justification for Requested Deviations

The applicant has requested six deviations from the LDC, many of which directly impact public safety and neighborhood compatibility. Specifically:

- **Deviation #1 and #2:** Reducing the required 250-foot spacing for access points will compromise safety on Estero Boulevard and Chapel Street.
- **Deviation #4 and #5:** Allowing off-street parking to be placed in inappropriate locations and permitting crushed shell or lime rock surfaces instead of pavement increase risks of flooding, drainage issues, and vehicle damage.
- **Deviation #6:** Reducing buffer requirements from 15 feet to 10 feet undermines necessary noise and visual separation between commercial and residential areas.

The justifications provided by the applicant fail to address how these deviations will negatively impact surrounding residential properties or protect the public interest.

4. Incompatibility with the Comprehensive Plan

The Fort Myers Beach Comprehensive Plan aims to balance residential and commercial uses while protecting neighborhood integrity and ensuring adequate infrastructure. This proposal directly conflicts with these goals:

- The Boulevard zoning category was designed for low-intensity, light commercial uses that complement the surrounding residential character. A high-traffic food truck park with late operating hours and amplified outdoor music does not align with this vision.
- The development places undue strain on infrastructure, particularly Chapel Street, which was never intended to support such intensive commercial activity.

5. Detrimental Impact on Property Values and Quality of Life

The introduction of a food truck park will degrade the residential character of the neighborhood and reduce property values for adjacent homeowners. Increased noise, odors, rodent potential, traffic, and parking overflow will disrupt the quiet enjoyment of nearby properties, diminishing the quality of life for residents.

6. Summary Table of Deviations

Table summarizing the six deviations requested and their negative impacts on the area:

Deviation	LDC Requirement	Proposed	Impact
Driveway Spacing	250 feet from Estero access	100 feet	Traffic hazard, violates safety standards
Buffers	15 feet wide	10 feet	Increased noise, reduced separation
Parking Surface	Paved	Crushed shell/rock	Drainage issues, substandard infrastructure

Requested Action

I respectfully request that the Local Planning Agency recommend denial of this CPD amendment and the associated deviations. The proposed development is wholly inappropriate for the area and will create significant, long-term negative impacts on the neighborhood, public safety, and infrastructure.

Conclusion

The proposed food truck park is incompatible with the residential character of this neighborhood, relies on inadequate infrastructure, and violates critical requirements of the Comprehensive Plan and Land Development Code. I urge the LPA to prioritize the safety, well-being, and long-term interests of Fort Myers Beach residents by recommending denial of this proposal.

Thank you for your time and careful consideration of these concerns.

Sincerely,

David, Monica and Helen Tezak
PO Box 2700
Fort Myers Beach FL 33932

David and Monica Tezak
2440 Cottage Avenue
Fort Myers Beach, FL 33931

Helen Tezak
50 Chapel Street
Fort Myers Beach, FL 33931

1-10-2025

Members of the Local Planning Agency
Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: Objection to Proposed Commercial Planned Development (CPD) Amendment for 2500, 2510, and 2518 Estero Boulevard

Dear Members of the Local Planning Agency,

We, David and Monica Tezak (owners of 2440 Cottage Avenue) and Helen Tezak (owner of 50 Chapel Street), respectfully submit this comprehensive objection to the proposed CPD amendment for 2500, 2510, and 2518 Estero Boulevard. This proposal, centered on establishing a beer and wine garden with food trucks as a secondary feature, raises numerous legal, procedural, and community concerns that demand careful consideration and ultimately, its rejection.

1. Spot Zoning and Expansion of CPD into Residential Parcels

The inclusion of two residential parcels into the CPD zone constitutes spot zoning, isolating commercial zoning within a residential subdivision. This rezoning serves private developer interests while disregarding the original residential intent of these parcels as part of the Seagrape Subdivision. Spot zoning undermines the comprehensive plan and sets a harmful precedent for further encroachment into residential neighborhoods.

Legal Basis:

- Florida Statute §163.3177 mandates that zoning decisions align with the comprehensive plan and serve a legitimate public purpose.

- Case Law: City of Miami Beach v. Ocean & Bay Park One, Inc. (1941) invalidated spot zoning that benefited private parties at the expense of the broader public interest.

2. Incompatibility with Zoning and Comprehensive Plan

The beer and wine garden with live music, late operating hours, and high turnover traffic is a far more intensive use than the low-intensity commercial uses permitted under the Boulevard zoning category. The proposal effectively converts the site into an entertainment venue, disrupting the residential character of the area.

Legal Basis:

- Florida Statute §163.3177 requires zoning changes to align with the comprehensive plan's goals to protect residential neighborhoods.
- Case Law: Snyder v. Board of County Commissioners of Brevard County (1993) requires zoning changes to serve a legitimate public purpose and maintain compatibility with surrounding uses.

3. Lack of a Regulatory Framework for Food Truck Parks and Beer Gardens

The Town of Fort Myers Beach currently lacks formal ordinances governing food truck parks and beer garden establishments. Proceeding with this proposal as a "pilot program" without establishing clear rules is premature and irresponsible.

- **Operational Oversight:** There are no rules to address critical issues such as waste management, parking, alcohol service restrictions, noise mitigation, and hours of operation.
- **Public Input:** The absence of regulations denies the community a say in whether such uses are appropriate for Fort Myers Beach.
- **Enforceability:** Without regulations, there is no mechanism to ensure compliance or mitigate nuisances.

Legal Basis:

- Florida Statute §163.3202 mandates that local governments adopt detailed land development regulations consistent with their comprehensive plan.
- Case Law: Approval of developments without a regulatory framework undermines comprehensive planning (Hillsborough County v. Putney, 2009).

4. Procedural Defects and Due Process Violations

The postcard notice for the January 9, 2025, hearing was postmarked on January 2, 2025, providing only seven days' notice to affected property owners. This falls significantly short of the

30-day minimum notice requirement under Florida Statutes (Section 166.041) for zoning map amendments.

Proper notice is a cornerstone of due process. Without sufficient time to review the proposal, consult with neighbors, and prepare objections, affected property owners are denied a meaningful opportunity to participate in decisions that impact their properties and quality of life.

This procedural defect **invalidates** the hearing and any decisions made during it. Florida courts have consistently held that insufficient notice constitutes a violation of due process, rendering zoning decisions subject to legal challenge.

Legal Basis:

- Florida Statute §166.041: Requires a minimum of 30 days' notice for zoning map amendments.
- Case Law: Florida courts, including in *Snyder v. Board of County Commissioners* (1993), affirm that proper notice and public participation are essential to lawful zoning decisions.

5. Traffic Hazards and Inadequate Infrastructure

Access to the site relies on Chapel Street, a narrow residential road measuring only 30 feet wide (paved to 20–25 feet). The road's dead-end configuration, lack of parking, and inadequate width is unsuitable for commercial ingress and egress. It also, will lead to off street parking by the venue's patrons. This will endanger the resident's ability for ingress and egress their property as well as emergency vehicles. This is demonstrated by the current continual problems and lack of enforcement with Mom's restaurant and off street parking.

Legal Basis:

- LDC Section 10-285 mandates a minimum separation of 250 feet between access points on major streets like Estero Boulevard, which the proposal fails to meet.
- Florida Statute §163.3180 requires local governments to ensure adequate infrastructure for new developments.

6. Homelessness and Alcohol-Related Public Safety Risks

The area surrounding the proposed development has faced a prevalent homelessness problem for years, creating safety and public health challenges. Establishing a beer and wine garden in this area, which serves alcohol, will likely exacerbate these issues, including:

- **Congregation Risks:** The presence of a bar may attract individuals struggling with substance abuse, increasing the likelihood of disturbances and negative interactions in the neighborhood.
- **Safety Concerns:** Local residents may face heightened risks of trespassing, vandalism, and public intoxication as a result of the establishment.
- **Burden on Public Resources:** The town may experience increased calls for law enforcement and emergency services to address alcohol-related disturbances.

Legal Basis:

- Florida Statute §562.45(2) authorizes municipalities to regulate the location of alcohol-serving establishments to protect public safety.
- Case Law: City of Miami Springs v. J.J.T., Inc. (1985) upheld restrictions on alcohol-serving businesses to safeguard neighborhoods.

Requested Actions

1. **Deny the Application:** Recommend denial of the CPD amendment due to spot zoning, lack of regulatory framework, incompatibility with zoning, procedural defects, and safety risks.
2. **Address Homelessness and Safety Concerns:** Recognize the existing homelessness challenges and assess how introducing a bar could exacerbate public safety issues.
3. **Establish Ordinances First:** Develop clear and enforceable regulations governing food truck parks and beer garden establishments before considering such proposals.
4. **Reschedule the Hearing:** Nullify any actions taken during the January 9, 2025, hearing and provide proper notice in compliance with state and local requirements.

Conclusion

This proposal introduces significant risks, including spot zoning, safety hazards, noise pollution, homelessness-related issues, and the erosion of residential character. The absence of a regulatory framework and procedural defects in notice highlight serious legal and ethical concerns.

We urge the Local Planning Agency to reject this proposal and prioritize the integrity of our neighborhood.

Thank you for your time and consideration.

Sincerely,

David and Monica Tezak
Helen Tezak

Town of Fort Myers Beach

JUL 3 2024

Received by: _____

Jason Smalley
Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Dear Mr. Smalley.

It pains me to have to write you regarding the most inappropriate use of the land located at 2500 Estero Blvd. Prior to Hurricane Ian, the area was roped off to prevent trespassing. Now with the extended lot boundaries, the owner wants food trucks, entertainment, etc., why not rezone it for a circus? The noise level of music from the tent currently located adjacent to the Bottoms Up facility can be heard throughout the neighborhood and is very disturbing. This is a residential area, not a commercial area like Times Square.

If you can recall, it was barely adequate for when it housed the Holmes House restaurant. Now with increased traffic on Estero Blvd. and the number of residences being rebuilt in this neighborhood, it hardly justifies being developed commercially. Your council is charged with land development and use. Please professionally consider the proposed use and reject the owner's request. They know not what they do or want.

Vince Todd
Belgian Watch
2532 Estero Blvd. # 606
Ft Myers Beach, FL 33931

Town of Fort Myers Beach

JUL 3 2024

received by:

From: Vince Todd <vtodd@accessa.com>
Sent: Sunday, February 2, 2025 3:35 PM
To: Judith Frankel <jrankel@fmbgov.com>
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; Randy Briesath <briesath@theseismicgroup.com>
Subject: Proposed Food Truck Project

Our names are Sue and Vince Todd and are from Indianapolis, IN. We are the owner of Unit 606 in Pelican Watch Condominiums, 2532 Estero Blvd. Fort Myers Beach, FL. We have been an owner in Pelican Watch since 1981. Prior, we were a renter in the trailer park that occupied this exact property. At development/construction completion, we became the first owner to close on our unit. It has been our second home but also our happy place. Our children have been coming here with us since early childhood and love to return now with our grandchildren.

Our unit 606 is on the same side of the building as the proposed project. Instead of nice peaceful, beautiful views of sunsets over Sanibel Island, we will be forced to tolerate food trucks, loud music, traffic, garbage, odors, birds, rodents, and public sanitary facilities none of which belong in a family residential neighborhood.

Please do not destroy our beautiful piece of paradise.

Sincerely,
Vince and Sue Todd

From: Carolyn McKeown <mckeown44@gmail.com>
Sent: Tuesday, February 4, 2025 6:10 AM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>
Subject: 2500 Estero Blvd project

As a resident of Pelican Watch Condominium, I have the following comments to offer to the LPA Committee members, each of whom has the purview to decide and make recommendations for land use on Estero Island. Clearly, you have the charge and responsibility for the welfare of residents and visitors alike in making these decisions, but you also surely must have some consideration for those who have lived here for an extended period and sustained this island before Hurricane Ian, but more importantly, returned to the island to REBUILD their properties. Pelican Watch will soon reach 10 million dollars. Our property values and continued need for comfort and a generally healthy environment should count for something.

As I review the plans for this development, there are no plans for fulfilling the Town's encouragement for all to build "brick and mortar". And the current residential area adjoining 2500 Estero Boulevard properties should not be subjected to a development that will immediately diminish our property values. There are 12 back apartments that will be greatly adversely effected (documented) due to the proximity and total exposure to this "open air" arrangement of noise, music, food odors, public bathrooms, along with excess foot and automobile traffic and the like. This project will also make the 5th parking lot between here and the Sky Bridge. Also, please consider the impact on already existing businesses. Businesses that have found a way to "come back" and hang on after the hurricane and are now trying to reach the Town's goal to build back a "brick and mortar". Mom's has been on the island for over 15 years as has a Charro Brothers as their restaurant was destroyed. Additionally, the Pancake House that has survived and revived! All of these have struggled to make it back to whatever point of recovery they have achieved at this point in time. And this will also detract from the the finished Sandy Bottoms that the Millers have dumped a ton of money into.

Granted, the island was put under a great strain following the destruction by Hurricane Ian, but I do not feel that it is wise nor does it serve the long-range goals of Ft Myers Beach or its residents to co-mingle incompatible developments for the sake of a quick startup. And while food trucks have become a popular draw in many parts of the country, they are appropriate for commercial and light commercial areas. This is a beautiful project but in the wrong location. The 3 food truck developments in the area of Ft Myers Beach that the developer keeps referring to and comparing this development to as similar are all in commercial/light commercial; none are near a residential area. This appears to be a faulty comparison.

The community-at-risk around this development is NOT against development. It is, however, vehemently objecting to that which would immediately deter value of their property, eliminate comfort in their own units with constant "open air" noise, music along with the unwanted foot traffic through the properties. And if signs were are thought to prevent unwanted motorists from reaching the dead end on Cottage Street and then turning to follow the Pelican Watch building entry as an outlet, we wouldn't be protesting that issue today. Prior to Ian, there were two signs

nearing the end of Cottage Street: one said "DEAD END"; another sign said "NO TURNAROUND". Neither worked; people do not respect signs as a rule, so signs are NOT a reliable solution. And I raise the question of "enforcement" for all of these issues? Who/how will this be monitored and guidelines enforced?

So you ask then what we as the surrounding neighborhood be happy with? That's simple. We would support a "brick and mortar structure" ----something that would add value to the Town and beach for years to come. A structure that could be large enough to accommodate possibly entertainment features for families and food alike or even other commercial entities and parking, whatever, but all housed in an indoor arrangement and facing Estero Boulevard to deflect most the sound of music from 9 am to 10 pm at night, food odors, rowdy behaviors and all other inherent issues.

And, incidentally, the previous "rezone" decision made in 2007 was a struggle and went on for several hours (I was present). But that LPA in 2007, was sensitive to the fact that this property is so very close to a long-established residential area that they hence granted a "commercial strip" for a commercial building next to Estero Blvd but designated the back part to retain "residential". They then approved that lot for 3 large (4 br 4 ba) condos. While that arrangement was compatible with the neighborhood, it somehow never came to be.

I have met and truly enjoyed my conversations with each of you. I now ask you to deliberate these thoughts carefully and realize that the "open air" concept is a deterrent to our neighborhood in many ways. Could you put yourself in our shoes for a moment? How would you feel about a food truck court moving in next to your house and consider the constant issues pointed out in this email plus your loss of property value?

I thank you for your time and service to our island.

Carolyn McKeown
Pelican Watch Condo
Unit 605
706-202-4564



Application Permit # 20240137 (2500 Estero Blvd, Food Truck Park)

From Ed French <e3sudz@outlook.com>

Date Tue 2/4/2025 10:35 AM

To jfrankel@fmbgov.com <jfrankel@fmbgov.com>

Cc Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>

 1 attachment (83 KB)

food truck court opposition letter 2.25.pdf;

External email

Good Morning.

I am sending this email to you with my opposition letter regarding Application Permit # 20240137 (2500 Estero Blvd, Food Truck Park) attached.

Thank You,

Ed French III

February 3, 2025

Jason Smalley
c/o Town of Fort Myers Beach Planning and Zoning
2731 Oak Street
Fort Myers Beach, FL 33931

Regarding Project: 2500 Estero Blvd; Food Truck CPD

Dear Mr. Smalley:

I am writing to you today to express my firm objection to the proposed use of the property located at 2500 Estero Blvd. I have been on Cottage Avenue for over 50 years. As the long-standing owner of two properties that are located directly behind the project area that will be directly affected, I have many serious and valid concerns regarding the proposed uses for this project. The most crucial among those concerns are:

- Live outdoor music
- Added foot traffic through the neighborhood
- Added vehicle traffic through the neighborhood
- Commercial lighting from the applicant's property
- The vehicle access point to the applicant's property off of Chapel St.
- The change from a proposed temporary operation to a permanent operation gives me pause
- The operating hours for the paid parking are a concern
- The business hours for the bar and the music
- Who will be enforcing and regulating the 27 constraints that have been placed on this project to make it work? It should not be up to the neighbors to regulate the business and ensure that it is complying.
- Parking overflow on the side streets (Chapel Street and Cottage Ave) is a big concern

While there is value to the Town of Fort Myers Beach for this type of business, it should not be located so close to this type of neighborhood that we have. The potential value of reconstructed homes in the direct area of this project could be at least \$30 million in buildings and properties. While investigating the other food truck courts (Cape Coral, Bonita Springs, and Naples), I noticed that none of them operated in the type of residential neighborhood that we have. They are located in fully commercial or light industrial areas. Our neighborhood, just off of the Boulevard, should only be considered a light commercial area.

A permanent structure type of business similar to what was there before is what would work best for the neighborhood and the community. The other types of businesses that could work there are:

- A brick and mortar restaurant

- A brick and mortar building with a combination of ice cream, bakery, and/or coffee shop
- A brick and mortar combination butcher shop with a restaurant attached
- A brick and mortar liquor store
- A brick and mortar hardware store
- A brick and mortar T-shirt and trinket shop / Surf shop
- A brick and mortar indoor food court
- A brick and mortar reality office or office building

Prior to Hurricane Ian, the area surrounding the project address was and has been primarily a residential area. As people look to rebuild and restore what was lost, it still remains predominantly a residential area. The project as it is proposed would be suitable for a much more commercial area such as the former Times Square area or the new Margaritaville Resort area.

I have had trespassing and security issues with both of my properties for many years. People would daily trespass on my private property to gain access to the beach instead of using the public access walkway. Vagrants have had to be removed from underneath my homes as property was either stolen or damaged. Trespassers have parked illegally on my properties for years. This proposed project would only increase the safety and security risks to both my properties as it would only further encourage people to continue these bad behaviors.

Our little Cottage Ave neighborhood is a diamond in the rough. We understand as a neighborhood that there are things that we will have to put up with. However, this type of business will not help our neighborhood it will only add more pressure than it already has. For many years I have seen the Island grown from what it once was. Hurricane Ian has forever changed our island and the type of people who will not only come to be residents but visitors as well. The food truck court project would be better located in the Time Square business district as opposed to a residential neighborhood.

Thank you,

Ed French III
2550 Cottage Ave.
2548 Cottage Ave.
Fort Myers Beach, FL 33931

From: Brandon Richards <bdrichards34@gmail.com>
Sent: Monday, February 3, 2025 8:25 AM
To: jfrankel@fmbgov.com
Cc: Randal Briesath <briesath@theseismicgroup.com>; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; dmoscoso@becklawyers.com
Subject: Vendor Food Truck Park Opposition Letter

Hi Judith. Please see the attached vendor food truck park opposition letter. Please forward this letter to all LPA members. Thank you. Brandon Richards / Pelican Watch 205.

