



Fort Myers Beach Town Council

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

Agenda

Monday, March 3, 2025

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
 - A. PROCLAMATION - Safe Boating Week 2025
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
 - A. Public Safety Committee
- VIII. APPROVAL OF MINUTES**
 - A. Town Council - February 18, 2025
- IX. CONSENT AGENDA**
 - A. Resolutions 25-61 through 25-64; Extension of Local Emergency - Hurricane Ian
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
 - B. Resolutions 25-65 through 25-68; Extension of Local Emergency - Hurricane Idalia
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE

PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

- C. Resolutions 25-69 through 25-72; Extension of Local Emergency - Tropical Storm Debby

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

- D. Resolutions 25-73 through 25-76; Extension of Local Emergency - Hurricane Helene

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

- E. Resolutions 25-77 through 25-80: Extending Local State of Emergency, Hurricane Milton

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

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Ordinance 25-02; CPD Amendment, 2500 & 2510 Estero Blvd

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.

B. Ordinance 25-01; 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.

C. Resolution 25-55; VAR20240233, 1479 Estero Blvd. (Lani Kai) CONTINUED FROM FEBRUARY 3, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240233: 1) A VARIANCE TO REMOVE REQUIRED PARKING ASSOCIATED WITH THE USE OF THE LOT AS A 25-UNIT HOTEL/ MOTEL; 2) A VARIANCE TO REMOVE SITE DESIGN REQUIREMENTS SUCH AS PROVIDING LIGHTING FOR VEHICLE AND PEDESTRIAN USES, TURN-AROUND AREA SUFFICIENT TO ALLOW 90-DEGREE PARKING AT THE END OF A ROW, THE ABILITY TO TURN-AROUND AND EXIT THE LOT IN A FORWARD ORIENTATION, STACKING REQUIREMENTS, ADDITIONAL DRAINAGE AND PARKING LOT LANDSCAPE REQUIREMENTS AS DESCRIBED IN SEC. 10-416(C); 3) A VARIANCE TO REMOVE REQUIREMENTS WHICH LIMIT DRIVEWAY WIDTHS TO A MAXIMUM OF 25-FEET; AND 4) A VARIANCE TO ALLOW INTERNAL AISLE WIDTH FOR TWO-WAY TRAFFIC BE NO LESS THAN 22-FEET IN WIDTH. FOR THE PROPERTY LOCATED 1479 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE

- D. Resolution 25-28; SEZ20240186, 1479 Estero Blvd (Lani Kai)
(CONTINUED FROM JANUARY 8, 2025 PUBLIC HEARING-LANI KAI PARKING)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- E. Ordinance 24-03; Bicycles Safety
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE III "BEACH BICYCLE AND VEHICLE SAFETY" OF CHAPTER 28 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO ALLOW THE OPERATION OF ELECTRIC BICYCLES ON SIDEWALKS; ESTABLISHING SAFETY REGULATIONS; ESTABLISHING A MAXIMUM SPEED AND PASSING PROCEDURES; REQUIRING OPERATION WITH THE FLOW OF TRAFFIC; ESTABLISHING RESPONSIBLE PARTIES AND PENALTIES; ESTABLISHING ADDITIONAL REGULATIONS FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A. Special Event - Off Duty Fishing Series hosting 3rd Annual Red Grouper Bash
Approval of a waiver of enforcement of the Town's open container and noise ordinance during the 3rd Annual Red Grouper Bash, to be held at Moss Marina on March 7, 2025 from 4:00 pm to 9:00 pm on March 8, 2025, as requested by Off Duty Fishing Series, and subject to further approval by the FMB Fire Control District and Lee County Sheriffs Office.
- B. Resolution 25-83; Ahtna Change Order #2 and #3 ITB-24-03-EN
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE 1) CHANGE ORDER #2 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO ADD 14 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT; AND 2) CHANGE ORDER #3 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO REPAIR EROSION CAUSED BY HURRICANES HELENE AND MILTON BY RE-

CONSTRUCTING THE BEACH BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RANGE MONUMENTS R-176 AND R-179 FOR A COST NOT TO EXCEED \$631,930.00; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution 25-81; Florida Marine Contracting & Recovery

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED DECEMBER 2, 2024 WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC, WHICH WAS PREVIOUSLY RATIFIED BY THE TOWN COUNCIL ON JANUARY 8, 2025, TO NOW: 1) EXTEND THE TERM OF THE AGREEMENT RETROACTIVELY FROM JANUARY 11, 2025 TO APRIL 30, 2025; 2) INCREASE THE NOT TO EXCEED AMOUNT BY \$1,800,000.00 FOR A TOTAL OF \$2,000,000.00; AND UPDATE PRIOR TERMS AND CONDITIONS AS REQUIRED BY FLORIDA AND FEDERAL LAW, TO CONTINUE TO REMOVE DEBRIS FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON AND DISPOSE OF DEBRIS AT AN AUTHORIZED WASTE MANAGEMENT SITE; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution 25-60, Sole Source Purchase of Wachs Valve Exerciser for Water Mains

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF A VALVE EXERCISER FROM E. H. WACHS UTILITY PRODUCTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$93,185.20; AND PROVIDING FOR AN EFFECTIVE DATE

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

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



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

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

Town of Fort Myers Beach PROCLAMATION

WHEREAS, The Town of Ft. Myers Beach, in Lee County, Florida, with its beautiful year-round waters and miles of saltwater tidal coastline, rivers, bays and canals provides many of the needed outlets for recreation and relaxation to its residents, and people from around the world; and

WHEREAS, recreational boating is one of Florida's leading outdoor activities with more than 50,000 registered boats in Lee county alone, distinguishing Florida as the "Boating Capital of the World"; and

WHEREAS, every year lives are lost in boating accidents in spite of the educational efforts of the U.S. Coast Guard, the U.S. Coast Guard Auxiliary, the U.S. Power Squadrons, the Florida Fish and Wildlife Commission, and local agencies; and