Town of Fort Myers Beach

February 3rd, 2025

RE: 2500, 2510, and 2518 Estero Blvd. and 2543 Cottage Ave., Fort Myers Beach, FL 33931
Strap # '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
CPD-Zoning - Vendor Food Truck Park

Dear Jason, Judith, FMB Staffers, and LPA Members,

For those LPA members who voted "NO" to the proposed mobile vendor food truck park, THANK YOU. To those staffers who are recommending approval of, and to the LPA members who voted "YES" to allow the proposed mobile vendor food truck park, I respectfully ask that you reconsider and recommended denial of and vote "NO" during the February 11th LPA meeting. I respectfully request this denial and "NO" vote for the following reason:

As discussed at the prior LPA meeting, a significant majority of the current land use surrounding this site is residential with a limited amount of commercial. Given the mix of surrounding land uses, the most suitable project for this site is mixed use with commercial at the front of the site along Estero Blvd. and residential along the back of the site, along Cottage Ave. As I am sure you are aware, there was an approved project of this type in October 2006, and it is on file with the Town (also located within the agenda documents for the LPA meeting). To be clear, I have nothing against a mobile vendor food truck park or parking lot, but given the significant increase in traffic, it should be located within a higher density commercial area, not a neighborhood that has significant residential presence.

As brought up by the applicant during the prior LPA meeting, they do not currently have the capacity available at this time to develop a "larger" project. A project such as a mixed-use project that would complement the neighborhood vs. be a detriment to the neighborhood, therefore, illuding to this project being a means to an end or a short-term project. This should not be a supporting reason to approve this project, as one LPA member did. By voting in this manner, one is voting to add an additional use to a parcel, a short-term use that may have long-term consequences and will follow the parcel by right. This is ever more important, when that use may have a long-term adverse impact on the surrounding neighbors. There is a possibility that this may be a viable long-term venture for the developer. In fact, I am concerned that a vendor food truck park may be a successful project, resulting in constant additional traffic within a neighborhood that has a significant residential presence. Therefore, casting a vote assuming the project has a limited future seems a bit shortsighted and minimizes the greater issue of traffic concerns and the potential value impact on the overall residential neighborhood.

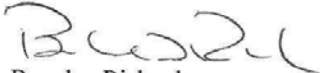
Additionally, one LPA member stated that his reason for a yes vote was because he thought a commercial mobile vendor food truck park and parking lot would benefit the surrounding residential neighbors. This opinion contradicts an objective and unbiased professional / expert appraiser's opinion hired by the surrounding neighbors. This also contradicts over fifty residential neighbors' opinions who live directly adjacent to this project. While I respect everyone's opinion, when it directly contradicts a significant majority, including market driven data supplied within an objective appraisal, I would respectfully ask for reconsideration.

I realize that the Town is anxious to get commercial activity back to a more normalized pre-Ian state, however, I would urge you against approving this mobile vendor food truck park just because it is the only option available at this time. A better mixed-use option that is more suitable long-term for the entire neighborhood will present itself. I ask you to be patient, otherwise, the residential neighbors will forever be stuck with the consequences of a significant increase in commercial activity and traffic. This is avoidable and there will be better options in the future.

Lastly, if I still haven't convinced you that a mobile vendor food truck PARK isn't the best option for this site, and you still plan to vote for this project, I would respectfully ask that you would add a condition to your approval that would require this PARK to have operational hours commensurate with the town of FMB and Lee County PARKS, Dawn to Dusk. This will at least "limit" the negative impact that an increase in significant commercial activity, traffic flow, and noise will have on the surrounding residential neighbors.

In conclusion, I want to thank the Town Staff and LPA for all their hard work and for the time that they put into making these tough decisions for our community.

Sincerely,



Brandon Richards

Pelican Watch 205

From: rms3374@aol.com <rms3374@aol.com>
Sent: Monday, February 3, 2025 4:25 PM
To: Judith Frankel <jfrankel@fmbgov.com>
Cc: Randal Briesath <briesath@theseismicgroup.com>; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>
Subject: Food Court Project

This is Richard and Jackie Siefring of Pelican Watch, Unit #307, 2532 Estero Blvd, Ft. Myers Beach. We have owned this unit since 2007 and, prior to that, a different unit in the building since 1994.

Our condo unit balcony faces to the North West so we would be very severely impacted by the food truck court which would sit just to the right and below our balcony. The food truck court being an outdoor service area would cause a major visual and noise disturbance with music, parking problems, portajohns, trash containers, litter, and possibly trespass onto our property.

We are not opposed to the right kind of development in the right location. During a recent meeting with Empire Holding, I inquired if there is a similar project in a residential setting. I was told there is a similar project in Bonita Springs. I went there to see it and had intention of speaking to homeowners in the neighboring area. Upon my arrival, I observed this area is surrounded on all sides by only commercial properties (public library, police department, auto parts store, grocery store). This food truck project in Bonita Springs is a very different type of location than that being proposed next to our residential building and the residences all sitting waterside of Estero Boulevard from Pelican Watch to Mango Street.

The valuation of Pelican Watch, along with the other properties under construction, represent approximately \$75 million which will have a diminished value if this food truck project is approved. This is harmful to both the property owners and to the Ft. Myers Beach tax base.

Pelican Watch is a residential community, not a rental hotel. These long term owners of Pelican Watch use the pool space in quiet activities of lounging, visiting, reading, etc. and quality of pool use would be greatly diminished with the food truck park sitting approximately 10 feet from this private pool.

Pelican Watch has incurred \$9 million in reconstruction and repairs following hurricanes since September, 2022. There has been no hesitancy to maintain our quality of property and property values.

The food truck court is not a long term infrastructure commitment, nor a major investment in amenities to support a business.

We would be supportive of a brick and mortar, contained establishment, next to our property, as long as adequate dedicated parking and driveways are provided in this space.

Richard and Jackie Siefring
Pelican Watch #307

2532 Estero Blvd.
Ft. Myers Beach, FL 33931
rms3374@aol.com
937 608-1671

From: [whitehead](#)
To: jfrankel@fmbgov.com
Cc: [Berkey, Kathleen "Katie"; briesath@theseismicgroup.com](#)
Subject: Food truck court
Date: Friday, January 24, 2025 11:50:42 AM
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)
[shield-advisory.png](#)
[chevron-light.png](#)

 External email >

 First time sender >

I am sending this email to emphasize my opposition to the food truck court in my backyard. I bought and lived at 2563 Cottage Ave because I loved the quaint little island it was and that it was the first schoolhouse on the island in 1937, which FMB historical association presented me with a plaque that hung on my house. How can you destroy a quaint little area of cottages which we had behind us and to the left down the block? This food truck court will destroy the quaint island atmosphere. Hurricane Ian completely destroyed my home, but we are slowly rebuilding to keep the cottage look in our area beautiful and pleasant to look at. We had to build now on stilts, and instead of looking at other cottages, we will now look down on a festival of roofs of trucks, noise and music, multiple smells all day and evening, lights blaring (which is also disturbing to nesting turtles during turtle season) which is very important. People will also be parking all over our property looking for spots and this will also make more traffic for us to get out. Fire and rescue and hydrants will also be inhibited. How will we enjoy our privacy and evenings with all this noise, lights and music blaring all evening, and waking us up early in the morning with nauseous smells of different foods, propane, noise, and trash throughout our properties. We will need constant police for traffic and problems and city workers to help keep the area clean. People will be dropping food which will be bringing unsanitary grounds that will bring rat infestation. The carbon footprints are also negative to our area.

Regards, Steve and Susan Whitehead

From: SUSAN BONFIGLI <sabonfigli@aol.com>
To: Amy Baker <amy@fmbgov.com>; Judith Frankel <jfrankel@fmbgov.com>
Sent: Thursday, January 23, 2025 at 03:21:48 PM EST
Subject: More on the Food Truck Park

Hi Amy,

Please forward this email to the LPA members and Town Council members.
Thank you.

Dear LPA Members and Town Council,

Again, I'm writing you regarding the proposed Paid Public Parking lot with accessory food trailer park and open-air beer and wine bar as well as outdoor live music located on Estero Blvd and abutting my residential neighborhood.

I've collected photos of our area including aerial shots captured on leepa.org. I've made notations on these photos showing the streets and two other existing businesses that abut our neighborhood. I've also included a couple of videos related to noises traveling easily in the open-air to our neighborhood. (The aerial shots I included were pre-Ian so you can imagine our neighborhood full of homes again as we are a Residential area and some have already started rebuilding their homes.)

I would appreciate it if you could take the time to review the photos/videos and read the details I've posted with each on this Pinterest Page: <https://pin.it/21CmQu0Vn>

Things to note:

Increased Traffic in our neighborhood

The aerial shots showcase the proximity of the parking lot to our neighborhood and can allow you to perceive how the large lot is very likely to have a major traffic impact on our neighborhood streets even though the applicants imply that they can keep the traffic out.

The purpose of a parking lot is to attract cars. Although the idea of a food truck park may lead you to believe pedestrians and bicyclists will be the main visitors, existing traffic associated with Mom's food truck is evidence of the alternative -- it's a vehicle draw. It is foremost a paid public parking lot!

As a paid public parking lot, cars will queue on our streets as:

- 1) Those just looking for beach parking have to pay before actually entering the parking area. People digging into their wallets, locating their phones, distractions in the car, etc.
- 2) The entrance/exit area can't be traversed in both directions simultaneously due to the narrow roadway - Chapel St - and the narrow pathways inside the parking lot. i.e. Cars turning left from Chapel St into the lot are likely to cut in making the exit from the lot impassable by a right-turning exiting vehicle until the entering car completely enters the lot.
- 3) Those not expecting to pay to visit the Food Truck Park, will be caught off-guard. If they don't understand that they are credited the parking fee for making a purchase (or there is some

stipulation that they must spend at least \$X dollars before getting a refund or they are refunded \$Y for every \$Z spent, etc, they will be pondering these payment rules while debating whether or not to enter the parking area. They have to justify the cost or if they will incur no cost, all the while blocking traffic flow on Chapel St.

There are many that will decide the parking cost is not justified but only after turning onto Chapel St. They have no choice but to move forward to Cottage Ave. If they go left, they will have to turn around in a private driveway. If they go right, they will pass on the narrow street past our homes and then turn right onto Mango St only to approach another pay parking lot -- all dealing the delays as mentioned above.

With the lot open 24 hours or even until late at night, our neighborhood streets will be regularly traversed by vehicles that do not belong in our neighborhood. The streets are narrow. There will be back-ups. Vehicles may choose to drive onto private property to reverse direction as there is no room to do so otherwise.

Street-side parking:

Street-side parking is illegal in Fort Myers Beach. However, this does not dissuade those from doing so. As evidenced now, Mom's customers regularly park along the roadway on Chapel St and Cottage Ave. They also park on abutting private property as there is no one there to tell them, "no". There is the existing paid parking lot immediately next to Mom's, but patrons won't park there even though it is the legal alternative. No one wants to pay when grabbing a quick bite.

It's my belief that those parking illegally feel that they will get something quickly and be on their way. No one will even notice their vehicle on the roadway. However, as the parking situation worsens, that's an indicator that the process will take even longer. Now there's a queue of people to place their orders and more orders to prepare in a small trailer kitchen, all increasing the time the cars are illegally parked.

Regardless, these customers are not willing to pay a parking lot fee to pick something up at Mom's. They will choose to park illegally making our already narrow neighborhood streets that much more narrow as we try to pass by in our vehicles.

Should there be an emergency at my home or one of my neighbor's, we will be more at risk as emergency vehicles won't be able to reach us or we may not be able to reach Estero Blvd.

Wine and Beer Service:

When the applicant at the last LPA meeting indicated a justification for 24-hour parking was to allow those inebriated to leave their vehicles overnight, my heart sank. Why are we allowing an open-air parking lot beer and wine service next door to our homes? Are the patrons going to become boisterous so we can hear them as well? The only thing permanent in this Food Truck park is the open-air bar!

Outdoor Amplified Music:

Outdoor amplified music travels. It's not containable. It will be a constant disruption to the neighbors. These are our homes where we've enjoyed peace and tranquility with occasional disruptions, as would be in any neighborhood. Allowing outdoor amplified music means that this will be forever and no reprieve for the neighbors.

Indicating that sound meters can be placed to ensure noise levels are not exceeded misses the point. There will never be peace again in our neighborhood. Constant "acceptable" decibel noise is still constant noise to the neighbors.

The amplification by a single speaker or a couple of speakers streamlines the sound in the direction pointed. Whether a single musician or two musicians, it may as well be a whole band when it's amplified. Note: On one occasion when Sandy Bottom's was open under a tent last year, I could hear the person on the microphone encourage the patrons to "make some noise!" And they did!!!! It wasn't even "amplified" for it reach my home. And should I call in a noise disturbance, if the responding agency doesn't get there at the moment of the violation, there will be no proof.

I would expect that if there is no live music, the food vendor may choose to play amplified music -- their own speaker systems. If each plays music, the conflicting sounds can also reach our homes. Some reading may remember when when Yo Taco and Rude Shrimp were across from Lani Kai and each played loud music that seemed to compete with each other. Just walking or riding my bike by played on my nerves -- never mind having it by my home for hours at a time! (I felt bad for the employees having to hear this noise during their shifts.) I also noticed this noise conflict in Times Square when Yo Taco was there, competing with La Ola.

Odors:

The means of controlling food odors in a food truck park isn't something that exists that I'm aware. As I've mentioned at other meetings/emails, we regularly smell cinnamon buns and bacon at our home. On occasion and for brief moments in a day, these are pleasant smells. But there are times when the smells are overwhelming giving the feeling that there's no oxygen in the air.

Add multiple food trucks with their food odors disbursing and colliding, we will have more opportunity for lost fresh air.

Storm/Wind/Hurricane Safety of our Homes and Property:

It appeared to surprise the applicant at the last LPA meeting that they would ultimately be responsible for ensuring the food trucks would vacate the premises during an evacuation order. And although it seems logical that the owners of these trucks and the other loose items (chairs, tables, umbrellas, sail shades, trash cans, etc), would want to protect these items as to avoid the costs of replacement with a pending hurricane, it's evident that this does NOT always happen in Fort Myers Beach. The impact and costs can also now fall on the neighbors!

It doesn't even have to be a hurricane that makes these open-air, non-permanent structures an issue on that property and for the surrounding properties. Consider the unfortunate experience the Millers had to deal with at both the The Whale and Sandy Bottom's properties when bad weather brought down their huge tent twice! When they were operating Sandy Bottom's last year, there are several times I noticed their furniture blown over after unnamed storms. Mom's port-a-potty tipped during one of these unnamed storms last year, never mind during the hurricanes. (No attempt to remove or strap down for the hurricanes.)

I've noticed the sail shades at MoJo's come down and completely disappear as a result of unnamed storms. I included a photo of the Chamber's trailer showing a flying sail shade on Jan 22 -- yesterday. Just a windy day!

We've also had "normal" storms with lots of rain turning Estero Blvd to a flowing river. Without water surface management put in place at this "food truck park", the modified parking surface and food truck platforms will likely create flowing water off the property compared to the porous sand that's there today, potentially creating new water problems on our neighborhood streets as well as Estero Blvd.

What happens when these unnamed storms happen overnight when no one is attending the food truck park? Is this now just the neighbors' problem?

Safety/Security:

An open parking lot and trailers in an area where activity is low at night and neighbors are sleeping will be an attraction for those with bad intent. We can expect to have more strangers walking our neighborhood in the hours of darkness as they have a great big parking lot to hang out in. The trailers and support equipment (chairs, tables, umbrellas, etc) may be an attractive nuisance to those who are less uninhibited due to alcohol consumption. These same people are likely to access the beach whether it be at the beach access or through one of our neighborhood properties.

Existing Commercial Properties and How They Fit In:

Per the aerial photos, you can see that there is a public paid parking lot and Mom's properties abutting our residential neighborhood. In order to fit in with the neighborhood, the Town set up ordinances to ensure we meshed.

Per Judith Frankel, the 2 existing commercial properties on Estero Blvd abutting our residential neighborhood have ordinances in place to protect our neighborhood.

Ord. 17-03 governs 2450 Estero Blvd: 17-03-2450-Estero-CPD-FINAL-Moms No outdoor entertainment was approved as part of that CPD. Hours of restaurant operation were limited to 1am to 4pm.

Ord. 18-07 governs 2440 Estero Blvd.: 18-07-Mango-St-Parking-Lot-2440-Estero The hours of operation are limited to "sun up to sun down".

I would expect that the "food truck property" which abuts our same neighborhood have ordinances in place to similarly protect us.

What should be on this property?

The issues above can be eliminated and drastically minimized by having a permanent structure on the property whose purpose to attend to the needs/wants of those parking on this property.

A permanent structure that can contain its business without imposing on the next-door neighbors is appropriate. Parking on the property should be only for those doing business on the property. Noises and smells can be contained. Traffic will be purposeful and contained. Traffic will not be encouraged into our narrow neighborhood streets as those turning on Chapel St. have a purpose -- to turn into the parking area of this permanent structure and stay at this permanent structure. Service vehicles to the property can enter and exit on Chapel St and not traverse the other neighborhood streets.

A permanent structure built to today's codes is better able to protect its contents and keep these contents from impacting neighbors in a storm, be it a named storm or not. The requirements to ensure surface water management will be part of the construction to eliminate excess water flowing onto the streets and thereby impacting neighbors.

Summary:

The Town has respected our neighborhood in the past while still allowing abutting commercial property owners to be successful. Please consider that anything allowed on this property could exist in perpetuity as it is deemed allowable. Parking lots have proved successful low-cost uses for commercial property owners on Fort Myers Beach. There is no enticement to build something permanent in the future as it will be income-producing and have lower taxes than if there was a permanent structure.

Temporary structures will forever be a problem in protecting our neighborhood properties for both name and unnamed storms. The temporary items themselves plus the rain waters will now and forever spill off the property onto neighboring streets and onto our properties.

We already have a commercial public parking lot abutting our neighborhood. Adding another that also sells wine and beer and homes temporary food trucks/trailers introduces and forever allows nuisances to our neighborhood with no one to manage, but us, the neighbors.

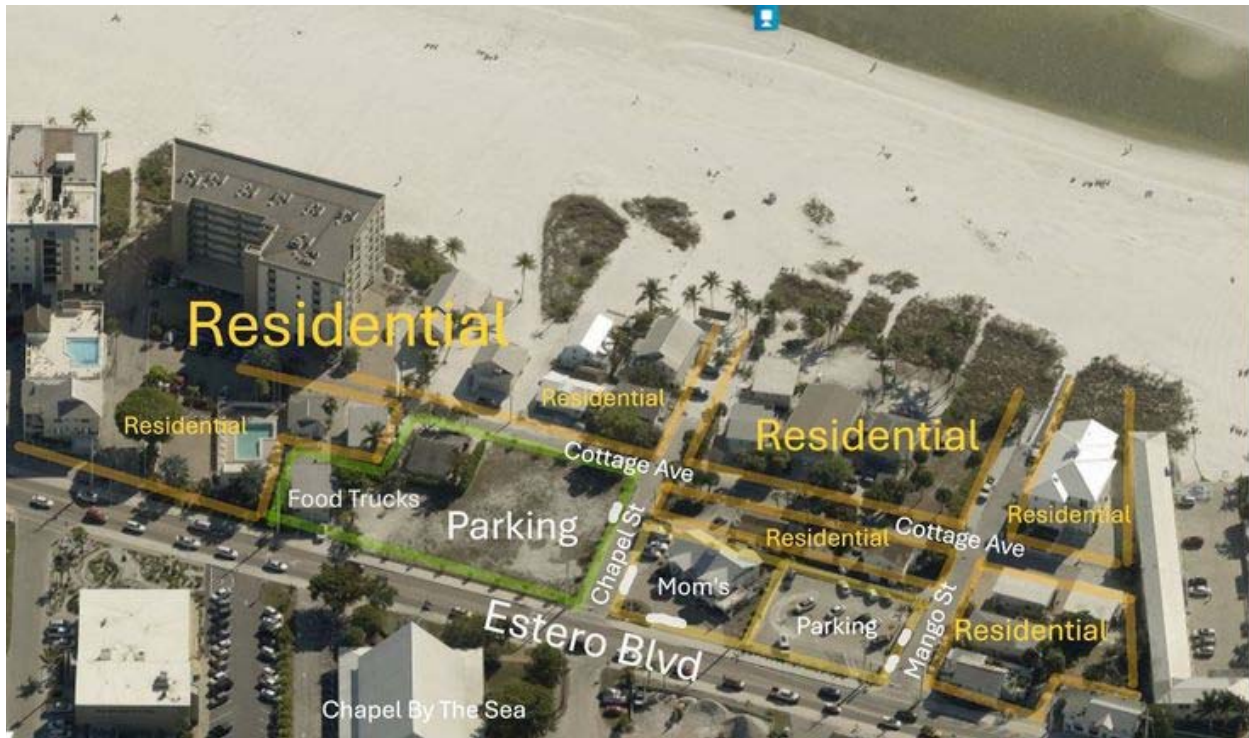
I appreciate you reading what I've written here and on the Pinterest Board linked above.

Appreciatively,
Susan Bonfigli

2434 Cottage Ave

Fort Myers Beach

SUSAN BONFIGLI
sabonfigli@aol.com



Pictures and Videos with Captions Hyperlinked (Pinterest) to Susan Bonfigli Objection E-mail
Dated 1/23/25: <https://pin.it/21CmQu0Vn>



More Appropriate for permanent structure with dedicated parking

The property is better suited for a permanent structure with parking dedicated to the use of the structure. The public that parks on the property should be encouraged to stay on the property and not traverse the residential area which completely surrounds this property.



We do not need to add massive beach parking to our residential neighborhood

Per Judith Frankel, the 2 existing commercial properties on Estero Blvd abutting our residential neighborhood have ordinances in place to protect our neighborhood.

Ord. 17-03 governs 2450 Estero Blvd: 17-03-2450-Estero-CPD-FINAL-Moms

No outdoor entertainment was approved as part of that CPD. Hours of restaurant operation were limited to 1am to 4pm.

Ord. 18-07 governs 2440 Estero Blvd.: 18-07-Mango-St-Parking-Lot-2440-Estero

The hours of operation are limited to "sun up to sun down".

It makes sense that the "Food Truck" property also align with the neighborhood. Outdoor noise, alcohol consumption and other disruptions (ex. smells, service vehicles) are not appropriate. There is no need for all this public parking, encouraging people to wander our neighborhood.



Just one foot truck – starting must at 7:30am ...all day long!

One food truck can put out music that reaches across Estero Blvd to our home beginning at 7:30am and going all day long into the night! If multiple can run music simultaneously, the noise pollution will be atrocious. This is likely when the one-person/2-person band isn't playing. Again, the speakers are open-air and the noise will travel. I had so much anxiety last year with Sandy Bottoms and then the Cuban's food truck -- it was loud and ran "forever". Especially annoying when the singer says, "let's hear you make some noise!"

Again, the video doesn't compare to what is actually heard at our home.

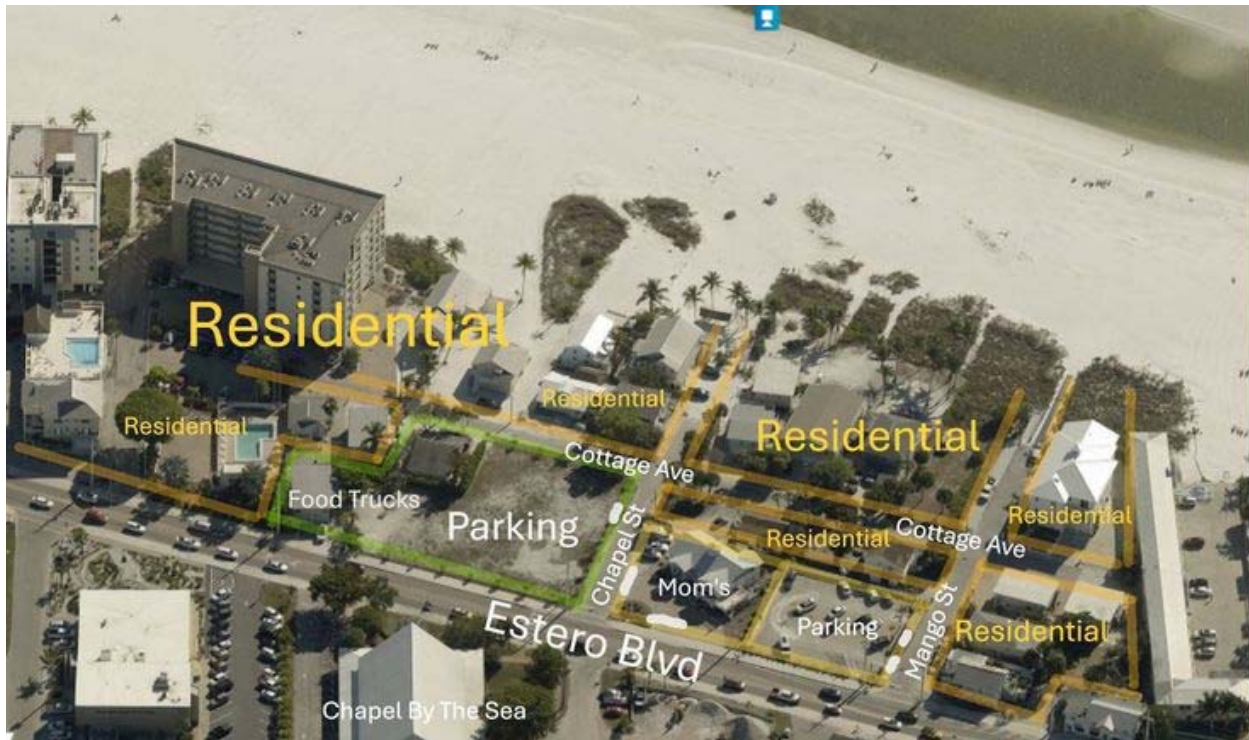


Single speaker is loud even this far away!

Sandy Bottom's set up under a tent last year. There single speaker system directed sounds in a singular direction - toward my home. I could feel vibrations in my home and hear them outside my home!

We don't want to be inundated by noises daily from early in the morning until late at night! We need peace. These are our homes! We are not in a party district and don't want our neighborhood changed into one.

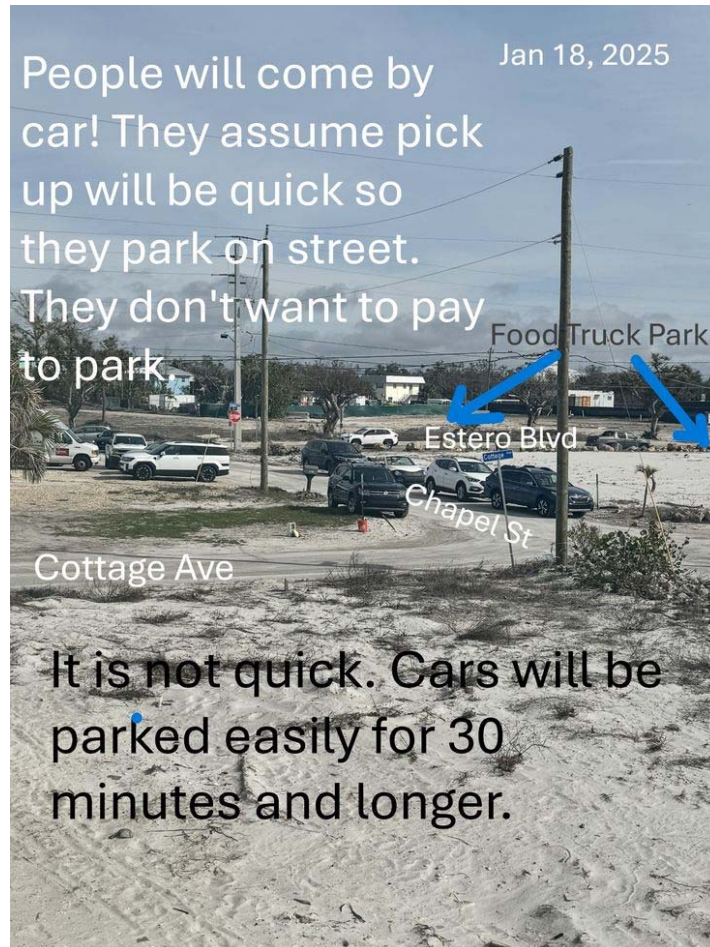
Again, a permanent structure could strategically place speaker pointed so that just those on premises hear it. This won't be possible with an outdoor system. (My cell phone recording did not do justice to what I was actually hearing when making this video. It's more disruptive in person.)



Parking Area Encourages Using Residential Street – Cottage Ave

When potential Food Truck customers drive in Chapel St, they will learn it's pay parking. They will continue onto Cottage Ave not having time to learn that there is a purchase option to reimburse parking fee. Cottage Ave solely serves the residences on this street and should not have commercial traffic which disrupts our neighborhood.

Those not willing to pay to park will park roadside on our residential streets. Cars entering Mango already queue up to enter that pay parking lot making it difficult for residents to exit/enter Cottage Ave to Estero Blvd.



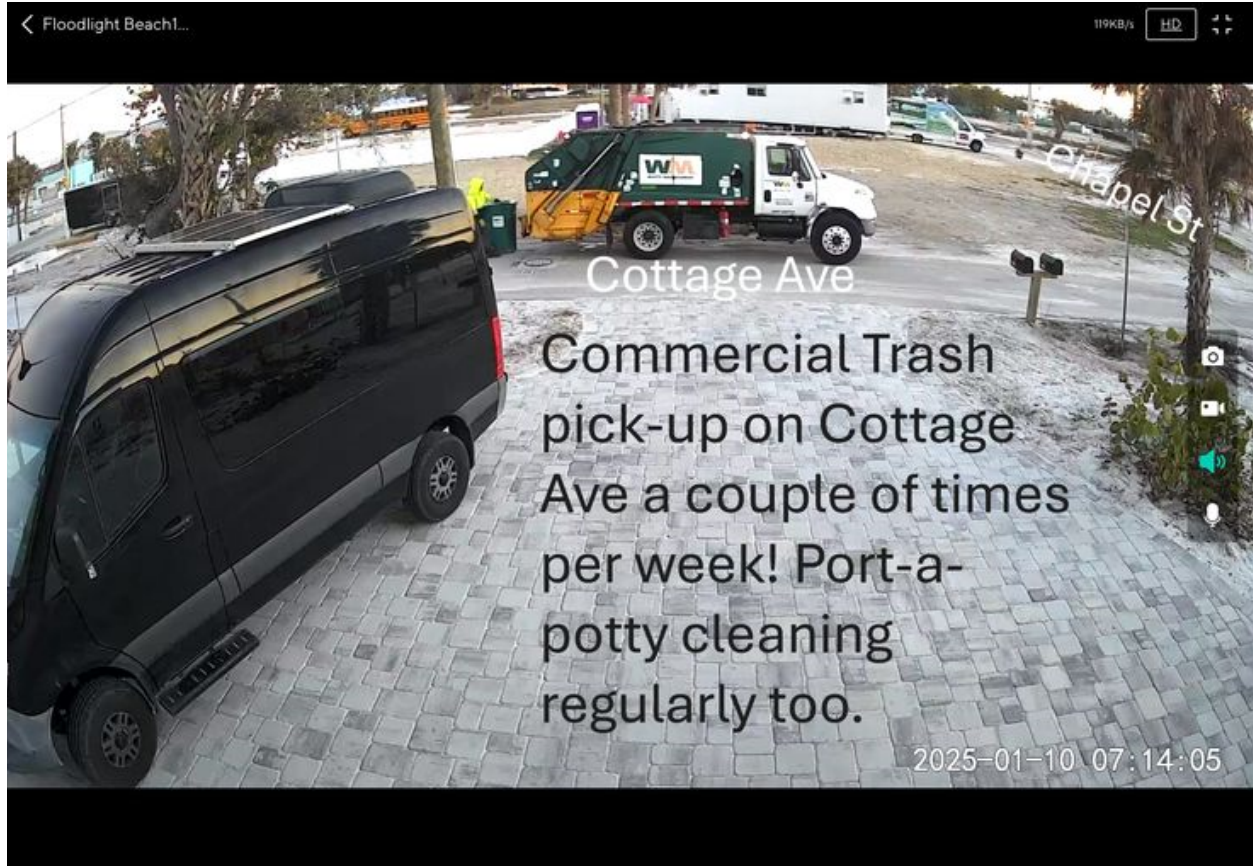
The expectation of just parking for “a minute” is a fallacy.

It's assumed that visitors to the trailer park will be pedestrians and cyclists. I'm sure they will come. But as evidenced by Mom's, cars will come. They will assume quick turn-around and choose to park in any direction along and on the roadways of our residential neighborhood. They will block our streets. This is from January 2025. We're not in season yet.



Recent Parking in all directions and on roadway, including residential streets

As evidenced by Mom's, cars will come. They will assume quick turn-around and choose to park in any direction along and on the roadways of our residential neighborhood. (Turn around is usually quite a while - even 30 minutes as there's a line to wait in first, then the wait time for the order to be prepared.) They will block our streets. This is from January 2025. We're not in season yet. There have been times I've had to squeeze out of my driveway onto Cottage Ave because of the commercial patrons parking on the roadway in front of my driveway.



Commercial Service vehicles traverse our residential street regularly creating noise & disturbances

Cottage Ave does not have any commercial businesses, yet the commercial service vehicles regularly come down our street several mornings a week creating noises that wake us. They tend to park in front of our home as they place and pick-up orders at Moms on these days too.



Things will fly away when attended. Permanent Structures avoid this problem.

We've seen MoJo's deal with their disappearing sail shades. The Millers lost their big tent twice due to big unexpected winds - once at the Whale and then last year at Sandy Bottom's. For the brief time that Sandy Bottom's was operating in 2024, I've seen the chairs and tables blown over more than once. I've seen Mom's port-a-potty tip more than once and when there wasn't a hurricane involved! These things can happen overnight when no one is supervising the business. There could be detrimental impacts to neighboring and nearby properties.

These are generally not issues when a business operates out of a permanent structure.

Having a dependency on multiple people (each food vendor, etc) doing the right thing is putting our neighborhood at risk.



Panoramic view from our residential neighborhood home – parking everywhere!

I'm hopeful that homes will be built someday on the properties across the street from our home on Cottage Ave. Unfortunately, they will inherit the view I'm looking forward to being hidden from me in the future. There's the existing parking lot on the corner of Estero and Mango. And now they want to build a huge pay parking lot that will be along Chapel St coming around Cottage Ave on the residential side and Estero Blvd, opposite. That's a lot of public parking lot for a residential area!



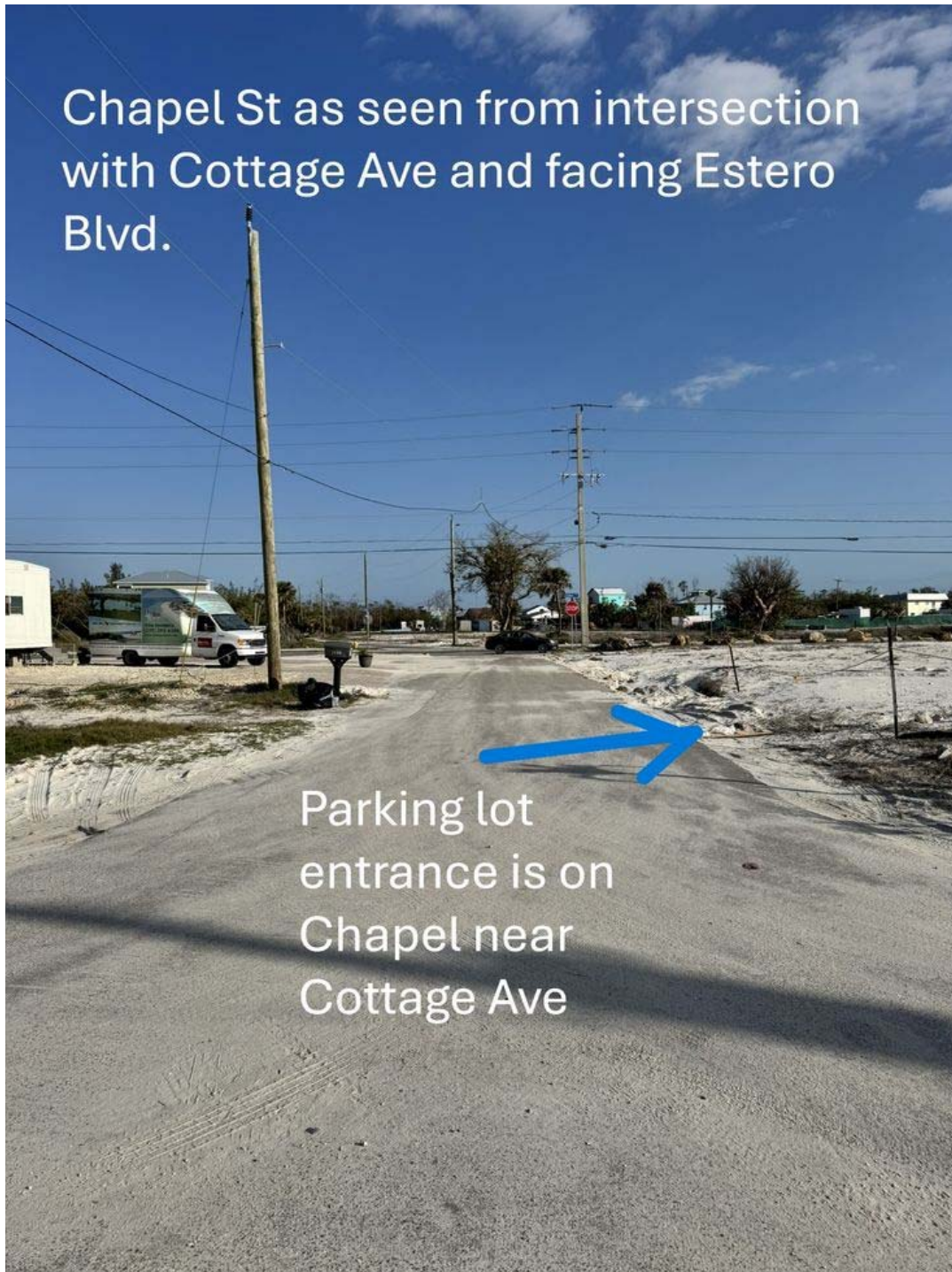
View from my home on Cottage Ave. Another huge Parking lot!