WHEREAS, federal state and local agencies and private companies and groups have combined their efforts to reduce boating accidents by developing and executing safety training programs, such as, "Boat Smart-Boat Safe", and "You're in Command"; and

WHEREAS, the sponsors of these programs have focused their efforts toward the youth and general public of Fort Myers Beach, Florida, urging them to enhance boating pleasure, by avoiding alcohol while navigating, and ensuring vessels carry emergency distress and communication equipment, and participating in free boat safety checks to avoid possible loss of life, while reducing the loss of property, and marine accidents; and

WHEREAS, on average, 650 people die annually in boating-related accidents in the U.S., with 75% of fatalities resulting from drowning; and

WHEREAS, most of these tragic events result from human error or poor judgement rather than equipment or environmental factors; and

WHEREAS, a significant number of boating fatalities could be prevented if individuals wore life jackets. Of those drowning victims with reported life jacket usage, 75% were not wearing a life jacket.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fort Myers Beach, Florida, does hereby designate May 17 - May 23, 2025 as

TOWN OF FORT MYERS BEACH SAFE BOATING WEEK

and urges all citizens to join in learning and practicing safe boating by wearing a life jacket, taking boating education courses, getting a vessel safety check, operating their vessels responsibly, safely, soberly, and obeying Coast Guard regulations.

Given under my hand and the seal of the office of the Mayor this 3rd of March 2025.

Dan Allers, Mayor



Fort Myers Beach Town Council

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

Minutes

Tuesday, February 18, 2025

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mr. Davis from Florida Power and Light (FPL) stated that permitting was complete and the underground boring was done for the side streets. Pole and light installation will start tomorrow. Estero Blvd. was 20% complete and foundations for the poles had started. Poles and lights will be installed on Estero starting March 3, 2025. The project was about 25% complete and was scheduled to finish by the end of October 2025. Mr. Davis will provide updates, which will be posted on the town's website. Compliance & Operations Director Frankie Kropacek described Century Link's conduit lines and indicated he would invite someone to update the town council.

Town Manager Andy Hyatt noted that FDOT (Florida Department of Transportation) anticipated that all of Estero Blvd. would be completed by the summer.

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

The motion carried unanimously.

V. PUBLIC COMMENT

Becky Knight, resident, described construction on her block and the setbacks on a parallelogram lot. Because of the setbacks, it was a public safety concern because the road was narrow.

Gary Knight, resident, stated that he contacted the town about the construction,

but nothing was done. He was unsure how the plans were passed because the drainage plan did not match the online permit plan. He described how Miramar was affected by the construction and there was nowhere to park. He noted that nothing added up and something was way off.

Director Kropacek stated that Building Official Joe Specht was inspecting the property and appropriate steps would be taken if needed. He will keep the Knights updated.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt recognized Tunaskin for the beach cleanup on Sunday and the Community Foundation for their fashion show.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

A. Town Council - February 3, 2025

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

The motion carried unanimously.

B. Management & Planning Session - February 6, 2025

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

The motion carried unanimously.

IX. CONSENT AGENDA

No items.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

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

A. Resolution 25-58; 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.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed. The property owner confirmed receipt of the agenda and background materials.

Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the blue sheet. She noted that the plan was to replace items destroyed by Ian and the LPA (Local Planning Agency) recommended approval.

The applicant was available to answer questions.

No public comment.

Principal Planner Frankel reviewed the staff report and noted that the staff recommended approval with conditions.

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

The motion carried unanimously by roll call vote.

Discussion was held regarding allowing the LPA to be the final approval for special exceptions that replace items lost in the hurricane (like for like), similar to the variance rule. Town Attorney Stuparich will draft language for discussion at an M&P session.

XII. ADMINISTRATIVE AGENDA

A. Resolution 25-59; TDC Beach and Shoreline Maintenance Grant

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPLY FOR, EXECUTE UPON AWARD, AND ADMINISTER A GRANT FROM LEE COUNTY'S VISITOR AND CONVENTION BUREAU'S TOURIST DEVELOPMENT COUNCIL FOR BEACH AND SHORELINE FUNDING IN THE AMOUNT OF \$1,355,184; DETERMINE AND INCLUDE ADDITIONAL FUNDING REQUESTS FOR "LANDSCAPE" & "REPAIRS & MAINTENANCE – VEHICLES"; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE ALL RELATED AND NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Kropacek indicated this was a compilation of everything the town asked for. Community Services Director Jeff Hauge added that the TDC budget increased for cleaning up the beach and beach accesses this year. Mayor Allers asked Town Attorney Stuparich to draft language regarding Times Square as a beach access. He brought up fireworks launched from the pier and barge and asked the town manager and his staff if they would work with Sanibel to combine funding for the two so they could use the barge for both. Director Kropacek described some of the projects included in this year's request. Mayor Allers discussed adding ADA (Americans with Disabilities Act) compliance equipment. Director Kropacek stated that the wheelchairs lost in the hurricane were ordered and should arrive soon.

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

The motion carried unanimously by roll call vote.

B. Special Event: Fort Myers Beach Shrimp Festival 2025

Fort Myers Beach Lions Club is requesting approval for a special event for the 2025 Festival 5K run and parade, contingent on approval of FDOT, Fort Myers Beach Fire District and Lee County Sheriff's Office in regard to the event and road closure from 9am–12pm on Saturday, March 8, 2025. The parade will start at 10am once the 5K run is complete. The Lions club is also requesting to waive the noise ordinance.

Mayor Allers read the request. Diane Clifton from the Fort Myers Beach Lions Club reviewed the event's history and noted that this was the 67th year. The shrimp boil was back and would be held in John Richard's parking lot. She described the donations from all over the country after Ian. There were 28 parade entries so far and anyone can enter by completing an online application.

Mayor Allers moved to approve the special event, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

C. Special Event: Southside Art & Craft Show

Blue Ribbon Events is requesting Southside Art & Craft Show at Santini Plaza recurring special event on March 28 - 30, 2025 8am - 6pm & April 25 - 27, 2025 8am - 5pm.