The proximity of this proposed food truck park and paid parking area will bring noises, smells, pests, and other nuisances to me and my neighbors all hours of the day and every day of the year!
Open-air alcohol sales do not belong with a parking lot and not by a residential neighborhood.



Not a lot of room for competing vehicles to turn on our neighborhood streets

Our streets are narrow. Parking lots invite cars! This property should not be selling parking which encourages cars. It should be a permanent structure that can allow visitors in cars to park without issue on their property when visiting their property.



Chapel Street is narrow. The parking entrance-exit is close to Cottage Ave

It's very likely that many intending to use the food truck parking lot will enter/exit onto Cottage Ave and circle around to Mango St. The whole purpose of a parking lot is to bring cars! We don't need or want cars traversing our neighborhood!

A permanent structure that has parking dedicated to its patrons is what should be allowed on this property.



Cottage Ave is a neighborhood street, not a public thoroughfare

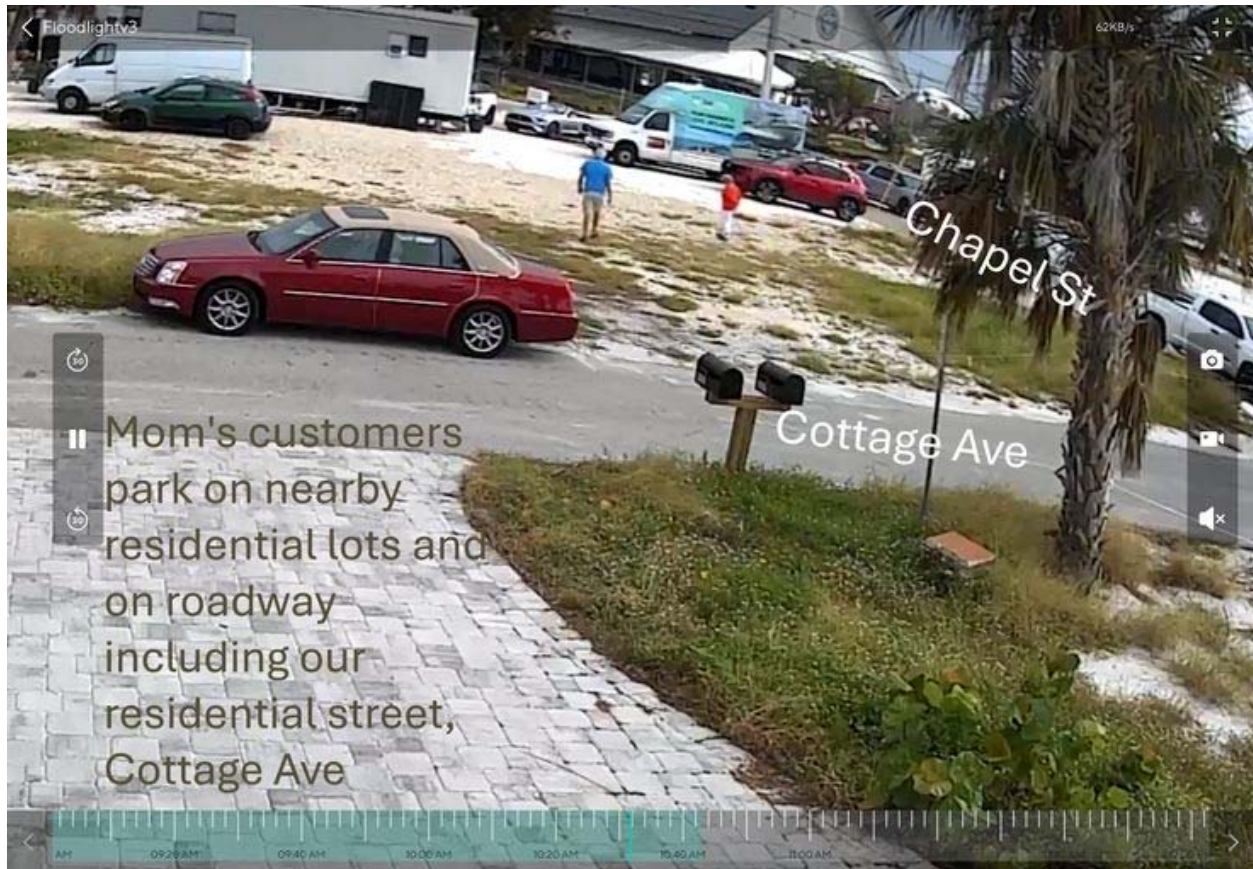
Parking lots invite cars! Those in the cars may turn into Chapel St thinking that they'll park for free and eat at the food truck park. What happens when they see it's paid and they would get reimbursed? They are already on Chapel St. They will undoubtedly continue onto Cottage Ave. If they turn toward Pelican Watch, there will be U-turns on private property. If they turn the other way, there will be delays and queues building on Mango St to Estero Blvd. We will have the same issues that Connecticut St through Shell Mound neighborhood deal with, but our problem is brought about by a public paid parking lot!

Make this a permanent structure with its dedicated parking to avoid endless loops of drivers!



Chapel Street is short and narrow. Impacts will be felt on Estero by cars waiting to park.

As with any paid parking, there's a delay associated with finding the access point, determining if the payment is worth it. If worth it, then payment has to be made and access given. Add those trying to exit at the same location onto a narrow street with those cutting the left turn in short, we will have delays! This will make Chapel St a blocked street for the neighbors hoping to reach or exist on Estero. The same already happens on Mango, but that won't last as long as that lot has fewer spaces.



October 2023 – they were parking on the streets then too

Again, not peak season and we have a food truck business serving those who arrive by car. These drivers park on the streets instead of using the pay parking lot immediately next door.



Parking on private property is common as well

Historically, people will choose to park illegally and without concern for the impact on neighbors rather than pay to park...or choose to walk or take a bicycle.

From: Cecile Carstensen <cecile@pelicanwatchrentals.com>
Sent: Saturday, February 1, 2025 5:54 PM
To: jfrankel@fmbgov.com
Cc: Moscoso, David <DMoscoso@beckerlawyers.com>; briesath@theseismicgroup.com;
Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>
Subject: Food Truck Park

To the members of the Local Planning Agency

I am sending this email to you to express my disapproval of the food truck park that is up for vote. I am not going to repeat, although I do agree, the concerns of trash, smells, noise, traffic, loss of property value, etc., as those negatives have already been addressed at the January 9, 2025 meeting and in the many previous emails you received. I am very sorry that so much was invested in this property, but please consider those of us who also invested in this beautiful, quiet part of the island that we expected to remain beautiful and quiet. From the meeting on January 9, I got the impression, I could be wrong, that none of the LPA members reside on Chapel, Cottage, or in any of the surrounding condominiums. What if you did? How would you vote? I think I already know the answer and you do, too. I also feel that by saying "family entertainment center" and "we want it to be a family place...for the little ones" is just a way to try to touch our hearts and have us think "aww, they're doing it for the kids, how nice". Other than slushies, and perhaps a few games, I didn't hear anything that would have the children begging their parents to take them to the food truck park when instead they can be at the beach where they can play in the sand, build sand castles, search for shells, jump the waves and use their imagination. All I heard was food, tools, merchandise, and music children will probably not be interested in. These, as well as the previous concerns, are my reasons as to why I hope you consider the effects this would have on the neighbors and make a conscientious decision to vote NO on this project.

Thank you for reading this.

Sincerely,

Cecile Carstensen

Owner of 1/2 of Unit 503 in Pelican Watch since February, 2012

Sent from my iPhone

From: Pat Ooykaas <pat@pelicanwatchrentals.com>
Sent: Saturday, February 1, 2025 8:21 PM
To: jfrankel@fmbgov.com
Cc: Randy Briesath <briesath@theseismicgroup.com>; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>
Subject: Food Truck Court

To whom it may concern

Myself, my husband and our 3 grown children own unit numbers 107, 502, 503 and 603 in Pelican Watch located at 2532 Estero Blvd

We bought our first unit (107) in November of 2009. The second unit (603) New Year's Eve day 2009. The other two units were purchased a couple of years later.

We bought into this building because of the location. Across from Chapel by the Sea, town hall and the Tops grocery store. 107 is our second home. I'm there every 6 to 8 weeks. We love it there.

This open food truck court that is being proposed, will have an adverse affect on our building. Our 107 lanai is about 100 feet from the property line of the food court. This will affect all the owners in the 7 and 8 stacks.

The noise will be unbearable to sit on our lanais if they are allowed to be open from 7 in the morning until 10 at night.

The traffic will increase because there will be parking access for the beach. People not knowing that Cottage is a dead end into our parking garage will inadvertently drive through it causing a hazard to our owners who have under building parking spaces. We have two of them.

There will be people all over our property. We already have this problem now.

We are afraid that all the home values will decrease in the area because of this project. ie smells from garbage, port a potties, flies and rodents

We are not against a food truck court. We like going to them, trying out different foods. We just don't believe this is the correct spot for it as this is a residential area. Our privacy will be threatened. Our pool is street side which means our quiet days in the pool are over.

When my husband and I first walked into 107, we knew we were going to make an offer on the unit even though we hadn't looked at any other properties yet. It just felt like home. It is our little piece of paradise. This food court will take that away from all of us on these two blocks.

Please consider how you would feel if you owned property next this proposed project as we do .

Thank you.

Dick & Pat Ooykaas
and the Ooykaas Family
Sent from my iPhone

From: Russell Burgett <burgettr@yahoo.com>
Sent: Saturday, February 1, 2025 3:57 PM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>
Subject: Food Truck Court Rezoning

Dear Judith Frankel,
I am writing this email to provide my personal feedback on the proposed zoning change.
Please include the attached letter in the meeting packet for the LPA committee.

Thank you,
Russell Burgett
2532 Estero Blvd, Unit 101
Ft. Myers Beach, FL 33931

Date: February 1, 2025

To: Judith Frankel
Katy Berkey
Randy Briesath

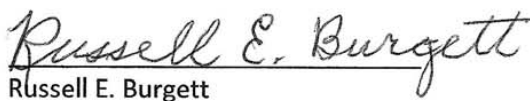
From: Russell Burgett
Owner of unit 101 for 30 years
2532 Estero Blvd. Unit 101
Ft. Myers Beach, FL 33931

How will this change in zoning benefit The Town of Fort Myers Beach? How much tax revenue does a condo like Pelican Watch bring to the city? Currently, it generates approximately a thousand dollars per unit and there are 48 units. How does this compare to the revenue generated by a change in the zoning for the property in question? If left alone as residential it has a much greater tax potential for the city as condo or private/rental homes.

In order to attract evening customers, the food court will need to provide entertainment, especially if it will be dealing with the "late night" crowd (open until 10pm). Does it have liquor licenses already or are they a future request? The evenings will not be quiet times in the Pelican Watch neighborhood and residents may be calling the police about the noise, additional expense to the city. Customers of the food court will be missing the trash containers when they overflow and "garbage" will be blowing around. Who, on this property will be cleaning that up or will it be the city? There is also the attraction of rodents to discarded food. Who pays for the pest control? Since this is a "buy and take away" operation during the daylight hours, the crowd in the evening is more "sit down" and after a few drinks may need a restroom. Who provides the porta-potties and the regular pickup schedule?

Our Pelican Watch property values will take a hit because of the proximity to the food court and the negative impression it will make on future buyers and renters. Please leave it zoned residential.

Signed,


Russell E. Burgett

From: Lee Dornfeld <ldornfeld@outlook.com>
Sent: Saturday, February 1, 2025 10:53 AM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>;
dmoscoso@becklawyers.com; briesath@theseismicgroup.com
Subject: No- food truck court

Hello,

Please find the attached letter opposing the food truck court.

Thank you,

Lee Dornfeld
Pelican Watch # 505
(502) 445-5289

Denise Hourigan

2532 Estero Boulevard #505
Ft. Myers, FL
dmhdmd@gmail.com

February 1, 2025

Dear Ms. Frankel,

My name is Denise Hourigan, the daughter of Lee and Donna Dornfeld. I am writing this letter on behalf of the Dornfeld family who have owned unit 505 at The Pelican Watch Condominiums for over 35 years. We strongly oppose the rezoning effort that would allow for multiple food trucks, live entertainment and alcohol sales late into the evening. The proposed plans about our pool area and detract from the serene environment that many retirees have worked there entire lives to enjoy. Many people in our community cite The Pelican Watch as their primary residence and living next to a loud and busy gathering spot from dawn til late night devalues their property. We do remember patronizing a restaurant, The Mucky Duck in that locale. We believe either a restaurant or retail/condo space as originally zoned is a more appropriate option. Please find another site for the proposed food truck/live music venue near the pier or hotels where it is much better suited. Don't allow the residential charm the Pelican Watch has enjoyed for decades be destroyed.

Sincerely,

Denise Hourigan

From: Mavis Sutton <mavis2532@gmail.com>
Sent: Saturday, February 1, 2025 8:50 AM
To: jfrankel@fmbgov.com; dmoscoso@becklawyers.com; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>
Cc: Randal Briesath <briesath@theseismicgroup.com>
Subject: food truck park

My name is Mavis Sutton and I own unit 305 in Pelican Watch at 2532 Estero Blvd. I have owned it for 34 years and have so enjoyed the warm family atmosphere of Pelican Watch when I bring grandchildren and now, great grandchildren to the condo. I have been following the permitting process of the mobile food truck park that is proposed to be placed right next to our property. To have this food truck park 10 feet from our pool fence is upsetting. Our privacy at our pool will be gone or, at least, disturbed. I am upset by the idea that there will be patrons of the park watching what is happening at the pool through our fence. The noise and food odors will be pervasive and not welcome by our owners or our renters.

The financial impact will be felt immediately upon the approval of this project as I believe that having this project in our backyard is a detriment to the value of each of our units and it will not be something that renters will want to contend with. Also, the number of cars and people will be increased and that adds more nuisance noise to our area. The music until 10 p.m. is not a welcome event either.

I would ask that you seriously weigh the importance to the beach of having the food truck in this area or having tax-paying owners happy with the environment of Pelican Watch. Please vote this project down.

Thank you for listening.

Mavis Sutton
260/668-2369
mavis2532@gmail.com

From: Kirk Banerian <kbanerian@comcast.net>
Sent: Sunday, February 2, 2025 8:25 AM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>
Subject: letter addressed to LPA committee re. food truck park

Hi Ms. Frankel,

As an owner at Pelican Watch Condominium, please find attached a letter we wrote concerning our opposition to the food truck park plans being presented to the board. Please include this letter in the LPA committee members meeting packets for their upcoming meeting. We plan on attending the meeting in person as well on February 11th.

Thank you and have a great day.

Kirk Banerian, M.D., FACR

February 1, 2025

Dear LPA Committee Members,

We are owners of a condominium at Pelican Watch 2532 Estero Blvd. #404. We have owned our home since August 2015. We began coming to Fort Myers Beach with our young family in 2000 as I (Kirk) began to work for Radiology Regional Centers. We fell in love with the small community of Fort Myers Beach. It became home away from home with every visit. We dreamed of someday being able to afford a place on the beach to enjoy with our family. After years of searching, we found our beloved Pelican Watch. It was across the street from our favorite grocery store, Topps, our welcoming church, Chapel By The Sea. It was down the street from the town's library. We had favorite small businesses we enjoyed supporting, Mom's (Heavenly Biscuit), The Shamrock, The Cigar Hut, Tetley's. Our list could go on but we think you can understand. We were far enough from the hustle and bustle of Time Square but, just close enough to be able to walk and enjoy everything. We could have bought anywhere down the Gulf coast but we chose Fort Myers Beach for its community. People and businesses invested in their community. We supported each other. Businesses provided us with services that improved our quality of life on the beach and we supported their businesses so they could survive. Some of that has gradually changed, as with any community but, we saw some changes as positive improvements. However, Hurricane Ian not only destroyed our community but also seemed to have clouded the focus of leadership on the best parts of what draws people to the community of Fort Myers Beach. We live here for the very reasons we outlined above. We look forward to seeing this town rebuilt with businesses invested in the community and improving the quality of life for those of us that live here. That means brick and mortar establishments not transient businesses where community investment is not a top priority. As an example, if you recall, Topp's supermarket made many monetary investments to the community they served, Fort Myers Beach. Your hometown parades were filled with floats representing those invested in this community, small businesses, churches and school bands walking together. We as homeowners at Pelican Watch have invested millions of dollars to rebuild our home so we can stay in this community. Please consider the list below which outlines how we see the consideration of an open air food truck court destroying our quality of life and the large monetary investment we have made to rebuild.

Food trucks in residential neighborhoods can generate several negative impacts, primarily concerning noise, traffic, parking, litter, and potential impacts on the character of the neighborhood.

- **Rezoning of residential lots.** By rezoning the 2 residential lots, the commercial zone which was along Estero Blvd, would now be encroaching on our existing private residences. The introduction of a food truck court would alter the character of our residential neighborhood, leading to increased commercial activity in an area that is quieter and more residential. We are investing in our building and pool area and by rezoning the residential area, the port a potties, for example, will be within feet of our private property and destroying our investment and quality of life.
- **Noise and Disturbances:** Food trucks generate noise from generators, cooking equipment and music which contribute to increased noise pollution in our quiet residential area, disrupting our peace and tranquility. The late night operations, including stages for bands,

being so close to our home will cause noise disturbances that will affect our sleep, especially for those of us who still work and where sleep is vitally important to our health and well being.

- **Increased traffic and congestion:** Food trucks can attract a large number of customers, leading to increased traffic congestion in our neighborhood, particularly during peak hours. Large amounts of foot traffic and trespassing on our private property is of great concern. The increased traffic and pedestrian activity around food trucks can increase the risk of accidents or injuries in our neighborhood. In addition, many who purchase from the food trucks are going to want to access the beach which leads to trespassing on our property. Also, once on the beach, usually accessed and used by homeowners, there are no public accommodations like restrooms or public receptacles for garbage.
- **Incidents of crime.** There are crimes that occur at food truck parks. Many crimes occur after the parks are closed including vandalism and stolen generators. Unless the area is gated, locked and well-lit this will occur. How does that improve the quality of life for those of us who live here? We continue to have a homeless population that live on the beach. Food truck parks are a perfect place for them day or night. As private homeowners, we are being put in the position to have to deal with safety issues and with those that are vulnerable who need professional help. Again, our quality of life is affected.
- **Parking issues:** Because there are no parking requirements for food truck parks, customers will struggle to find parking, potentially blocking our driveways or creating parking conflicts with us as residents. Trespassing on our private property and using our private parking lot to park may require us to have to take on a great expense of having our private property monitored 24 hours a day, 7 days a week. Traffic will inevitably occur on Cottage Street which leads to our private property to include under our building. Once on Cottage there is no way to turn around leading to traffic going under our building to again lead them out onto Estero Blvd. We invested a lot of money in our driveway and brick paver parking lot. It was not engineered to be used for a large volume of cars. In addition, there is the safety concern of the continuous flow of cars under our building and on our pedestrian walkways.
- **Litter and waste:** Food trucks generate a significant amount of waste, including food scraps, food packaging, napkins, and other disposable items. This will lead to increased litter in our neighborhood, impacting its aesthetic appeal and cleanliness. In addition, poor sanitation management leads to rat infestation in the park area and can bleed into neighboring buildings which will affect our quality of life.
- **Wastewater and sanitation:** Food trucks produce wastewater from cleaning, sanitation, and washing, which pose a risk to our local water quality. Food trucks also have the potential to increase their carbon footprint by using too much energy or producing too much waste. Food trucks rely on vehicles, which can contribute to air pollution and greenhouse

gas emissions. Depending on their energy source (e.g., diesel, propane) and efficiency, they can contribute to environmental burdens.

- **Potential for grease and oil spills:** Food trucks may have accidental spills of grease or oil, which can contaminate the environment and pose a health risk to us as residents and to wildlife. This is especially of deep concern being so close to the beach. Protection of the turtles is of great importance to many; hazardous waste, bright lights, loud noises will have a negative impact. In addition, grease and oil, pose a challenge for waste management and environmental sustainability.
- **No investment in the community.** Nothing speaks to commitment to a community like a brick and mortar business. The presence of a food truck court will discourage businesses from making any permanent business investment in Fort Myers Beach. The low overhead and operating costs of food trucks means they do not have the number of employees that a brick and mortar business would have. A business committed to our community employs those who live and work here. This tends to be small independent establishments. Food trucks, unlike restaurants, do not contribute as much to local tax revenue through property taxes, impacting our local budgets and services They are transient businesses that make no commitment to the community.
- **Loss on our investment.** Although this is our home, it is still an investment which we made in good faith for our family and to the community of Fort Myers Beach. Food trucks have been proven to lower property values and also detract from future investments by potential homeowners. Could “food truck” also include an establishment that sells other products besides food as is seen in Time Square, i.e., legalized marijuana, t-shirts and sunglasses? Why would any family buy a home with that potential in their back yard? Some research suggests that food trucks can create negative externalities, the increased traffic, parking issues, and potential for increased crime, can be perceived negatively by potential homebuyers and lead to lower property values. In some cases, the presence of a large number of food trucks in a neighborhood might be perceived as a sign of decline or lack of investment, potentially deterring potential homebuyers and lowering property values.

As homeowners, invested in this community, we hope you see the future of Fort Myers Beach as we do. A shared community of homeowners and businesses invested in the community working to support each others quality of life. We hope your vision can include improving our quality of life to include too for the lives of future generations, small family owned grocery stores, churches, a vibrant community center and a safe community absent of transient establishments.

Thank you,

Kirk and Leslie Banerian
2532 Estero Blvd #404
Fort Myers Beach, FL 33931
kirkbanerian@gmail.com

From: lylerg@sio.midco.net <lylerg@sio.midco.net>
Sent: Sunday, February 2, 2025 9:50 AM
To: jfrankel@fmbgov.com
Cc: Moscoso, David <DMoscoso@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>
Subject: Proposed food truck court

To:
Judith Frankel
Principal Planner Food Truck Court

From:
Lyle & Sheryl Grenz
Unit #302
Pelican Watch Condominium

To all whom it may concern,

We are contacting you with our concerns regarding the proposed Open-Air Food Truck Court along Estero Blvd and adjacent to Pelican Watch Condominiums property.

Prior to purchasing at Pelican Watch in 2018, we would walk past and admired the building and surrounding properties. The screenless lanais, wow!

When we started to consider PW, several other things became added benefits, underbuilding parking spot, location of the pool which was far away enough from the building to be in the sun all day, homes on the north side of the pool to give it a nice residential & private feeling, an enclosed area to spend time poolside visiting with other owners and having guest and grandchildren join us. We are enjoying our little piece of paradise!

Bringing an open-air food truck court next door would change this little piece of paradise and not for the better. Here are several of our concerns.

Our main access to our private parking space is Chapel St. & Cottage Ave. (which dead ends at PW property). With the added traffic of the food court coming and going on the narrow streets coming and going will become challenging. We hope any type of business would thrive, but once that happens, parking becomes premium, which then overflows onto streets and other parking lots.

Our little piece of paradise gives us direct access to the main reason people come to FMB "the Beach". Over the years we have seen incidents where people are not satisfied with public access to the beach, so they have used PW parking and property, which as you are aware is trespassing. Once a person would have the access to an available parking spot at the food court, they also may feel they have the right to use a shortcut to the beach - PW private property. Along with extra automobile traffic, come extra foot traffic. The added foot traffic would add security risk

for us, our grandchildren and guests as they navigate their way from the PW building to the pool area.

With the open-air food courts that we have visited, there have always been problems with where to put the left-over food and trash. Along with leftover food and trash, there is the smell, trash falling out of containers blowing around & rodents become an issue, no matter how hard they've tried. We certainly do not want to attract that to an area where there is a swimming pool area with people lounging.

As we mentioned earlier, the privacy of our pool has made it a place to visit with other owners and guests. The open-air food truck court proposal for music would take that away. Yes, maybe the music may not start that loud, but we all know music brings louder conversations and louder conversations brings louder music, now PW's conversations become harder. PW has 12 to 18 units that would be directly affected by the noise & music on their lanais, because they face in a direction of the food court.

Our little piece of paradise, which we purchased for our family to enjoy for many years, did come with a significant amount of dollars. We don't see how an open-air food court next door would not have a negative effect on it.

We want nothing more than for FMB to rebuild and thrive after the devastating blow Ian had on it. At a time when food trailers and trailers in general are fighting to stay, why would this be the right fit?

Respectfully,

Lyle & Sheryl Grenz
2532 Estero Blvd #302
Fort Myers Beach, FL 33931

From: John Vredenburg <jvburg7@gmail.com>
Sent: Sunday, February 2, 2025 9:07 AM
To: jfrankel@fmbgov.com; DMoscoso@berkerlawyers-com; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Randal Briesath <briesath@theseismicgroup.com>
Subject: Rezoning Cottage Ave.

I apologize if you were unable to open my first email.
Thank you.
Linda Vredenburg

Re: Rezoning of 2543 Cottage Ave.

We are John and Linda Vredenburg owners of Pelican Watch condo #301 since 2002, and frequent visitors for 10 years prior to that. We have enjoyed our time and our ownership at Pelican Watch, mainly because of it being removed from all of the excitement, noise, smells, traffic and people in the business area of Times Square and beyond.

The addition of a food truck park or court within such close proximity to our building would severely lessen our enjoyment of time there, cause liability issues for us and our property, and most likely lower our property values.

We ask that you consider thoughtfully the full impact of what rezoning this area would mean to the residents, guests and renters and our quality life. Also, the number of people it would affect.

We also ask that you please vote as if you were a resident or owner of this area and give careful consideration of how many people your decision would affect and how adversely it would our lives.

Respectfully,
John and Linda Vredenburg
Pelican Watch, #301

From: JOYCE LACAVA <flandct@msn.com>
Sent: Sunday, February 2, 2025 11:31 AM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; briesath@theseismicgroup.com
Subject: Proposed food truck court

Dear Ms. Frankel,

I am the owner of unit #201 - for over 35 years - in Pelican Watch at 2532 Estero Boulevard.

I would like to voice my opposition to the proposed food truck court.

I fear that the residential character and atmosphere of our building will be lost. The lifestyle that we have at Pelican Watch will definitely be affected and changed.

I can only imagine the amount of noise, food odors, and garbage that will be generated. Portable bathrooms are definitely another concern. If alcohol and music are going to be part of the court, that is definitely another issue.

Another concern that I have is the food courts close proximity to our pool area and fence which is a possible liability - not to mention that there goes our enjoyment of our pool if we have to listen to the noise and smell the food odors.

I feel that it is inevitable that there will be vehicles going under our building - which is where the walkway from our lobby to our beach access is. This walkway is used by seniors and parents carrying beach chairs, etc. and children running across to get to the beach.

Also, wondering and concerned if patrons of the food court will be bringing their food and drink and beach furniture and radios on to our area of the beach. What will happen to the trash that will be left behind? We all know that there will be ! Who is responsible for cleaning that up and disposing of it?

My final concern is about how this will affect the value of my property. It will undoubtedly reduce it. I know that I personally would not be interested in purchasing a unit where I would be next door to a food court and where my pool and beach enjoyment would be affected.

I hope that you will take all of these concerns into account when making your decision.

Thank you for your attention to this matter.

Joyce LaCava
Unit #201
Pelican Watch
2532 Estero Boulevard
Fort Myers Beach, Florida

From: kim stickley <stickley10@yahoo.com>
Date: February 2, 2025 at 11:44:26 AM GMT-5
To: jfrankel@fmbgov.com
Cc: Randal Briesath <briesath@theseismicgroup.com>
Subject: Food truck court
Judith

We are writing you to share our concerns with the food truck court proposal on Fort Myers beach as it would be adjacent to our condo at Pelican Watch.

My wife and I have some concerns which are listed below.

1. Traffic congestion

Traffic is all ready heavy in this area and this would make it even worse as people try to pull in and out of the parking lot

2. Parking

We have enough parking in our building for the owners and a few guests.

If they can't handle the crowd they may end up overfilling our lot.

3. Noise

This is primarily a residential area where people in their units can sit In the evening and enjoy the view. If they have loud music this takes that away from us.

4. Safety

Our building has parking below the building where we can drive through and exit at the end. I am afraid people will see this as a way to drive under our building to avoid the congestion at the entrance to the food court. Most of us have young grandchildren who will be walking to the beach and crossing where they would be driving. I'm not sure how we could prevent this from happening.

5. Values

If what we fear could happen if this goes through it would surely drive our property values down at Pelican Watch and at the other nearby building.

Please take this into consideration and vote against the food truck court.

Thanks

Kim and Pam Stickley

owners of unit 501 Pelican Watch since 2015

From: Barbara White <bwhiteks@gmail.com>
Sent: Saturday, February 1, 2025 9:39 AM
To: jfankel@fmbgov.com
Cc: Randal Briesath <briesath@theseismicgroup.com>; Moscoso, David <DMoscoso@beckerlawyers.com>; kberkey@lawyers.com
Subject: Opposition to Proposed Food Truck Park Development Near Pelican Watch Condos

To whom it may concern,

Please find the following letter on behalf of Barbara White, owner of unit #108 Pelican Watch.

Barbara White
2532 Estero Blvd, Pelican Watch unit #108. I have owned the condo since June of 2024 but have rented in PelicanWatch since 2001

January 30, 2025

TO:

FMB Planning Agency members

FMB Town Council

FMB staff

Subject: Opposition to Proposed Food Truck Park Development Near 2532 Estero Blvd, Pelican Watch Condos

Dear Members of the Fort Myers Beach Town Council, Planning Agency members, and staff:
We are writing to express our opposition to the proposed food truck park development located within 500 feet of our condominium at 2532 Estero Blvd, Fort Myers Beach. While we support reasonable and thoughtful development that enhances our community, the open-air format of this proposed project raises significant concerns about its potential impact on the quality of life for nearby residents.

Our specific concerns include:

1. **Noise Pollution:** Open-air food truck parks often bring prolonged and amplified noise, including music, crowd chatter, and vehicle sounds, particularly during evening hours. This noise is disruptive to the residents of our condo, many of whom value the peace and quiet of our neighborhood.
2. **Light Pollution:** The bright lighting required for evening operations can intrude into residential units, affecting sleep and overall well-being.
3. **Odor Issues:** The constant cooking from food trucks produces strong odors that can permeate the surrounding area, making it unpleasant for residents to enjoy their own homes.
4. **Increased Traffic and Parking Problems:** A food truck park in close proximity to a residential area is likely to draw significant vehicle traffic, exacerbating congestion and creating parking challenges in our neighborhood.
5. **Trespassing and Safety:** The presence of an open-air venue nearby could lead to visitors inadvertently or intentionally trespassing onto condo property, raising concerns about safety and security for our residents.

6. **Proximity to Residences:** The proposed location's close proximity to our condo exacerbates all of the above issues, creating an unsuitable environment for a residential community.
7. **Property Values:** We are also concerned that the project with all the above mentioned issues will lower the property value of our condos and damage our substantial investment.

While we are not opposed to development that supports local businesses and enhances community vibrancy, we believe that projects should be designed with sensitivity to the surrounding neighborhood. A food truck park in such close proximity to residential properties, particularly one with an open-air format, is incompatible with maintaining a high quality of life for nearby residents.

We urge the City Council to reconsider the location and format of this proposed development. Alternative sites farther away from residential properties or a different format that mitigates noise, light, and traffic impacts could serve the community's interests without compromising the well-being of its residents.

We appreciate your attention to our concerns and are available to discuss this matter further if needed. Thank you for considering the voices of your constituents in this important decision.

Sincerely,

Barbara White
2532 Estero Blvd, Pelican Watch unit #108
bwhiteks@gmail.com
816-536-1759
Barbara White

From: Gary Wiltse <gwiltse930@gmail.com>
Sent: Monday, February 3, 2025 8:20 AM
To: Judith Frankel <jfrankel@fmbgov.com>
Cc: kberkey@beckerlawyers.com; dmoscoso@beckerlawyers.com; briesath@theseismicgroup.com; Lori Wiltse <ljwsunshine@yahoo.com>; Gary Wiltse <gwiltse930@gmail.com>
Subject: Fwd: Food Truck Court

Food Truck Court Proposed Development

Judith,

My name is Gary Wiltse. My wife and I are owners at the Pelican Watch Condominiums adjacent to the proposed open air food truck court project. We have been owners of Unit 507 since 2021. We have endured many hardships since becoming owners at Pelican Watch such as Hurricane Ian, Hurricane Helene and Hurricane Milton to name a few. Now that we have regained some sort of normalcy and began to enjoy our slice of paradise we are once again facing another issue with this proposed open air food truck court project.

This proposed project if approved will provide many issues for us as well as the Pelican Watch community as a whole. These include:

- unwanted and annoying music and noise. The food court property is visible looking out our lanai and master bedroom window. The music and loud noise would be very problematic for us and our neighbors adjacent to us.
- an over abundance of traffic and trespassing issues on Estero Boulevard and along our adjacent side streets which is already a major issue and will only be made worse. We already have outsiders parking their vehicles on our property and trespassing on our property to access the beach.
- a financial hardship most likely would come with the reduction of property values for our unit and our community as a whole. We have all endured many financial investments and burdens after the extensive damage to our property caused by the hurricanes and now that we are working towards completing all of the repairs and updates we would hate to lose our valuable investment due to this project being approved.

Please consider our issues and concerns when evaluating whether to approve or deny this project. We do not want to see this project move forward in any capacity.

Sincerely,

Gary Wiltse

Pelican Watch Unit 507

231-220-1515

From: Rick Bruner <rickbruner@gorge.net>
Sent: Monday, February 3, 2025 10:27 AM
To: jfrankel@fmbgov.com; Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; briesath@theseismicgroup.com; dmoscoso@becklawyers.com
Subject: Food Court Proposal on the 2500 block of Estero Blvd.

To whom it may concern,

I am Rick Bruner, and I am a current owner at the Pelican Watch, adjacent to the proposed food court. I have owned my unit 206, with the Hardin family for 12 years and have been coming here for the last 25 years. I just wanted to state vehemently my opposition to this proposal based purely on the proximity of this project to our complex, pool, and my unit....all within 100 yds at the farthest point to our property... Not only has just the prospect of this project's impacted our real estate price already, but the additional noise that would accompany this " beach bar" would be totally unacceptable. We live 800 yards from the Diamondhead and Beach Bar to the north and as I sit on my lanai, I can hear the music from there..... 50 yards from my lanai and directly adjacent to our pool will totally impact me and all our neighborhood residence for the reasons we moved here to enjoy the ambience of the beach lifestyle. I realize that the Ft Myers Beach has changed over the years and Ian has only expediated that change, but I implore the powers to be to try to keep some of the old Florida charm that brought us all here to begin with..... We have a huge area to our North for the bars, noise, restaurants, and tourism, I just implore you to let our beach neighborhoods retain some of that quiet that brought me from the east coast of Florida to the west coast .

Best regards, Rick Bruner

From: Robin Amesbury <robinamesbury@gmail.com>
Sent: Monday, February 3, 2025 12:33 PM
To: jfrankel@fmbgov.com
Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; Randy Briesath <briesath@theseismicgroup.com>; DMosocoso@beckerlawyers.com
Subject: Consideration of Approval of Food Truck Site Near 2532 Estero Blvd.

My wife and I own unit 306 at Pelican Watch Condominiums at 2532 Estero Blvd. We have been there since early 2021. We do not rent the unit out, we use it as our part time abode.

The proposed food truck project is very near to our building. Our unit is on the North end of the building, so that any noise from the proposed project, whether music or otherwise would have a direct impact on us, impinging on our right to quiet enjoyment of our home.

The area involved here is heavily residential. There have been no commercial enterprises on the Gulf side of Estero Boulevard for a good distance (perhaps a half mile) on either the north or south many years. On the landward side of the Blvd. stood the now demolished church and the now demolished Municipal building and the adjoining space that was supposed to be a future Firehouse. There are few residences on that side of the Blvd near the proposed project. By comparison, there are many. many residential units adjacent to and in proximity to the proposed food truck development on the Gulf side.

Collier county recently approved the development of food truck projects -- but only away from residential oriented sites -- the projects being limited to parks.

We have been told a 10 foot "buffer space" would be provided between our property (near the pool) and the proposed food truck project. Clearly this would result in the destruction of property values.

Please do not approve this proposed project. The site on which it is proposed is not appropriate. In general, a food truck project would be on the low end of choices for maintaining a wholesome upscale reputation for Fort Myers Beach if any such project is adjacent to residential areas. I refer to this as the Honky Tonk risk, and it brings Myrtle Beach in the 1990s to mind.

Respectfully,

Robin and Karen Amesbury

David J. Moscoso
Attorney at Law
Phone: 305.260.1003 Fax: 305.442.2232
dmoscoso@beckerlawyers.com



Becker & Poliakoff
2525 Ponce de Leon Blvd, Suite 825
Coral Gables, FL 33134

Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

February 4, 2025

VIA E-MAIL ONLY: nstuparich@voselaw.com

Nancy Ann M. Stuparich, Esquire
Vose Law Firm LLP
Town of Fort Myers Beach Attorney

RE: Request for Aggrieved/Adversely Affected Party Status in CPD Amendment Case Nos. DCI Rezoning 20240137.1 and 2024137.2 (Project Name: Food Truck Park) at 2500/2510/2518 Estero Boulevard and 2543 Cottage Avenue, Fort Myers Beach, Florida

Dear Ms. Stuparich:

Please be advised that our Firm represents the following with respect to the above-referenced applications:

1. Pelican Watch Condominium Association, Inc. ("Pelican Watch"), which operates and controls the Condominium Property, comprised of forty-eight (48) residential condominium units and common element property, located at 2530 and 2532 Estero Blvd., Fort Myers Beach, Florida;
2. Thomas S. and Debra S. Danford, Managers and Members of Coastal Cottages LLC, owning residential property located at 2520 and 2522 Cottage Ave., Fort Myers Beach, Florida (the "Danfords"); and
3. Edwin T. French, III, 2548 and 2550 Cottage Ave., Fort Myers Beach, Florida ("Mr. French").

We request recognition of Pelican Watch, the Danfords, and Mr. French as Aggrieved/Adversely Affected Parties in all public hearings at which the above-referenced cases will be heard. On their behalf, we respectfully request that this correspondence and all enclosures be included in the

agenda packets for the Local Planning Agency (“LPA”) hearing on February 11, 2025 and any subsequent public hearings at which these cases will be heard.

Aggrieved/Adversely Affected Party Status. Florida Statutes Section 163.3215 (2024) articulates the manner in which the State of Florida protects adversely affected parties in land use hearings, such as this case.¹ Paragraph (2) provides this definition:

As used in this section, the term “aggrieved or adversely affected party” means any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order. (Emphasis added.)