Mayor Allers read the request.

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

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Cliff Gallagher, resident, stated his visit to the tax assessor's office regarding his tax increase was a waste of time. However, he was contacted by an investigator who offered to reduce it significantly because they did not want to go before the assessment board. He described town employees trespassing on his property and asked that they stop.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt stated they contracted with a company to help control traffic and they would start today at the corner of Fifth and Crescent and Old San Carlos. Applications for town manager have been received and the target was to interview people the week of March 17 or 24. He requested that the M&P be rescheduled to March 13, 2025, since he and the mayor would be in Washington, D.C., on March 6. He described the work in the town hall and the parking lot.

Director Hauge described the restroom progress in Newton Park and indicated they should be on the property in a week or two. The parking lot will also be finished soon and he hopes to add a trailer to store the wheelchairs.

Operations & Compliance Manager Thomas Yozzo provided details regarding the security firm hired to manage traffic. He will meet with them today at 2:00 for training. He urged pedestrians to cross at the crosswalks and encouraged drivers to be patient, pay attention and refrain from yelling at traffic control people. He indicated that Margaritaville would add signage to the walkover to direct people to cross there.

Council Member Safford asked whether they could create a zone for Uber or DoorDash to pick up food. Manager Yozzo explained that someone would have to monitor the spot full-time. Council Member Safford questioned whether they could close Crescent at certain times towards the beach and make it one lane for the valet at Margaritaville. Manager Yozzo replied that it would have to be monitored and mentioned potential liability issues. He described how the FDOT responded positively to several requests.

Town Manager Hyatt noted that the current town hall trailers should be evacuated in March and removal depended on the vendor's timeline.

Director Kropacek thanked the Beach Bar staff and Manager Yozzo's staff for cleaning up the pile of trash left on the beach by a group of people.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich explained why the council and LPA members could not comment on upcoming Public Hearings outside quasi-judicial meetings.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Woodson heard concerns regarding the September 2025 deadline for RVs and suggested they add it to the next M&P for discussion. She received support. Town Manager Hyatt will send a second request to FEMA for clarification. She indicated that discussions on the timeframe to rebuild the pier were ongoing.

Vice Mayor Atterholt gave an update regarding the beach school and noted the goal was to open in the fall.

Council Member Safford indicated he would have to attend the next town council meeting remotely.

No items from other members.

XVII. ADJOURNMENT

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

DRAFT

1. **Request:**

Meeting Date: March 3, 2025

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

Why the action is necessary:

Extending the local state of emergency provides the Town with the needed flexibility to respond to the catastrophic disaster caused by Hurricane Ian and maintains the Town's eligibility for federal and state reimbursement funding for the costs of recovery.

What the action accomplishes:

Extends the Town's Declaration of state of local emergency.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Hurricane Ian has caused a catastrophic disaster in the Town, causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas. Approving and ratifying these Resolutions will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 22-34.

Attachments:

1. 25-61, Extending Declaration of Local Emergency Ian 3.4.25-3.10.25
2. 25-62, Extending Declaration of Local Emergency Ian 3.11.25-3.17.25
3. 25-63, Extending Declaration of Local Emergency Ian 3.18.25-3.24.25
4. 25-64, Extending Declaration of Local Emergency Ian 3.25.25-3.31.25

Financial Impact:

6. **Alternative Action**

Not adopt resolutions and the end the Local State of Emergency for Fort Myers Beach

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Eva Spychalski, Administrative Resources Coordinator
Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION 25-61

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

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 4th day of March 2025.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION 25-62

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

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 11th day of March 2025.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION 25-63

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

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 18th day of March 2025.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION 25-64

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

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 25th day of March 2025.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

1. **Request:**

Meeting Date: March 3, 2025

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

Why the action is necessary:

Keeps the Local State of Emergency in effect for Hurricane Idalia

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Approving and ratifying this Resolution will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 23-99.

Attachments:

1. 25-65, Extension of Local Emergency - Idalia 3.4.25-3.10.25
2. 25-66, Extension of Local Emergency - Idalia 3.11.25-3.17.25
3. 25-67, Extension of Local Emergency - Idalia 3.18.25-3.24.25
4. 25-68, Extension of Local Emergency - Idalia 3.25.25-3.31.25

Financial Impact:

6. **Alternative Action**

Do not approve and end the Local State of Emergency for Hurricane Idalia

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Eva Spychalski, Administrative Resources Coordinator
Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION NUMBER 25-65

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Idalia impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 29, 2023, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action

shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-66

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Idalia impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 29, 2023, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action

shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-67

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Idalia impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 29, 2023, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action

shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-68

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Idalia impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 29, 2023, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
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5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
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- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
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 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
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 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action

shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a roll call vote, the result was as follows:
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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 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

1. **Request:**

Meeting Date: March 3, 2025

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

Why the action is necessary:

Keeps the Local State of Emergency in effect for Tropical Storm Debby

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Approving and ratifying this Resolution will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 24-154.

Attachments:

1. 25-69, Extension of Local Emergency - Debby 3.4.25-3.10.25
2. 25-70, Extension of Local Emergency - Debby 3.11.25-3.17.25
3. 25-71, Extension of Local Emergency - Debby 3.18.25-3.24.25
4. 25-72, Extension of Local Emergency - Debby 3.25.25-3.31.25

Financial Impact:

6. **Alternative Action**

Do not approve and end the Local State of Emergency for Tropical Storm Debby

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Eva Spychalski, Administrative Resources Coordinator
Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION NUMBER 25-69

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

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WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Tropical Storm Debby impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 5, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

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specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-70

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Tropical Storm Debby impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 5, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-71

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Tropical Storm Debby impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 5, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-72

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Tropical Storm Debby impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on August 5, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

1. **Request:**

Meeting Date: March 3, 2025

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

Why the action is necessary:

Keeps the Local State of Emergency in effect for Hurricane Helene

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Approving and ratifying this Resolution will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 24-192

Attachments:

1. 25-73, Extension of Local Emergency - Helene 3.4.25-3.10.25
2. 25-74, Extension of Local Emergency - Helene 3.11.25-3.17.25
3. 25-75, Extension of Local Emergency - Helene 3.18.25-3.24.25
4. 25-76, Extension of Local Emergency - Helene 3.25.25-3.31.25

Financial Impact:

6. **Alternative Action**

Do not approve and end the Local State of Emergency for Hurricane Helene

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Eva Spychalski, Administrative Resources Coordinator
Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION NUMBER 25-73

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE); PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Helene impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on September 23, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.

2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.

- (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.
 - (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such

other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-74

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE); PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Helene impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on September 23, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.

2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.

- (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.
 - (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
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8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such

other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

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SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-75

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE); PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Helene impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on September 23, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

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1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.

2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
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5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
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 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
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 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
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8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such

other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-76

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE); PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Helene impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on September 23, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.

2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.

- (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.
 - (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such

other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

1. **Request:**

Meeting Date: March 3, 2025

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

Why the action is necessary:

Keeps the Local State of Emergency in effect for Hurricane Milton

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Approving and ratifying this Resolution will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 24-214

Attachments:

1. 25-77, Extension of Local Emergency - Milton 3.4.25-3.10.25
2. 25-78, Extension of Local Emergency - Milton 3.11.25-3.17.25
3. 25-79, Extension of Local Emergency - Milton 3.18.25-3.24.25
4. 25-80, Extension of Local Emergency - Milton 3.25.25-3.31.25

Financial Impact:

6. **Alternative Action**

Do not approve and end the Local State of Emergency for Hurricane Milton

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Eva Spychalski, Administrative Resources Coordinator
Amy Baker, Town Clerk
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION NUMBER 25-77

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Milton impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on October 6, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

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2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
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 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-78

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Milton impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on October 6, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
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5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
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 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
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 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
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8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

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SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-79

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Milton impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on October 6, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

RESOLUTION NUMBER 25-80

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

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the Town of Fort Myers Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the effects of Hurricane Milton impacted Fort Myers Beach and the current declaration of emergency that was adopted relating to that storm on October 6, 2024, must be extended.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, and under Chapter 12 of the Town Code of the Town of Fort Myers Beach, the **Town Council does hereby extend the proclamation of a state of local emergency in the Town of Fort Myers Beach, Florida, as identified above beginning at the end of the previously adopted state of local emergency to 7 days thereafter.**

SECTION 1. State of Local Emergency. The following emergency powers and other provisions shall be in force during this state of local emergency:

1. The Town Manager, or designee, is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Town Manager, or designee, to utilize all lawful authority granted to the Town of Fort Myers Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order

specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.

3. The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Town of Fort Myers Beach Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The Town Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
6. Pursuant to Section 12-23, of the Code of the Town of Fort Myers Beach, in addition to any other powers conferred by law, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town's health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures:
 - (a) To appropriate and expend funds; make contracts; incur obligations; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to victims of any emergency; and direct and coordinate the implementation of emergency management plans and programs in accordance with the requirements of state and federal law.
 - (b) To appoint, employ, remove, or provide (with or without compensation) rescue teams, coordinators, other emergency management workers and other permanent or temporary workers.

- (c) To establish, as necessary, primary and secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
 - (d) To assign and make available for duty the offices and agencies of the town, including the employees, property, or equipment thereof relating to health, medical and related services, transportation, construction, and similar items or services for emergency operation purposes, for deployment within or outside the limits of the town.
 - (e) To request state assistance or invoke emergency-related mutual-aid assistance pursuant to existing contracts and/or state or local law.
 - (f) To waive any procedures and formalities otherwise required of the town by law pertaining to performance of public work and/or the taking of whatever prudent action is necessary to ensure the health, safety, and welfare of the people of the town.
 - (g) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and/or combustibles.
 - (h) To utilize all available resources of the town government as reasonably necessary to cope with the emergency occasioned by the disaster.
 - (i) To make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
 - (j) Preceding or during the emergency, to call on the National Guard or the Army, Coast Guard or other law enforcement division or other agency as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
7. Pursuant to Sec. 12-24, "Prohibitions during state of emergency", of the Code of the Town of Fort Myers Beach, whenever a state of local emergency has been declared, and until such state of local emergency is terminated, the following prohibitions shall apply throughout the town, unless and until the same shall be waived or modified by a quorum of the town council at a general, special or emergency meeting:
- (a) It shall be unlawful and an offense against the town for any person to use the fresh water supplied by the county or local water company for any purpose other than cooking, drinking or bathing.
 - (b) It shall be unlawful for any person to be out and about on the public rights-of-way or other public areas of the town between the dusk and dawn, except for law enforcement officers, members of the town fire control district, emergency medical personnel, town councilmembers, other persons authorized by the town manager, and regular employees of local businesses while traveling to and from their jobs for their regular hours, providing such employees have in their possession personal identification and identification of the business by which they are employed.
8. Any person who refuses to comply with or violates any provision of this declaration of local emergency shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to,

an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 2. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 3. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 4. Effective Date and Termination Date. This Resolution shall take effect immediately upon the termination of the previously adopted state of local emergency and shall terminate automatically seven (7) days from that date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 5. Direction to Implement. The Town Manager is directed to implement this Resolution.

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

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

ADOPTED this 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

1. **Request:**

Meeting Date: March 3, 2025

First reading and public hearing of and ordinance entitled: 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. Open the first public hearing and schedule for second reading and final adoption.

Why the action is necessary:

The Town Council hears rezoning requests and makes final decisions.

What the action accomplishes:

Approval of the CPD will allow the applicant to add two adjacent parcels to the existing CPD zoning.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

Judith Frankel, Principal Planner

5. **Background:**

This ordinance expands the boundary of the CPD approved in Resolution 07-28 to include two adjacent parcels.