Pelican Watch is an Aggrieved/Adversely Affected Party because the Condominium Property immediately abuts 2518 Estero Blvd. and is ±39-feet from 2543 Cottage Ave. that are both subject to the proposed Commercial Planned Development (“CPD”) amendments. The Danfords and Mr. French are likewise each an Aggrieved/Adversely Affected Party because their respective properties are ±31-feet from the properties subject to the proposed CPD amendments. The proposed CPD amendments, if approved, would impose construction and post-construction noise, fugitive dust, vibrations, property devaluation, and traffic impacts at a level far in excess of that which are endured at the present time. Said differently, Pelican Watch and its unit owners, the Danfords, and Mr. French will be detrimentally affected and suffer special damages, to a greater degree than the public at large, as a result of the change in character to the neighborhood and their immediate proximity to the proposed development if the CPD amendments are approved.

As Aggrieved/Adversely Affected Parties, Pelican Watch, the Danfords, and Mr. French have due process rights under the First and Fourteenth Amendments to participate fully in any and all future public hearings. Three (3) minutes per citizen is completely inadequate for presenting thoughtful and compelling testimony in a public hearing on even the most trivial application for a land use change. In *Hernandez-Canton v. Miami City Com'n*, 971 So. 2d 829, 832 (Fla. 3d DCA 2007), the Court ruled that anything less than eight (8) minutes in a legislative case was insufficient.

Clients’ Request of Affected Party Status. To achieve their goal of full and positive participation, Pelican Watch, the Danfords, and Mr. French request to be granted Aggrieved/Adversely Affected Party Status and granted forty (40) minutes of time for an agent for

¹ See also Section 34-2 of the Town’s Code of Ordinances defining an “aggrieved person or party” as “...anyone who has a legally recognizable interest which is or which may be adversely affected by an action of or an action requested of the town council or any other person or board that has been delegated such authority by town council.”

the Board of Directors of Pelican Watch, the Danfords, Mr. French, me as their attorney, Mr. Max Forgey, AICP, as their expert planner, Mohsen Salehi, AICP, ITE(F), as their expert traffic professional, and Matthew S. Simmons as their property value impacts expert, to present competent, substantial evidence detailing their reasons for denial of the above-referenced cases, said evidence being presented following the presentation by the applicant's representatives, and that we be allowed an amount of time for rebuttal equal in length to that of the applicant's representatives. Detailed resumes for Mr. Forgey, Mr. Salehi, and Mr. Simmons are **enclosed** with this letter.

Competent Substantial Evidence. My clients and I are committed to participating in a positive, fact-based hearing to provide competent, substantial evidence upon which findings of fact for denial can be based.

Thank you.

Very truly yours,



David J. Moscoso
For the Firm

DJM/KOB/ma

Enclosures (as stated)

cc: Clients

Max Forgey, AICP, Forgey Planning (via e-mail only w/encl: max@forgeyplanning.com)

Mohsen Salehi, AICP, ITE(F), Salehi Consulting Services (via e-mail only w/encl.: mohsen@corbeldesign.com)

Matthew S. Simmons, Maxwell, Hendry, Simmons (via e-mail only w/encl: matts@mhsappraisal.com)

Amy Baker, Town of Fort Myers Beach Clerk (via e-mail only w/encl: amy@fmbgov.com)

Judith Frankel, AICP, Principal Planner, Town of Fort Myers Beach (via e-mail only w/encl: jfrankel@fmbgov.com)

Anita Cereceda, Chair, Town of Fort Myers Beach Local Planning Agency (via e-mail only w/encl. localcolorfmb@aol.com)

Mayor Dan Allers, Town of Fort Myers Beach (via e-mail only w/encl.: allersd@fmbgov.com)

Nancy Ann M. Stuparich, Esquire, Town Attorney
February 4, 2025
Page 4

Ken Gallander, AICP, The Neighborhood Company, Applicant's Agent (via e-mail only
w/encl.: kg@theneighborhood.company)

Katie O. Berkey, Esquire, AICP, Becker & Poliakoff

MOHSEN SALEHI, AICP, ITE(F)
Corbel Design Consulting Svcs
Ft Myers, FL (239/994-1320)
Mohsen@corbeldesign.com

ACADEMIC BACKGROUND

Masters Degree of City & Regional Planning, Urban Design/Infrastructure Major, Clemson University, Clemson, SC, 1984

Bachelors Degree of Architectural Engineering, Design/Construction Major, Southern Polytechnic State University (formerly a division of Georgia Institute of Technology), Marietta, Georgia, 1980

SPECIALIZED PROFESSIONAL COMPETENCE

Mr. Salehi's career spans over 30 years of public- and private-sector experience with an extensive track record in transportation/infrastructure planning and urban design, low impact development and redevelopment projects, complete streets/context sensitive design solutions, traffic calming/roadway safety audits, traffic and parking studies, development review services, and expert testimony for public agencies and community organizations.

Salehi Consulting Services, 1997-present

Provide full-service infrastructure/transportation planning services to public- and private-sector clients throughout southeast and southwest Florida, including continuous focus on Complete Street concepts.

- **Consultancy for Corbel Design, Architecture & Planning, 1997-present**
Providing services for architectural projects Traffic Impact Studies (TIS), parking issues, and other traffic related matters.
- **Florida Main Street Program, 1997-present**
Member of resource teams dispatched to Clewiston, Clearwater Beach, and Dania Beach communities with traffic circulation and design services, PM Bob Field, 410-323-4465. Presented at FMS annual conferences in Ft. Pierce (1999)& Fort Walton Beach (2002), Stuart (2014), & St Petersburg (2015).
- **Florida Redevelopment Association (FRA), 1997-present**
Provide technical services for parking and flood insurance issues. PM Carol Westmoreland, @850-701-3608.
- **Roadway Safety Audit, Bonita Springs, 2012-13**
Conducted roadway safety audit for completing 1.1 mile section of Old SR 41 from Bonita Beach Road to Collier County line. PM Domingo Noriega, P.E. @813-503-7743.
- **Bayshore Corridor Redevelopment Overlay, Collier County, 1999-00**
Developed an overlay to create incentives for urban design and traffic calming for tax base enhance-ments. PM Jim LaRue @ 239-334-3366.
- **Development review & transportation concurrency services, Comp Plan & LDC for LaRue Planning & Management Services' public sector clients including Village of Estero, Boynton Beach, North Bay Village, El Portal, Moore Haven, & City of Okeechobee. PM Jim LaRue @ 239-334-3366.**
- **Consultancy for CALTRAN Engineering Group for Miami Downtown Development Authority Complete Streets**

Project, SE/SW 1st; Charlotte County: Countywide Parking Study (2019), Deep Creek Community Sidewalk Master Plan (2020), PM Juan Calderon @786-456-7700.

Traffic Consultant, City of Bonita Springs (Public Works), 2000-11, Provided transportation planning services, reporting to City Manager Gary Price @239-980-9400.

- **Bonita Springs Bikeways/Walkways Facilities Plan Update, 2008-09**
Prioritized facilities funding based on Complete Street Decision Matrix.
- **Project Management Services**
 - Traffic Circulation Study, 2008-09
 - I-75/BBR interchange improvements (Addition of left turns and sidewalks relocation behind overpass supports), 2007-08
 - East Terry I-75 overpass widening , 2005
- **Development review & urban design services, 2008-09**
- **Expert testimony, 2000-11**
Testified before Bonita Springs City Council, Planning & Zoning Board, & Local Planning Agencies.

Project Manager, Lee County Community Redevelopment Agency (CRA), 1995-97

Managed several concurrent projects reporting to County Manager Roger Desjarlais @239-533-2221.

- **Old 41 Corridor**
Responsible for \$3.1 million TIF funded for planning and design from Imperial River Bridge to Oak Creek Bridge in Bonita Springs (0.3 miles)
- **Palm Beach Blvd/I-75 interchange**
Conducted \$500,000 Storefront Grant program & redevelopment concept plan for Dos Rios.
- **CRA liaison for local redevelopment planning committees.**

Section Manager, Lee County Dept. of Transportation and Engineering (DOT&E), 1990-95

Responsible for DOT&E's Alternate Modes Section.

- **Annual budget of \$1 million and \$2.8 million in federal funding under Intermodal Surface Transportation Efficiency Act (ISTEA) including:**
 - Six Mile Cypress Bikepath (8.3 miles)
 - Stringfellow Bikepath (12.1 miles)
 - Estero Blvd Sidewalk (4.2 miles)
 - Ten Mile Canal Linear Park (3 miles)

- Funds used for planning, design, and construction of safe, routes to schools (including design-build of Lehigh Acres Pedestrian Bridge over ECWMD canal as an alternative to bussing due to hazardous walking conditions), transit (installation of bike racks on LeeTran busses), public parks (free access for bicyclists and pedestrian to Lakes Park) & commercial facilities for walking, cycling & promotion of demand management solutions in Lee County
- Acted as liaison before Bicycle/Pedestrian Advisory Committee (BPAC), Chairman Ed Benjamin @239-410-5186.

Consultant, Neighborhood Planner/Architectural Consultant, 1989-90

- Responsible for redevelopment & revitalization of 2.1-mile Dekalb Ave. corridor & Reynolds-town neighborhoods
- Conducted building energy audits, Designed ADA compliant solutions for private schools

Urban Planner, City of Atlanta Bureau of Planning (BOP), 1987-89

Reported to Reemberto Rodriguez @240-777-5307.

- Responsible for Urban Design/Land Use Section of BOP.
- Coordinated land use amendments to the City's redevelopment plan and transit oriented developments (TOD)/parking limitation districts in the vicinity of transit stations (MARTA).

Urban Designer, Central Area Study II (CAS II), City of Atlanta, 1985-87

Reported to Reemberto Rodriguez @240-777-5307.

- Responsible for traffic & parking data collection, analyses for a public private joint planning effort for re-development of downtown Atlanta.
- Supervised 10 interns.
- Provided urban design services.
- Participated in three design charettes.

PROFESSIONAL AFFILIATIONS

- American Institute of Certified Planners (AICP) Member
- Institute of Transportation Engineers (ITE) Fellow
- American Society of Civil Engineers (ASCE) Transportation & Development Institute Member
- Southwest Florida Branch of American Public Works Association (APWA) Member

PROFESSIONAL AWARDS & CERTIFICATIONS

- Florida Planning Association/Promised Lands Section Scholarship Award for FPC 2020
- Florida Planning & Zoning Association's 2002 Certificate of Merit for Greater Pine Island Community Plan Update
- 1999 Outstanding Public Report for Town of Fort Myers Beach Comprehensive Plan
-
- Florida Department of Transportation (FDOT) Pre-qualified for System Planning (13.4), Corridor Planning (13.5), & Land Planning/Engineering (13.6) 2013-15.

PRESENTATIONS & PUBLICATIONS

- Florida Main Street Program, *Implications of New Transportation Trends for Main Street Businesses*, August 2015, St. Petersburg, Florida
- Florida Main Street Program, *Visioning Okeechobee*, September 2014, Stuart, Florida
- Florida Redevelopment Association Professional Development Program, *Parking Problem? No Problem!* June 2003, Orlando, Florida
- Florida Main Street Program, *Economic Vitality & the Arts/Arts Enterprise Zones*, March 2002, Fort Walton Beach, Florida
- Florida Main Street Program, *Parking Problems and Solutions*, October 1999, Fort Pierce, Florida
- American Planning Association Conference, Peachtree Street: The Linear City, May 1989, Atlanta, Georgia
- Clemson University Graduate School 1984 Master's thesis entitled: *An Alternative Energy Approach in Optimizing Growth within Built Environments*

SAMPLE EXPERT WITNESS TESTIMONY SERVICES

- Town of Ft Myers Beach, in opposition to Application 20230152, Moss Marina/The Arches on behalf of LLC Magnum. Provided traffic impact analyses, April 2024
- City of Ft Pierce Commission, in Opposition to Case#19-4390002 Cumberland Farms Major Amendment to PD, Provided traffic impact analyses testimony, August 2019
- The Circuit Court of Lee County, in Support of Case# 18-CA-003805, Chris Patton V. Town of Ft Myers Beach/TPI-FMB Rezoning Case, Provided land use and traffic impact analyses report, 2018-19
- The Circuit Court of Lee County, in Support of Case# 18-CA-001938, Lani Kai Island Resort Vs. Town of Ft Myers Beach, Provided parking calculations, 2019
- Florida Division of Administrative Hearings, in support of DOAH Case No.: 18-003613, ARGO V. Village of Estero Provided deposition testimony in support of the Village Comp Plan Transportation Element, February 13, 2019
- Lee County Hearing Examiner, in Opposition to Port Sanibel CPD Amendment, provided traffic impact analysis report and testimony, July 18, 2017
- St. Johns County Board of County Commissioners, in opposition to Case# 2016-03, COMPAMD Watermarke /Beachcomber, provided traffic Impact analysis and testimony, September 20, 2016

SAMPLE PROJECTS

Bonita Springs: MPO's Congestion Monitoring Report
http://www.mpo-swfl.org/content/CMR_081009.pdf

Pine Island Community Plan Update
<http://spikowski.com/Pine%20Island%20Report-September30.pdf>

Fort Myers Beach Access & Circulation
<http://www.spikowski.com/SummaryReport%20w-o%20App%20C-D.pdf>

Miami Downtown Development Authority SE/SW 1st St

Complete Streets Project/ Aerial Drones footage for:

- SW First St at SW First Ct - curb extension with cones
<https://vimeo.com/165801251>
- SE First St at SE Third Av - ped island with cones
<https://vimeo.com/165801250>

***DARYL MAX FORGEY AICP
LAND USE CONSULTANT & EXPERT WITNESS
236 SE 45th Street
Cape Coral FL 33904
max@forgeyplanning.com
239.560.5864***

Max Forgey is an experienced land use planner with more than three decades of professional experience and success in administration of local government comprehensive planning strategies, land development and regulatory controls, governmental relations, and public policy communications. Clients include governmental organizations and private property owners. He is the sole proprietor of FORGEY PLANNING LLC, a planning consultancy which provides expert witness services in land use cases and is allied with LAND SMART LLC, a Florida-based consortium of land use professionals which provides a broad range of professional assistance to public and private sector clients.

His professional knowledge encompasses creating and developing community and small-area plans, urban design and architectural standards, land development entitlements, project management, and expert witness testimony. Max has worked on more than 35 cases across 25 Florida counties and municipalities, frequently teaming with some of Florida's most respected land use and administrative lawyers, appearing before local planning agencies, city and county elected bodies, hearing examiners, administrative law judges, and circuit court proceedings.

Max also actively participates in and leads speaking engagements at professional development conferences and symposia through the Promised Lands section of the American Planning Association Florida chapter, with the American Institute of Certified Planners, the Florida Planning and Zoning Association, and other organizations. He is currently collaborating with other planning professionals to craft a continuing education program, provisionally called Urban Planning Institute, to familiarize elected and appointed officials and local government staff with planning law and practice.

Qualifications

- LAND SMART LLC, Managing Member of a Cape Coral, Florida-based consortium
- FORGEY PLANNING LLC. Owner of an urban planning and land-use consulting practice.
- Master of Public Affairs (MPA) in Urban and Regional Planning, Indiana University.
- Member American Institute of Certified Planners (AICP).
- Member Florida Planning and Zoning Association (FPZA).
- Qualified as an expert witness in Lee County Hearing Examiner proceedings.
- Former Planning and Community Development Director in Charlotte County.
- Former Planning Commissioner (LPA), City of Cape Coral, Florida.
- Contract planner for the Town of Kenneth City.

Accomplishments

- Lead author of Kenneth City Evaluation and Appraisal Report (EAR) which was transmitted to the Florida Department of Commerce on October 21, 2024.
- Established FORGEY PLANNING, an urban planning and land use consulting practice.
- Developed a template for auditing the effectiveness of existing local governments comprehensive plans and zoning code for internal consistency of plan policy framework.
- Authored “The Platted Lands Challenge” report for the six-county area of Southwest Florida offering policy guidance for platted, scattered-lot properties.
- Development of implementation strategies which employ automation to create linked mixed media tools for restructuring and updating local government planning and zoning regulations.

Certification

AICP (American Institute of Certified Planners) Certification #051,330 Florida Chapter, APA Member in good standing since 1993. A national professional certification maintained by the American Planning Association. AICPs must first meet educational standards and then pass an examination covering all aspects of professional planning practice, and are expected to maintain their membership through a self-directed program of study that is monitored by the national organization, which includes regular training in law and ethics.

Professional Experience

Forgey Planning

Cape Coral, FL

Owner. 2008-present. A solo planning practice concentrating comprehensive planning work for Lee and Sarasota Counties, the City of North Port, the Captiva Community Panel, and the Town of Kenneth City, among others. Developed a template for auditing the effectiveness of existing local governments comprehensive plans which has been applied in Sarasota County and the City of North Port. An expert witness since 2013, working on more than 30 cases in 25 Florida counties and municipalities, appearing before planning commissions, city councils, county commissions, hearing examiners, administrative law judges, and circuit court. Qualified as an expert witness in Lee County Hearing Examiner proceedings and recognized as a lobbyist in Collier County.

Zoning Technologies

Cape Coral, FL

President. 2011-2017. A start-up subsection ‘S’ corporation that specialized in restructuring and updating local government comprehensive plans and developing implementation strategies which employ automation to create linked tools (e.g. application forms, automated worksheets, case reports, and adopting resolutions). The Zoning Technologies expert system prototype products were marketed statewide and were demonstrated at the American Planning Association (APA) national conference in Atlanta in 2014.

Osceola County, Florida

Kissimmee, FL

Planning Coordinator. 2005-2008. Authored key elements of the Osceola County Comprehensive Plan and most of the County's 2008 Evaluation and Appraisal Report.

Clay County, Florida

Green Cove Springs, FL

Senior Planner. 2003-2005. Authored the county's Interlocal Service Delivery Agreement Report (ISDAR) mandated by the Florida legislature, identifying all service overlaps between and among all local governments within Clay County.

Lake County, Florida

Tavares, FL

Planning Director. 2001-2003. Staff liaison to the Environmental Lands Management Advisory Committee, a citizen organization created by the Board of County Commissioners to study the creation of an environmental land program. Recommended policies were ratified in November 2002, when Lake County voters approved a one-third mil assessment for the acquisition of environmental lands.

Southwest Florida Regional Planning Council

Fort Myers, FL

Planner. 1997-1998. Reviewed local government plan amendments throughout the six-county area and authored "The Platted Lands Challenge" report.

Charlotte County, Florida

Port Charlotte, FL

Community Development Director 1995-1997; Planning Director 1990-1995. Early in his tenure, Gulf Development Corporation (GDC), the County's largest land subdivider, declared bankruptcy, shifting responsibility for completion of roads, bridges, drainage works, and utilities, to the public sector and forcing a host of development decisions upon the local government and public agencies. He had three memorable achievements during these seven years:

- Managed the research, preparation, and adoption of the County's Evaluation and Appraisal Report (EAR) and Comprehensive Plan. Aggressively negotiated with the Florida Department of Community Affairs (DCA) to remove the Plan's not-in-compliance finding.
- Led the staff team that rewrote the Charlotte County Comprehensive Plan and was the point person in the successful four-year effort to negotiate a stipulated settlement agreement between the Board of County Commissioners and the Florida Department of Community Affairs to find Charlotte County's Comprehensive Plan in compliance with Florida's Growth Management Act.
- Advocated against the rezoning of 42 parks (illustrated as such on GDC sales maps and the County's Future Land Use Maps) to residential uses. The Company's agents eventually relented on their policy position and donated 41 parcels to the people of Charlotte County.

City of Cape Coral

Cape Coral, FL

Deputy Planning Director. 1985-1990. Authored and supervised preparation of key elements of the 1988 Comprehensive Plan (the City's first plan under the 1985 Growth Management Act) and the City's 1989 Land Development Code.

Education

Indiana University

Bloomington, IN

Master of Public Affairs (MPA) from the O'Neill School of Public and Environmental Affairs, 1982. Concentration in Urban and Regional Planning.

Bachelor of Arts (BA). 1976. Undergraduate degree in English Literature and History.

Important Cases, Continuing Education, Writing & Teaching

- Subcontracted with Bruce Hoch of New Jersey-based CPG Corplan on the *Economic Development Plan for the City of Cape Coral*. The final report was presented to City Council on January 22, 2025.
- Co-presented a panel "*Sometimes a Word is Worth a Thousand Pictures: Communication Skills for Planners*" with Tony Palermo, AICP, and Doug Kelly, AICP, at FPZA annual conference in Charlotte Harbor, June 5, 2024. His segment "The Rhetoric of Planning" focused on the words that form a persuasive narrative.
- Program chair for APA Florida/ FPZA "*The Perfect Storm Eight Months Out: A Symposium for Professional Planners, Design Professionals, Plan Commissioners & Regular People*" at Charlotte County Event & Conference Center Punta Gorda May 12, 2023.
- Presenting a panel "*Incorporation, Annexation, and Disincorporation*" with Jim Studiale, AICP, and Luke Lirot, Esq. at APA Florida state conference on Orlando September 7, 2022.
- Co-presented a panel "*Legislative and Quasi-judicial: What Every Planner Needs to Know*" with Attorney Andrew Dickman, AICP, at annual conference of Florida Planning and Zoning Association on Captiva Island June 3, 2022.
- Program Chair for "*The Swamp Peddlers*", an APA Florida/ Florida Planning & Zoning Association symposium conducted on August 6, 2021 in Punta Gorda. Keynote speaker Jason Vuic and other presenters explored the legacy of land sales scams in Southwest Florida on the twentieth anniversary of the General Development Corporation bankruptcy.
- Designed and co-presented "*Land Use 101*", a seminar for planning commissioners, elected officials, and new planners, hosted by the City of Cape Coral on June 16 and July 14, 2021 with

co-presenters Vince Cautero, AICP, the City's Community Development Director, and Attorney Ralf Brookes.

- Expert witness for client West Villagers for Responsible Government (WV4RG), a citizen organization which challenged the annexation of the 8730-acre non-contiguous West Villages subdivisions into the City of North Port. The City Commission rejected the Villagers' challenge by a unanimous vote, but following appeal presented by attorney Luke Lirot, the Twelfth District overturned the City's order denying petition for contraction in *West Villagers for Responsible Government v. City of North Port*.
- Moderated a panel for law credit at the September 9, 2020 Zoom-facilitated American Planning Association's Florida state conference. Co-presenters were attorneys Karen Consalo, Thomas Hawkins, and Andrew Dickman. "*The Rules are Very Different Here: How to Reform Florida's Land Use Decision-making Process*" surveyed the inconsistencies among local governments' handling of land use decision-making and proposed a new Environmental Land Management Study (ELMS) to improve those processes.
- Attended and participated in American Planning Association Florida chapter's 18th annual *Public Policy Workshop* at Florida State University, Tallahassee February 2020.
- Drafted update of Town of *Fort Myers Beach Sign Ordinance* to reflect SCOTUS *Reed v. Gilbert* opinion for Weiler Engineering Fall 2019-Winter 2020.
- Program chair for "*Planners in Peril: Law, Legislation, and Ethics for Design Professionals*," an APA Florida Promised Lands section symposium December 6, 2019 at Bonita Springs City Hall.
- Program chair for "*How High is the Water, Ma?: Rising Sea Level on the Florida Gulf Coast and what we can do about it*," sponsored by Friends of Boca Grande Community Center, March 22, 2019 at the Boca Grande Community Center Auditorium.
- Member, *Faith Presbyterian Affordable Housing Board*, a not-for-profit corporation which aspires to offer quality housing for low- and moderate-income persons in Cape Coral. Appointed 2018; appointment ended December 2020.
- Received 2018 American Planning Association Florida Chapter, Promised Lands section's first-ever *Wayne Daltry Award for Planning Programs* for developing professional education symposia.
- Prepared *policy audit of Town of Fort Myers Beach Comprehensive Plan* for Weiler Engineering, Summer 2018.
- Program chair for American Planning Association symposium "*Warped Tour '18: Land Use Law for Planners*" March 23, 2018 in Punta Gorda.

- Attended and participated in the hurricane-shortened APA Florida chapter annual conference in Daytona Beach September 4-6, 2017. Led panel with Greg Beliveau, AICP and Jane West Esq. entitled *"How to Build a Better Client."*
- Program chair for Captiva Community Panel/ Florida APA symposium *"Now in My Back Yard: Rising Sea Level on Florida's Gulf Coast and what can be done about it"* January 13, 2017 at South Seas Resort on Captiva Island.
- Co-authored article with Karen Consalo, Esq. *"Best Practices for Local Government Land Use Decision-making"* in Summer 2016 edition of *Florida Planning*.
- Speaker at American Planning Association Florida Chapter Annual Conference in Tampa, September 9, 2016. *"A Pre-tirement Guide for Perplexed Planners: Making the Transition to Solo Practitioner."*
- Attended and participated in CLE International's annual *Land Use Law symposium* in Tampa, August 18-19, 2016, and August 6-7, 2015.
- Speaker at University of Central Florida 2016 Public Administration Research Conference April 8, 2016. Topic: *"What's the Big Idea: New Software that Aids Land Use Decisions."*
- Attended and participated in *APA Florida chapter annual conference* in Hollywood, Florida September 10-13, 2015.
- Coordinator and presenter for daylong FAPA-sponsored symposium *"Everything You Ever Wanted to Know about Florida Land Use"* in Cape Coral May 16, 2014.

Jurisdictions - Expert Witness Work

Bonita Springs	Miramar
Bradenton	Monroe Co (2, incl ALJ)
Cape Coral (5)	North Port
Charlotte County (2)	Orange County
Collier County (4)	Ormond Beach
DeSoto County	Pasco County (2)
Fort Myers Beach (4)	Palm Beach County (ALJ)
Hardee County	Polk County (C court)
Hendry County (C Court)	Punta Gorda (2)
Hernando County	St. Johns County (4)
Highlands County	Sarasota County
Hillsborough County (4)	Sumter County

Hillsboro Beach
Lantana
Lee County (8)

Suwannee County
Venice



SEC. VIII: ADDENDA.

QUALIFICATIONS: MATTHEW S. SIMMONS

Educational Background and Training

Bachelor of Science in Business Management (2008) Florida Gulf Coast University, Fort Myers, Florida.
Appraisal Board Course I - ABI, Steve Williamson's Real Estate Education Specialists (2003) Orlando, Florida.
Real Estate Transactions, Florida Gulf Coast University (2003) Fort Myers, Florida.
Various Appraisal Institute Courses
Appraisal Board Course II - ABII, Academy of Real Estate (2005) Fort Myers, Florida.
63 - hour Sales Associate Pre-License Course, Career Web School (2008)

Experience

Gulf Coast Appraisal and Consulting Services, Inc., Cape Coral, Florida – Associate (2003)
Gulf Coast Appraisal and Associates, Inc., Cape Coral, Florida - Associate (2003-2005)
Maxwell & Hendry Valuation Services, Inc., Fort Myers, Florida - Residential Division Manager (2005-2013)
Maxwell, Hendry & Simmons, LLC, Fort Myers, Florida - Partner (2013-Present)

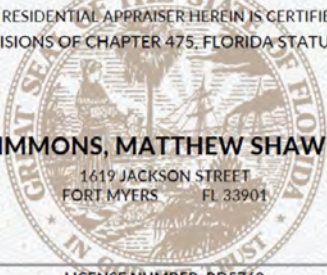
Professional Affiliations

State-Certified Residential Real Estate Appraiser, RD5762
State-Licensed Real Estate Broker, BK3214690
Qualified as an expert witness in the Florida District Court: 7th Judicial Circuit, 20th Judicial Circuit
Qualified as an expert witness in U.S. District Court: Middle District of Florida
Qualified as an expert witness in St. Croix County, Wisconsin
Realtor Association of Greater Fort Myers and the Beach, Inc. – Member (2009–Present)
National Association of Realtors - Member (2009–Present)
Real Estate Investment Society REIS - President (2015)
Sanibel-Captiva Chamber of Commerce - Member (2006–Present)
Southwest Florida Museum of History Foundation - Board Member (2014–2016)
HUD FHA Approved Appraiser
Associate Member of the Appraisal Institute (2011–Present)
Florida Real Estate Appraisal Board - FREAB - Gubernatorial Appointed Board Member (2012–2016)
Florida Real Estate Appraisal Board - FREAB - Chairman (2014)
IMAG History & Science Center – Board of Directors (2016–Present)
L.E.A.D. Foundation of SWFL - President (2017–Present)

Re-certification

As of the date of this report, I, Matthew S. Simmons, have completed the requirements under the continuing education program for the State of Florida.



	Ron DeSantis, Governor	Melanie S. Griffin, Secretary		
STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
FLORIDA REAL ESTATE APPRAISAL BD				
THE CERTIFIED RESIDENTIAL APPRAISER HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 475, FLORIDA STATUTES				
 SIMMONS, MATTHEW SHAWN 1619 JACKSON STREET FORT MYERS FL 33901				
<table border="1"><tr><td>LICENSE NUMBER: RD5762</td></tr></table> EXPIRATION DATE: NOVEMBER 30, 2026 Always verify licenses online at MyFloridaLicense.com				LICENSE NUMBER: RD5762
LICENSE NUMBER: RD5762				
	ISSUED: 12/04/2024			
	Do not alter this document in any form.			
	This is your license. It is unlawful for anyone other than the licensee to use this document.			



MATTHEW S. SIMMONS		
SAMPLE OF TRIAL RELATED WORK (UPDATED THROUGH EARLY 2021)		
DATE	CLIENT	REFERENCE
4/2006	Dykema Gossett PLLG	US Bankruptcy Court N.D. Illinois, Eastern Dawson v. James S. Economou and Carol Economou; Case No. 05-B-13171
		appraisal, related trial preparedness
5/8/2006	Lee County Attorney's Office	Order-of-Taking in regard to Matlacha Park
6/2006	Berger Schatz	Boado v. Boado; appraisal, related trial preparedness
8/9/2006	Lee County Board of Commissioners	Order-of-Taking hearings and related updates, file review for Parcels 1005, 1015, 316A, and 333, Imperial Street, Lee County, Florida
2/2008	First Bank	First Bank v. Ofelia Marcelo; appraisal, testimony, related trial preparedness
4/2008	Rubinstein & Holz	Krill v. Krill; appraisal, testimony, related preparedness
8/2008	Melissa Skeen	Silverglide v. Silverglide; appraisal, related trial preparedness
10/2008	Henderson Franklin	Leli v. Marsala; appraisal, deposition, related trial preparedness
10/2008	Powell Law Offices, P.A.	Dennis Mark Clark vs. Steven Gribble and Gasparilla Properties, Inc.; appraisal, related trial preparedness
2/2009	Bank First	Bank First vs. Guy Pagsolingan; appraisal, testimony, related trial preparedness



2/2009	Gibbons, Neuman, Bello, Segall, Allen, Halloran & Wright	Valley Bank v. Chris Hernandez; appraisal, testimony, related trial preparedness
2/2009	Troutman & Sanders, LLP	Taylor, Bean & Whitaker Mortgage Corporation vs. Lennar Corporation; appraisal, related trial preparedness
5/2009	Henderson Franklin	Warfield v. Stewart; appraisal, related trial preparedness
6/2009	John Nowell	John Nowell vs. Chad Turner; appraisal, related trial preparedness
9/2009	Stewart & Keyes	General Mortgage Associates Inc. vs Chapman and Associates, Inc., Dave Beckman, Julio Alvares, and Associates in Appraisal, Inc, and Patricia W. Sempstrott; appraisal, related trial preparedness, depositions, mediation
3/2010	Hale Law Group	Victor Rardin and Marianne Rardin v. Michael Sklorenko and Paula Sklorenko; appraisal, related trial preparedness, testimony
4/2010	Henderson Franklin	Quantum Funding Corp. v. Lisa A. Musial; appraisal, related trial preparedness
5/2010	Shendell & Pollock	IndyMac Bank FSB v. Viking Appraisal; appraisal, related trial preparedness
11/2010	Hale Law Group	Goldenberg v. Smith; appraisal, related trial preparedness
11/2010	Shelly Finman	Kennard v. Kennard; appraisal, related trial preparedness
1/2011	Carey, O'Malley, Whitaker, & Mueller	Fifth Third v. Landmark Homes; appraisal, related trial preparedness



2/2011	First American Bank	First American Bank v. Purdy; appraisal, related trial preparedness
5/2011	Pavese Law Firm	Petrella v. Lee County; appraisal, related trial preparedness
4/2012	Lapin & Leightling, LLP	U.S. Bank v. First American Bank; appraisal, related trial preparedness
2/2012	Angella Hill, P.A.	SCEWCD v. Kozak; appraisal, related trial preparedness, testimony
4/2012	DeBoest Stockman	Iberia Bank v. O'Brien; appraisal, related trial preparedness
4/2012	DeBoest Stockman	Iberia Bank v. Birmingham; appraisal, related trial preparedness
4/2012	S. Alan Johnson Law, LLC	NCUA v. Kenneth Chang; appraisal, related trial preparedness, testimony
4/2012	Bayer Jerger & Underwood	Brinley v. Brinley; appraisal, related trial preparedness
5/2012	Andrew S. Epstein, P.A.	Gibbons v. Sizemore; appraisal, related trial preparedness
5/2012	Roetzel & Andress	Reliance Bank v. Medinis; appraisal, related trial preparedness, testimony
5/2012	Law Office of Matthew D. Uhle	Brosh v. City of Bonita Springs & Centex Homes; appraisal, deposition, related trial preparedness
7/2012	Bush, Ross, P.A.	Fiore v. Hilliker; valuation related consulting work



7/2012	Rogers Tower	Iberia Bank v. Fleischhauer; appraisal, related trial preparedness, testimony
7/2012	Carlton, Fields, P.A.	Dinello v. DiLoreto; appraisal, related trial preparedness
8/2012	Rogers, Tower	Century Bank, FSB v. Cathy Phillips; appraisal, related trial preparedness, testimony
11/2012	Rogers, Tower	Century Bank, FSB v. Anita Wingerter, Tobias Kurz, & R.A. Grant Corporation
11/2012	Mullin, Hoard & Brown	FDIC v. LSI Appraisal, FNIS, Inc., LPS, Inc., LPS, LLC, and LPS Property Tax Solutions, Inc.; appraisal, related trial preparedness
12/2012	Knott, Ebelini & Hart	Christoff v. Lewis; appraisal, related trial preparedness, testimony
12/2012	Fowler White Boggs	BMO Harris Bank v. Glenn McMaster; appraisal, related trial preparedness
1/2013	Chartwell Law Offices	Dorsey v. Century 21; valuation related consulting work
1/2013	FDIC Mortgage Recovery Law Group	FDIC v. Bank United; appraisal, related trial preparedness
2/2013	Henderson Franklin	Suncoast Schools Federal Credit Union v. Timothy and Kerri O'Leary; valuation related consulting work, testimony
2/2013	McGahee & Perez	Centerstate Bank v. Andrade; appraisal, related trial preparedness
5/2013	Henderson Franklin	Suncoast Schools Federal Credit Union v. Roger E. & Karla R. Carrasco; appraisal, related trial preparedness



7/2013	Mullin, Hoard & Brown	FDIC v. LSI Appraisal, LLC and FDIC v. Corelogic Vaultation Services, LLC; appraisals, related trial preparation
7/2013	Julie Rawl	Lance M. McKinney v. Gregory R. Rawl; appraisal, testimony
12/2013	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Lautenbach bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness, testimony
1/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Sewell bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness
1/2014	Holtz Mashie Decosta, P.A.	Charles Schwab Bank, N.A. v. Conroy & Singer; appraisal, related trial preparedness, arbitration, deposition, testimony
1/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Swingholm bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness, testimony
2/2014	Rich Springle	Spriggle v. Spriggle; appraisal, related trial preparedness
2/2014	Lefkoff, Rubin, Gleason & Russo, P.C.	US District Court Middle District of Florida; Bernstein bankruptcy v. Sun Trust; appraisal, related trial preparedness
3/2014	Mortgage Recovery Law Group	FDIC v. Lennar Corporation; appraisal, reviews, related trial preparedness
4/2014	Debra Rowe, Esq.	Sklorenko v. Sklorenko; appraisal, related trial preparedness



5/2014	Henderson Franklin	Suncoast Schools Federal Credit Union v. Charles Arabre; appraisal, related trial preparedness, testimony
5/2014	Pavese Law Firm	US District Court Middle District of Florida; Harrison and Koski bankruptcy v. Cypress Keep HOA; appraisal, related trial preparedness, testimony
6/2014	Quarles & Brady, LLP	City of Cape Coral v. Lentrip; appraisal, related trial preparedness
9/2014	Lee County Property Appraiser	Spivey v Wilkinson; appraisal, related trial preparedness
10/2014	Law Office of Matthew Uhle	Michael McGuigan v. Lee County; appraisal, related trial preparedness
11/2014	Henderson Franklin	Neff lien stipulation motion v. Suncoast Schools Federal Credit Union; appraisal, related trial preparedness, testimony
4/2015	Henderson Franklin	McLean lien stipulation motion v. Heritage Pointe Master Association; appraisal, related trial preparedness, testimony
4/2015	Roetzel & Address	Cloninger v. Cloninger; appraisal, related trial preparedness, testimony
5/2015	Roetzel & Address	Thompson v. Thompsons; appraisal, related trial preparedness
5/2015	Stafford Law	DiFiore v. DiFiore; appraisal, related trial preparedness



5/2015	Kass Shuler, P.A.	US District Court Middle District of Florida; Murawski bankruptcy v. Sun Trust Bank; appraisal, related trial preparedness
5/2015	Martin Law Firm	Arigno v. Arigno; appraisal, related trial preparedness
6/2015	Henewey Ross Law Firm	Kohlhare v. Kohlhare; appraisal, related trial preparedness
6/2015	Cohen Milstein	Hauser v. Rice Insulation; appraisal, related trial preparedness
7/2015	Henderson Franklin	Thomas v. Thomas; appraisal, related trial preparedness
7/2015	Angela Sullivan	Sullivan v. Sullivan; appraisal, related trial preparedness
7/2015	Jeanne Chambers	Chambers v. Chambers; appraisal, related trial preparedness
7/2015	Rubinstein & Holtz	Myhre v. Myhre; appraisal, related trial preparedness
7/2015	Tom Moran	Moran v. Moran; appraisal; related trial preparedness
7/2015	Pavese Law Firm	US District Court Middle District of Florida; Marie Paul bankruptcy v. Jubilation Community Associates; appraisal, related trial preparedness
7/2015	Thompson Family Law	Rist v. Rist; appraisal, related trial preparedness
8/2015	Rogers Tower	Norsota Associates, L.P. v. Agado; appraisal, related trial preparedness
8/2015	20th Judicial Circuit	Jugan v. Jugan; appraisal, related trial preparedness