Attachments:

1. Ordinance 25-02 expanded CPD boundaries for 2500 Estero
2. Staff Report expanded boundary CPD Amendment
3. Exhibit A: 07-28, Resolution 2500 Estero (1)
4. Exhibit B: Expanded boundary survey
5. Business Impact Estimate 2500 Estero: Expanded boundary Ord 25-02

Financial Impact:

Unknown

6. **Alternative Action**

Approve with conditions

7. **Management Recommendations:**

8. **Recommended Approval:**

Judith Frankel, Principal Planner
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney

Created/Initiated - 2/21/2025
Approved - 2/24/2025
Approved - 2/24/2025

Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 2/24/2025
Final Approval - 2/24/2025

ORDINANCE 25-02

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 07-28 FOR PARCELS LOCATED AT 2500 AND 2510 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000, TO ADD PARCELS 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH,; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Empire Holding Corp. an Indiana Corporation as Trustee for Ann Trust, the owner, and The Neighborhood Company, as agents for the property located at 2500/2510/2518 Estero Blvd. & 2543 Cottage Ave., Ft Myers Beach, FL 33931, parcels generally identified as STRAP numbers 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A in the Town of Fort Myers Beach, filed applications to rezone the property from the CPD adopted in Resolution 07-28 (for 2500 and 2510 Estero Blvd.) to CPD with expanded boundaries (addition of 2518 Estero Blvd. and 2543 Cottage Avenue; and

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

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

WHEREAS, at the January 9th, 2025 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Town Land Development Code; and

WHEREAS, at the January 9th, 2025 public hearing the LPA found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted to recommend **approval with conditions**; and

WHEREAS, on March 3rd 2025 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was noticed in the Fort Myers News-Press more than 10 days prior to the Town Council on _____ 2025; and

WHEREAS, at the _____ 2025 public hearing, the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, with the following terms, conditions, and requirements which the LPA finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides Resolution 07-28 which created the subject CPD; and

WHEREAS, Exhibit B demonstrates the expanded boundaries which future development shall maintain; and

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

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

services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

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

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

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

WHEREAS, the Town Council finds that this application to approve Ordinance 25-xx which is, **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/approve with conditions/deny** the Application.

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

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

Section 2. The Town Council determines the Applicant **did** meet its burden of proof, that the request to approve Town of Fort Myers Beach's Ordinance 25-xx and the conditions of approval for the commercial planned development zoning, **does/does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVE/APPROVE WITH CONDITIONS/DENY** the requested application.

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

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

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

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

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

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

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

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

Attachments:

A –Resolution 07-28

B – Expanded Boundary Map



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Commercial Planned Development Amendment

CASE NUMBER: DCI Rezoning 20240137.1

CASE NAME: Food Truck Park

LPA

HEARING DATE: January 9th, 2025

TOWN COUNCIL

HEARING DATE: March 3rd, 2025

STAFF

RECOMMENDATION: Approval with conditions

PREPARED/

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

I. APPLICATION SUMMARY

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

Request: Amend the existing CPD RES#07-28 to: 1) expand the boundary to include and rezone Lot 1 (2518 Estero Boulevard) from Commercial Boulevard to CPD.; and 2) expand the boundary to include and rezone the remainder of Lot 13 (2543 Cottage Avenue) from Residential Multifamily (RM) to CPD

Subject property: See Exhibit B

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

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

FLU: Boulevard

Zoning: CPD/Commercial Boulevard/Residential Multi-family

Adjacent zoning and land uses:

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

II. BACKGROUND AND ANALYSIS

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

Since the approval of the original CPD in 2007, the owner has purchased two abutting parcels located at 2518 Estero and 2543 Cottage Avenue. These lots each contained a single-family home. Both homes were destroyed by Hurricane Ian in 2022. The applicant is requesting an extension of the CPD boundaries to include these two additional properties. This would increase the CPD boundary area to a total of +/- 0.691 acres. This ordinance is necessary to enable the applicant to develop the site as one entity.

Analysis:

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

Neighborhood Compatibility:

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

IV. FINDINGS AND CONCLUSIONS

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

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

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

Staff response: No errors or ambiguities exist.

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

Staff response: The purchase of two adjacent properties initiated the request for expanded boundary.

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

Staff response: No impact on the intent of this chapter will occur, although the LPA may desire to consider additional regulation to govern this use in the future.

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

Staff response: The expanded boundary is consistent with the Town of Fort Myers Beach Comprehensive Plan.

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

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

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

Staff response: The urban services exist in this location.

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

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

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

Staff response: The expanded boundary is compatible.

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

Staff response: The location is compatible.

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

LDC Sec. 34-85 (c) Findings: Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

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

(2) This chapter.

Staff response: The proposed uses comply with this chapter.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes.

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

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

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

Staff response: The proposed uses are not being altered under this ordinance.

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

Staff response: Sufficient safeguards are provided for the public interest through required buffering at the property boundaries.

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

Staff response: No special conditions are requested as part of this application.

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

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

Staff response: Not applicable.

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

Staff response: **IV. FINDINGS AND CONCLUSIONS**

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

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

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

Staff response: No errors or ambiguities exist.

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

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

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

Staff response: No impact on the intent of this chapter will occur, although the LPA may desire to consider additional regulation to govern this use in the future.

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

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

addressed in Policy 4-A-2. The following policies are addressed by the applicant in the project narrative:

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

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

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

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

Staff response: The urban services exist in this location.

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

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

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

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

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

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

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

LDC Sec. 34-85 (c) Findings: Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

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

(2) This chapter.

Staff response: The proposed uses comply with this chapter except in regards to the deviations.

(3) Any other applicable town ordinances or codes.

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

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

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

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

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

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

Staff response: Sufficient safeguards are provided for the public interest through required buffering at the property boundaries. Additionally, staff have suggested several conditions to further safeguard the public.

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

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

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

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

Staff response: Not applicable.

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

Staff response: **IV. FINDINGS AND CONCLUSIONS**

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

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

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

Staff response: No errors or ambiguities exist.