9/2015	Rogers Tower	US District Court Middle District of Florida; Coffey bankruptcy v. Nationstar Mortgage; appraisal, related trial preparedness
10/2015	Roetzel & Andress	DiCicco v. DiCicco; appraisal, related trial preparedness
12/2015	Pavese Law Firm	Moss v. Moss; appraisal, related trial preparedness
1/2016	Jeffrey Berlowitz, Esq.	US District Court Middle District of Florida; Edward P. Reilly bankruptcy v. Island Walk HOA; appraisal, related trial preparedness
1/2016	Bergermann Law Firm	Tawadras v. Patton; appraisal, related trial preparedness
1/2016	Paul Liles, Esq.	Sweet v. Sweet; appraisal, related trial preparedness
2/2016	Sheldon E. Finman, P.A. and Vergermann Law Firm	Longendyke v. Longendyke; appraisal, related trial preparedness
2/2016	Esmond Lewis Law Firm	US District Court Middle District of Florida; Green Bankruptcy; appraisal, related trial preparedness
3/2016	Rubinstein, Holz & King, P.A.	Eleinko v. Eleinko; appraisal, related trial preparedness
3/2016	Cassell & Cassell, PLLC	Warnars v. Warnars; appraisal, related trial preparedness
3/2016	Sheldon E. Finman, P.A.	Bond v. Bond; appraisal, related trial preparedness
3/2016	Dellutri Law Group	US District Court Middle District of Florida; Beverly Morgan bankruptcy; appraisal, related trial preparedness
4/2016	Howard Atkin, Esq.	Cadieu v. Cadieu; appraisal, related trial preparedness
4/2016	Grimes Goebel Grimes Hawkins	Hutler v. Hutler; appraisal, related trial preparedness



5/2016	DeBoest, Stockman, Decker, Broughton & Hagan, P.A.	Hamilton v. Klaus; appraisal, related trial preparedness
7/2016	Pavese Law Firm	Dusseau v. Dusseau; appraisal, related trial preparedness
8/2016	William Hobbs	Hobbs v. Hobbs; appraisal, related trial preparedness
9/2016	Roetzel & Andress	Coral Lakes Homeowner's Association v. Trepkowski; appraisal, related trial preparedness, testimony
9/2016	Roetzel & Andress	Coral Lakes Homeowner's Association v. Ortega/Maldonado; appraisal, related trial preparedness, testimony
1/2017	Roetzel & Andress	Coral Lakes Homeowner's Association v. Barnes; appraisal, related trial preparedness, testimony
4/2017	Bergermann Law Firm	Rison v. Rison; appraisal, related trial preparedness
5/2017		McPheron v. McPheron; appraisal, related trial preparedness
6/2017		Peterson v. Peterson; appraisal, related trial preparedness, testimony
12/2017	Blount Law, P.L	1355 Marlin Drive, LLC v. Harry P.A. Adams-Mercer, and Wendy Mercer v. Michael S. Marino, Harry Michael Zea, and Imagine Home Concepts, LLC; appraisal, related trial preparedness, testimony
2/2018	Calvo & Calvo	Renaud v. Renaud; appraisal, related trial preparedness
3/2018	Calvo & Calvo	Garcia v. Garcia; appraisal, related trial preparedness



3/2018	Bergermann Law Firm	Rison v. Rison; appraisal, related trial preparedness, testimony
4/2018	Bergermann Law Firm	VanVossel v. Bramble; appraisal, related trial preparedness, testimony
5/2018	Calvo & Calvo	Cedeno v. Rosales; appraisal, related trial preparedness
5/2018	Bergermann Law Firm	Navarro v. Navarro; appraisal, related trial preparedness
5/2018	Calvo & Calvo	Fries v. Bolliger; appraisal, related trial preparedness, testimony
5/2018	Bergermann Law Firm	Martin v. Martin; appraisal
6/2018	Hertz Schram, PC	Karnani v. Karnani; appraisal, related trial preparedness
6/2018	Calvo & Calvo	Heggemeier v. Heggemeier; appraisal
6/2018	Delutri Law Group	US District Court Middle District of Florida; Earnest Pittman bankruptcy; appraisal, related trial preparedness, testimony
9/2018	Porter, Wright, Morris & Arthur, P.A.	Goodrum v. Rhodes; appraisal, related trial preparedness
11/2018	Rubinstein, Holz, & King, P.A.	Piggott v. Piggott; appraisal, related trial preparedness, testimony
12/2018	Henderson, Franklin, Starnes & Holt, P.A.	Weiner, Alexandra v. Murty, Timothy; appraisal, related trial preparedness
1/2019	Wicker, Smith, O'Hara McCoy & Ford, P.A.	Bauer v. Heinlein; appraisals, related trial preparedness



1/2019	Roetzel & Andress	NCUA v. Alfonso; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Alfonso; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Beddow; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Haggard; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Hallett; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Hallett; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Krizan; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. O'Ferrall; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Rosser; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Shane; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Torres; appraisal, related trial preparedness; testimony
1/2019	Roetzel & Andress	NCUA v. Wehner; appraisal, related trial preparedness
1/2019	Roetzel & Andress	NCUA v. Wiley; appraisal, related trial preparedness, testimony
1/2019	Roetzel & Andress	NCUA v. Wiley; appraisal, related trial preparedness



1/2019	Roetzel & Andress	NCUA v. Youse; appraisal, related trial preparedness
1/2019	Quintairos, Prieto, Wood & Boyer, P.A.	Klayman and 3s Company Florida, LLC v. De Meo, Gordon, Hamilton-Franklin Realty, LLC, Sass, Target Surveying, LLC, Osborne, and Peters; related trial preparedness
1/2019	Martin Law Firm, P.L.	Jacobs v Jacobs; appraisal
3/2019	Cordell Cordell	MacDonald v. MacDonald; appraisal
6/2019	Martin Law Firm	Cook v. Cook; appraisal
6/2019	WCI Communities, LLC	WCI Communities, Inc. v. City of Bonita Springs, Florida; appraisal, related trial preparedness
7/2019	Henderson Franklin Starnes & Holt, P.A.	Suncoast Credit Union v. Griffiths; appraisal, trial related preparedness
7/2019	Sheldon E. Finman, P.A.	Jackson v. Jackson; appraisal
7/2019	Pavese Law Firm	Michael v. Daniel; appraisal
7/2019	Robert E. Tardiff, Jr. P.A.	US District Court Middle District of Florida; Brenda Hall bankruptcy; appraisal
8/2019	Kevin F. Jursinski & Associates, P.A.	Davis v. Berdick; appraisal, trial related preparedness, testimony
8/2019	Holland & Knight, LLP	Miller, Becker, Blanks, etc., v. City of Fort Myers; valuation consulting
8/2019	Sibylle Allendorff and Pennington Law	Allendorff v. Johnson; appraisal, related trial preparedness



1/2020	Jursinski & Murphy Law Firm	Blakely v. Livorsi; appraisal, related trial preparedness
1/2020	Roetzel & Andress, P.A.	Boyd v. Wilk; appraisals, related trial preparedness
4/2020	Sheldon E. Finman, P.A.	Michaels v. Michaels; appraisal, related trial preparedness
4/2020	Gray Robinson	Weatherbee v. Nemeth A/C; appraisal, related trial preparedness
5/2020	Best & Flanagan / Willeke & Daniels	Peet v. Peet; appraisal, related trial preparedness
5/2020	The Law Office Karla Y Campos-Anderson	Melendez v. Melendez; appraisal, related trial preparedness
5/2020	Hagen Law Firm & Absolute Law	Turner v. McClory; appraisal, related trial preparedness
6/2020	Bergermann Law Firm	Coykendall v. Eischeid; appraisal, related trial preparedness
7/2020	The Law Office Karla Y Campos-Anderson	Gallegos v Zelaya; appraisal, related trial preparedness
8/2020	Allen Dell	Robertson v Robertson; appraisal, related trial preparedness
8/2020	Moore Bowman & Reese	Angler's Paradise of Bonita Springs Inc. v City of Bonita Springs; appraisal, related trial preparedness
8/2020	Edward Arasimowicz	Arasimowicz v Arasimowicz; appraisal, related trial preparedness
8/2020	James Campbell	Campbell v Kane; appraisal, related trial preparedness



9/2020	Wilbur Smith	Schwartzel-Rienzo v Rienzo ; appraisal, consultaion, related trial preparedness
9/2020	Jursinski & Murphy Law Firm	Bertschinger Investments LLC v Scratch & Dent Saffron; consultation, related trial preparedness
9/2020	Jursinski & Murphy Law Firm	The Sratck and Dent Shop, inc. v Leco Court Holdings ,LLC ; appraisal report, consultation, related trial preparedness
9/2020	Sheldon E. Finman, P.A.	Brian Just v Megan Just; appraisal, related trial preparedness
9/2020	John D. Mills, P.A.	Burke v. Burke; 2016 appraisal report , related trial preparedness
9/2020	John D. Mills, P.A.	Burke v. Burke; 2020 appraisal reports , related trial preparedness
10/2020	Kevin Schapley & Terri Schapley	Kevin Schapley, Terri Schapley; consultation
10/2020	The Law Office Karla Y Campos-Anderson	Maricela Espinal v Melendez; appraisal , related trial preparedness
10/2020	Leah Meshelle Snyder, P.A.	Mrs. Macpherson v Joseph MacPherson - 2200 NE 14th Ave; appraisal, related trial preparedness
10/2020	Leah Meshelle Snyder P.A.	Theresa Schober v Thomas Cheshire - 1902 Florrie Ct; appraisal report, related trial preparedness
10/2020	Simmons Law Firm	James W. Harris v Constance L. Harris; several appraisal reports, related trial preparedness



10/2020	Rachel Edmonds	Rachel Edmonds v Ryan Edmonds; appraisal, related trial preparedness
11/2020	Kubicki Draper, P.A.	Kevin L. Erwin and Andrea Erwin v Coastal Contracting of Florida, LLC and James K. McStravic Plumbing, Inc.; appraisal, consultation, related trial preparedness
11/2020	Sergio Castro	Castro v Castro; appraisal, related trial preparedness
11/2020	Roger M. Brown Trust	Kevin and Nicole Almeida v Roger M. Brown Trust; appraisal, related trial preparedness
11/2020	Carol Donoghue and Brian Donoghue	Carol Donoghue v Brian Donoghue; several appraisals, consultation, related trial preparedness
2005-2021	Numerous	Multiple representations before the Lee County and Collier County Valuation Adjustment Board over the past ten years. Multiple times providing testimony as a valuation expert on land use, zoning, feasibility, and economic impact related issues before a variety of planning/zoning boards and county commissions.

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

Yellow Sheet Number: **2025-217**

1. Request:

Meeting Date: February 11, 2025

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LPA AND TOWN COUNCIL HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

The LDC at present does not require posted signs on site or dictate a timeframe for mailed notices. The code language has also been edited to include development agreements.

What the action accomplishes:

This action would provide clear rules for noticing that will benefit the public and provide clarity to applicants.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Ordinance

5. Background:

At the January 2025 LPA meeting, the LPA directed staff to bring forward a draft ordinance to amend the Land Development Code (LDC) section regarding noticing requirements. This item is presented for discussion purposes only at this time. Additional changes or suggested changes may be forthcoming from Town staff prior to the meeting. LPA members should also consider their views on the matter.

The intent is to create a noticing timeframe, a posted notice requirement and to require applicants to do the work of providing noticing to the public. At present Town staff mails postcards to property owners within a 500ft radius and bills the applicant for that cost. The LDC does not provide a timeframe at present and there is no requirement for posting notice at the site. The draft ordinance sets the timeframe at 7 days ahead of public hearing, but the LPA may want to consider increasing the time period to 10 days prior to public hearings. Variances, Appeals and Special Exception applications are not included in this LDC section and the LPA should consider whether noticing requirements should include other applications as well.

Attachments:

1. NS Public Notice Ordinance

Financial Impact:

At present, Town staff sends out postcards and bills the applicant, requiring the applicant to send out the notices should be cost neutral. The cost of posted 18"x24" signs should be minimal to the applicant.

6. Alternative Action

Discussion

7. Staff Recommendations:

Approval

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: January 31, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 02, 2025

nancy stuparich, Town Attorney

Date: February 03, 2025

Amy Baker, Town Clerk

Date: February 04, 2025

ORDINANCE NO. 25-xx

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA
AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES
TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT
AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO
PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LPA
AND TOWN COUNCIL HEARINGS; PROVIDING FOR SEVERABILITY,
CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND
PROVIDING AN EFFECTIVE DATE.**

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

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

WHEREAS, the Town recognizes that redevelopment of the Town, following hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, the proposed changes to the Land Development Code are not more restrictive or burdensome to development; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on February 11th, 2025, at time which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted _____, to recommend _____ of this Ordinance; and

WHEREAS, on _____, 2025, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons to adopt Ordinance 25-xx as provided herein and approved scheduling an adoption public hearing; and

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

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the News-Press on the ____ day of _____, 2025, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a second reading of the Ordinance; at which time the Town Council gave full and complete consideration to the recommendations of staff and the LPA, and the testimony of all interested persons; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town’s business owners, residents, and visitors to adopt the proposed change.

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

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

Section 2. LDC Sec. 34-236 is hereby amended to read as provided in Exhibit A.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

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

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

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

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember King and seconded by Mayor Allers and upon being put to a roll call vote, the result was as follows:

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

ADOPTED this ____ day of _____ 2025, by the Town Council of the Town of Fort Myers Beach,

Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

The foregoing Ordinance was filed in the Office of the Town Clerk on the ____ day of _____, 2025.

Attached Exhibits

Exhibit A – Proposed Noticing Requirements

Exhibit A

Sec. 34-236. Notices.

(a) Minimum required information. A notice of public hearing under this chapter shall contain the following minimum required information:

(1) Action proposed.

a. Rezoning, development agreements and developments of regional impact. All required notices shall indicate the existing zoning of the property, the proposed zoning, and the general location of the property by reference to common street names and addresses, with sufficient clarity so as to advise the public, but need not describe the proposed plans or details thereof, or the specific legal description of the property.

b. Special exceptions and variances. All required notices shall indicate the existing zoning of the property; the proposed use by special exception, or the requirement from which the variance is being requested and the actual degree of variance being requested; and the location of the property by reference to common street names and addresses, with sufficient clarity so as to advise the public, but need not describe the proposed plans or details thereof or the specific legal description of the property.

c. Appeals. The notice shall summarize the decision or action upon which the appeal is based with sufficient clarity so as to advise the public of the subject matter.

(2) Time and place of hearing. The notice shall specify the date, time and place that the public hearing will be held by the local planning agency or the town council.

(3) Public availability of information. The notice shall indicate ~~where that copies of the proposed amendment application may be obtained or reviewed, or where the application for public hearing may be reviewed.~~ by contacting Town Hall staff

(4) Location of record of notice. A copy of such notice shall be kept available for public inspection during the regular business hours at Town Hall ~~and at the director's office.~~

(b) Method of providing notice. Notices of hearings before the local planning agency and the town council shall be provided by the applicant or their agent in accordance with applicable statutes and subsection (a) of this section. All noticed requests shall utilize layman's language, i.e., "apartment building" rather than "multi-family dwelling," "restaurant" rather than "business zoning."

(c) Mailed notices. The property owners list and map of surrounding property owners required by §§ 34-202(a)(6) and (a)(7) of this chapter is for the purpose of mailing notice to property owners within 500 feet of the property described. ~~The notice is a courtesy only and is not jurisdictional.~~ The applicant or their agent must provide proof of mailed notices 7 calendar days prior to the scheduled public hearing date. Proof must be provide via map of 500 ft radius, list of mailing addresses and photographs of mailed notices with paid postage stamp. Accordingly, the failure to mail or to timely mail such notice, or failure of any affected property owners to receive mailed notice, will not constitute a defect in notice or bar and deny the public hearing from being heard as scheduled.

(d) Posted notices. The applicant or their agent is responsible for posting a notice of a public hearing on site at least 7 calendar days prior to a scheduled meeting. A professionally lettered sign must be posted at each property boundary that fronts a public right-of-way. Photographic proof must be received by the Town Clerk 7 days in advance of the scheduled hearing with the LPA or Town Council. Failure to post the notice or staff receipt of proof of posted notice will constitute a defect in notice and require rescheduling of the hearing.

(1)The posted notice, 18 inches by 24 inches, must be placed in a prominent place on the property by the applicant/agent at their own expense denoting the following: application request, date and time of hearing, hearing body (i.e. LPA or Town Council), location of hearing and phone number of Town Hall directing interested parties to contact for information.

(e) The noticing required in this section shall not replace noticing requirements for specific actions noted elsewhere in the Land Development Code (LDC).

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

Yellow Sheet Number: **2025-231**

1. Request:

Meeting Date: February 11, 2025

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

It is necessary for the LPA to consider regulations related to and contained within the Land Development Code.

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

5. Background:

The LPA has previously discussed the issue of staff's ability to process applications when there are unpaid fees or charges owed to the Town related to the subject property. This ordinance is in draft form and is intended for discussion purposes with the LPA and Town Staff.

Attachments:

1. Application Fee and Payment Ordinance

Financial Impact:

6. Alternative Action

Discussion

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: February 04, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 04, 2025

nancy stuparich, Town Attorney

Date: February 04, 2025

Date: February 04, 2025

ORDINANCE NO. 25-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Town recognizes that redevelopment of the Town, following Hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, the proposed changes to the Land Development Code are not more restrictive or burdensome to development and instead facilitate review and create government efficiency; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on February 11th, 2025, at time which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted _____, to recommend _____ of this Ordinance; and

WHEREAS, on _____, 2025, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons to adopt Ordinance 25-xx as provided herein and approved scheduling an adoption public hearing; and

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

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the News-Press on the ____ day of _____, 2025, which is 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a second reading of the Ordinance; at which time the Town Council gave full and complete consideration to the recommendations of staff and the LPA, and the testimony of all interested persons; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town's business owners, residents, and visitors to adopt the proposed changes.

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

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

Section 2. Section 34-53 of Chapter 34, Article II, Division 1 of the Land Development Code is hereby amended to read as follows:

Sec. 34-53. - Fees and charges.

(a) The schedule of fees and charges for matters pertaining to this chapter shall be posted in the office where permits applications are filed. The charges listed may be changed by resolution of the town council. In the absence of a resolution by the town council, the director shall charge fees that are comparable to the fees charged by the board of county commissioners for similar applications.

(b) No review of any application or issuance of a permit including inspections shall be permitted until:

1) all fees and charges due the Town including but not limited to noticing, advertising, additional professional services, outstanding utility bills or code enforcement fines or liens issued and no inspection, public notice, or other action relative to a zoning matter shall be instituted until after such fees and charges have been paid; and

2) the subject property is currently in compliance with the Town's Codes and Ordinances except when payment for the application is needed for safety purposes or to attain compliance with the Town's Codes and Ordinances.

3) Town staff shall notify the property owner within 14 days if payment has been accepted.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, inclusive of the Land Development Code, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

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

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

ADOPTED this ___ day of _____ 2025, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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_____, 2025.