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

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

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

Staff response: No impact on the intent of this chapter will occur, although the LPA may desire to consider additional regulation to govern this use in the future.

(4) The testimony of any applicant.

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

(6) The testimony of the public.

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

Staff response: The density and intensity request are consistent with the Town of Fort Myers Beach Comprehensive Plan. The proposed food truck park will program a space that has been vacant for many years preceding Hurricane Ian. It is, by its scale,

pedestrian-oriented for the existing neighbors and the several newly approved development projects in nearby locations as addressed in Goal 7. Also, the location is accessible from LeeTran service and a reasonable distance from the downtown zoning district on bicycle. Food truck operators, in general, are small business owners who may add to Fort Myers Beach “small-town” character as addressed in Goal 4. The outdoor nature of the proposed development lends itself to integration with the public realm as addressed in Policy 4-A-2. The following policies are addressed by the applicant in the project narrative:

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

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

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

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

Staff response: The urban services exist in this location.

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

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

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

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

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

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

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

LDC Sec. 34-85 (c) Findings: Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

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

(2) This chapter.

Staff response: The proposed uses comply with this chapter except in regards to the deviations.

(3) Any other applicable town ordinances or codes.

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

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

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

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

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

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

Staff response: Sufficient safeguards are provided for the public interest through required buffering at the property boundaries. Additionally, staff have suggested several conditions to further safeguard the public.

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

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

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

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

Staff response: No additional height is requested.

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

Staff response: Not applicable.

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

Staff response: Not applicable.

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

Staff response: There are no anticipated adverse traffic impacts

V. RECOMMENDATION

Staff finds that the CPD amendment meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC. Staff recommends **approval** of DCI20240137.1.

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

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

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

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

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

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

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

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

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

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

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

A. CONDITIONS AND DEVIATIONS

A. CONDITIONS

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

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

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

a. **Schedule of Uses**

Residential

Dwelling Unit:

Multi-family - maximum of 3 units

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

Lodging

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

Office

Administrative Offices

Retail

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

Civic

Essential Services

Daycare center, adult or child (by Administrative Approval)

Cultural Facilities (by Administrative Approval)

b. **Site Development Regulations**

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

Minimum Lot Width: 160 feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: 119± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)

10 feet (Chapel Street)

10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

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

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

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

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

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

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

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

B. DEVIATION

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

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

FINDINGS AND CONCLUSIONS

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

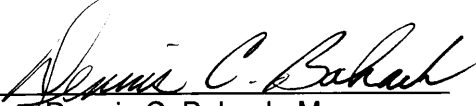
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests:
 - i. Policies 4-B-5 and 4-C-3 on commercial and residential uses in the "Boulevard" future land use category; and
 - ii. Policy 4-C-5 on maximum residential densities for properties; and
 - iii. Policy 4-C-4 on maximum height limitations; and
 - iv. Policy 4-E-4 on flood proofing of commercial buildings.
2. The proposed use or mix of uses, as conditioned above, **IS** appropriate at the subject location.
3. Sufficient safeguards to the public interest **ARE** provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions **ARE** reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviation, as conditioned:
 - a. Each item **DOES** enhance the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare **WILL** be preserved and promoted; and
 - c. Each deviation **DOES** operate to the benefit, or at least not to the detriment, of the public interest; and

- d. Each deviation **IS** consistent with the Fort Myers Beach Comprehensive Plan.

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

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

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

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

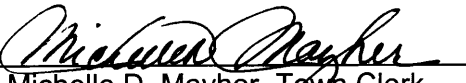
By: 
Michelle D. Mayher, Town Clerk

EXHIBIT (A 1/2)

LAND SURVEY

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

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

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

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

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

RECEIVED
JAN 04 2007

COMMUNITY DEVELOPMENT
REC'D SECOND PLAT

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

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

JOB NUMBER: 05-1430A1

LAND SURVEY

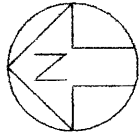
LOT 2, **BLAKE SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 44, PAGE 44, AND LOTS 10, 11, 12, AND PART OF LOT 13, BLOCK A, **SEABRACE SUBDIVISION**, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT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

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 13, THENCE N 68° 32' 41" W., ALONG N 68° 32' 41" W. FOR A DISTANCE OF 67.20 FEET TO THE POINT OF BEGINNING; THENCE N 68° 32' 41" E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE AVENUE 130' WIDE FOR A DISTANCE OF 119.95 FEET TO THE SOUTHERLY CORNER OF SAID LOT 10; THENCE N 21° 17' 19" E. FOR A DISTANCE OF 50.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CHAPEL STREET 130' WIDE; THENCE S 68° 32' 41" E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF CHAPEL STREET 130' WIDE; THENCE S 68° 32' 41" E. ALONG THE EAST LINE OF SAID LOT 2, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE N 68° 32' 41" W. FOR A DISTANCE OF 42.90.00 FEET; THENCE N 00° 00' 00" W. FOR A DISTANCE OF 10.45 FEET; THENCE N 72° 57' 20" W. FOR A DISTANCE OF 27.81 FEET; THENCE S 17° 02' 40" W. FOR A DISTANCE OF 3.81 FEET TO THE POINT OF BEGINNING.

ON MAY 17, 1985, THERE WAS AN EASEMENT OR RESTRICTION ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY FLORIDA CONTAINING EASEMENTS AND RESTRICTIONS ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

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

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



SCALE 1 INCH = 50 FEET

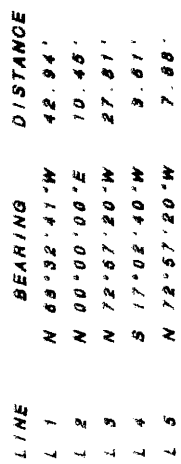
50
Applicant's Legal Checked
by CSJ 1/5/16

DATE: AUGUST 1 2005

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

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

JOB NUMBER: 05-1430



BENCHMARK
RIM OF MANHOLE
ELEVATION-5.3
NGVD 1929

SURVEYOR'S NOTES:

- 11.1FIR - FOUND 1/2" IRON ROD
UNLESS SHOWN OTHERWISE.
2) THE EAST LINE IS ASSUMED TO BEAR AS SHOWN.
3) SIR - SET 1/2" IRON ROD #LB594.
4) ELEVATIONS SHOWN THUS: 4.
REFER TO NGVD 1929 AND ARE
RELATIVE TO BENCHMARK SHOWN.

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

COMPANY

COMMUNITY DEVELOPMENT
RECORDS AND FLOOR

REVISION:

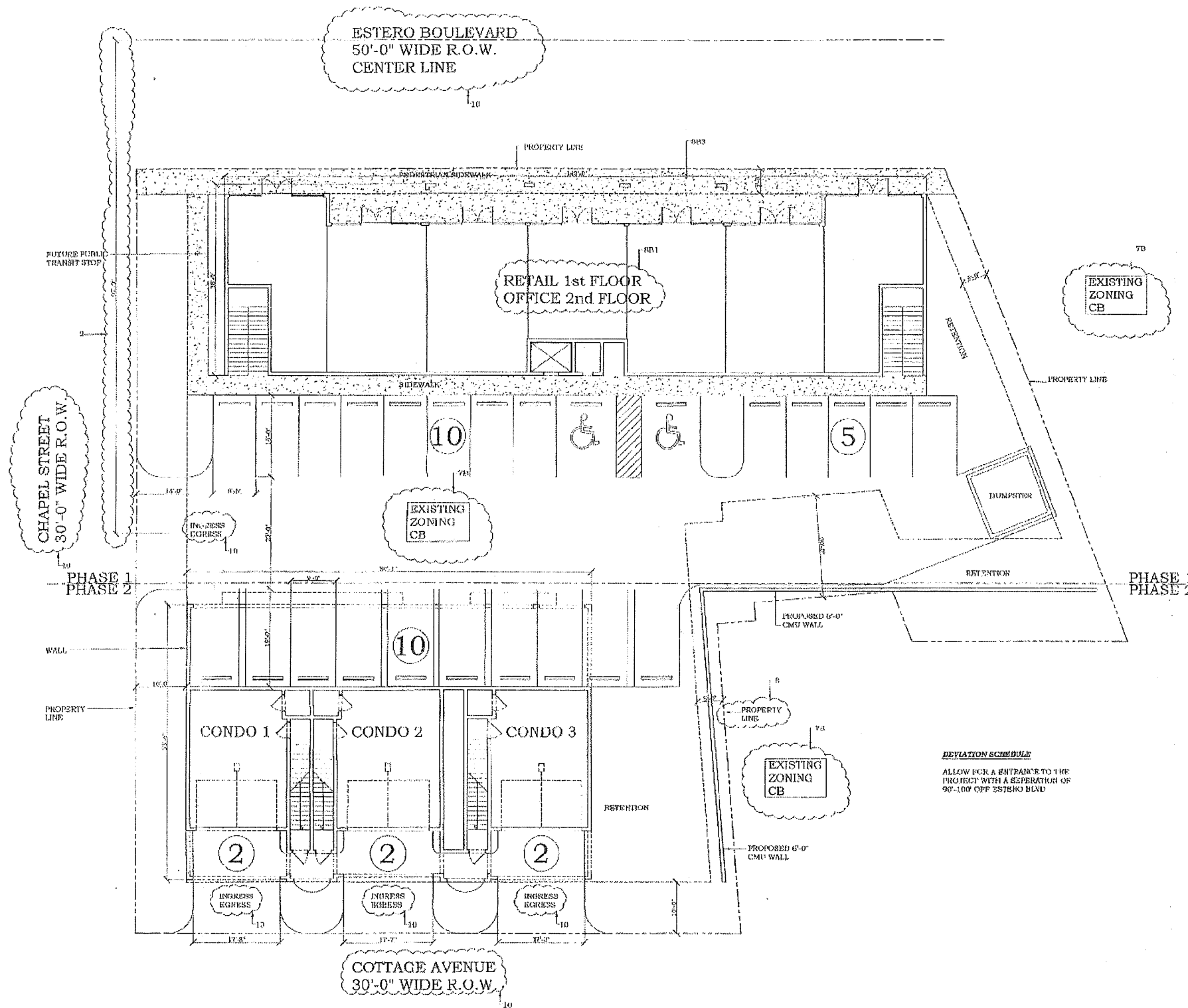
WROTE NEW LEGAL 1-4-07
CERTIFICATIONS 8/29/2005
FILE DISK: AUG 05-
CREW: LEWIS/RICE/RODRIGUEZ

ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.

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

1
BENCHMARK
EIM OF MANHOLE
LEVATION-6.1

(239) 277-7330
(239) 277-7332 FAX



KEY

PROPERTY LINE
SETRASK LINE
PARKING SPACES
SIDEWALKS

SITE DATA

COMMERCIAL BLVD
TOTAL SITE SQ FT 23,067 SQ FT

DEVELOPMENT REGULATIONS

FROM SETBACK (ESTERO BLVD)
SETBACK (CHAPEL STREET)
SIDE SETBACK (SOUTH SIDE)
SETBACK (COTTAGE AVE)
REAR SETBACK (ESTERO BLVD)

LOT COVERAGE (P.A.R.)
BUILDING HEIGHT MAX
MAX STORIES

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

TOTAL LAND AREA
FIRST FLOOR RETAIL
SECOND FLOOR RETAIL
FIRST FLOOR CONDO
SECOND FLOOR CONDO
THIRD FLOOR CONDO
TOTAL FLOOR AREA

OPEN SPACE CALCULATIONS

PARKING CALCULATIONS

OFFICE (2 PER 1000)
RETAIL (3 PER 1000)
MULTIFAMILY (2 PER UNIT)
SPACES REQUIRED
SPACES PROVIDED

SCHEDULE OF USE CHART

RESIDENTIAL
MULTIFAMILY
LIVE WORK (34-1723)
LODGING
RENTAL OF ANY UNIT FOR OVER A WEEK
OFFICE
ADMINISTRATIVE OFFICES
COMMERCIAL
RETAIL STORE
CIVIL
ESSENTIAL SERVICES
DAYCARE
CULTURAL FACILITIES

GENERAL LANDSCAPE REQUIREMENTS

1 TREE PER 3,000 SF DEVELOPMENT AREA
(23,067 / 3,000)

TREE CREDIT

PARKING LANDSCAPE REQUIREMENTS

10% INTERNAL LANDSCAPING REQUIRED
(6,321 x 10%)
1 TREE PER 250 SQ FT OF INTERNAL AREA

PROPERTY BUFFERS

NORTH PROPERTY LINE
COMMERCIAL BLVD TO R.O.W.
SOUTH PROPERTY LINE
COMMERCIAL BLVD TO COMMERCIAL BLVD
EAST PROPERTY LINE
COMMERCIAL BLVD TO R.O.W.
WEST PROPERTY LINE
COMMERCIAL BLVD TO R.O.W. (NORTHERN)
COMMERCIAL BLVD TO R.O.W. (SOUTHERN)

GENERAL BUFFER NOTES

THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE #1 OR BETTER.
NO BUFFER PLANT MATERIAL SHALL BE INSTALLED IN BASEMENT.
THE TREES SHALL BE A MINIMUM OF 10 FEET IN HEIGHT WITH TWO INCH TRUNK DIAMETER MEASURED AT ONE FOOT ABOVE GROUND AND A MINIMUM CANOPY OF 4 FEET AT TIME OF INSTALLATION.
A MINIMUM OF 75% OF TREES REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE VARIETIES.
A MINIMUM OF 50% OF SHRUBS REQUIRED TO MEET CODE SHALL BE INDIGENOUS NATIVE VARIETIES.
ANY AND ALL EXOTIC VEGETATION (PER LEE COUNTY & THE TOWN OF FORT MYERS BEACH) ON THE PARCEL SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF SITE BY CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INDIGENOUS EXOTIC VEGETATION IN PERMANENCY.

BUILDING EDGE PLANTINGS

REQUIRED TO BE INSTALLED ALONG & LEAST 5% OF THE LENGTH OF ALL WALK THAT FACE ON SITE PARKING WITH MORE THAN 25 PARKING SPACES.
MINIMUM WIDTH OF 5' 0"

MINIMUM OF 50% COVERAGE AT TIME OF PLANTING

MASTER CONCEPT PLAN (A)

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

001 2006-00033

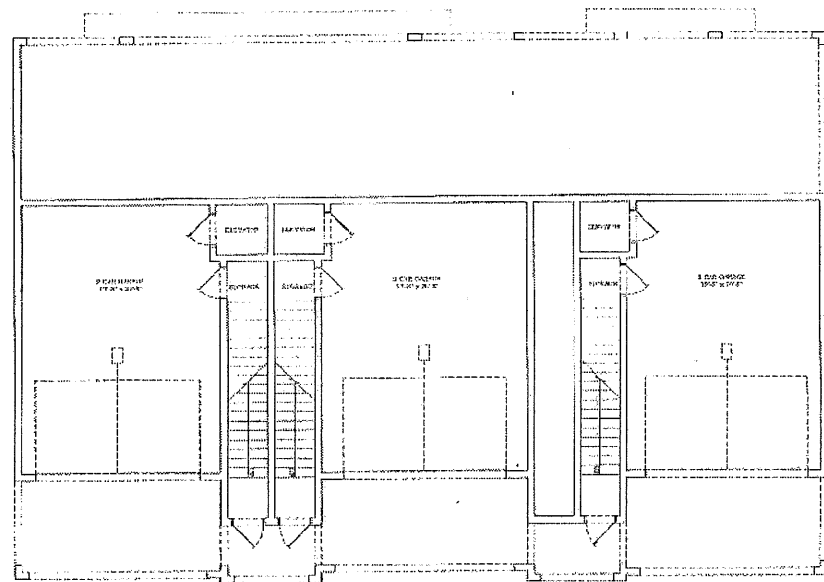


2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

NO.	REVISION	DATE	BY	CHKD.
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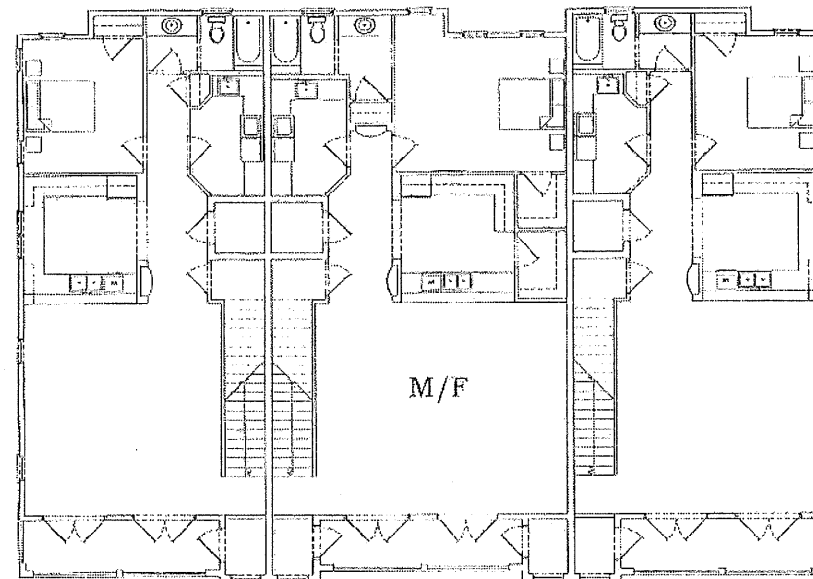
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CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL

Check By: JOE MARRAS
Drawn By: CHRISTOPHER
Scale: AS NOTED
Project No: CS-0024
Sheet No: A-1.1



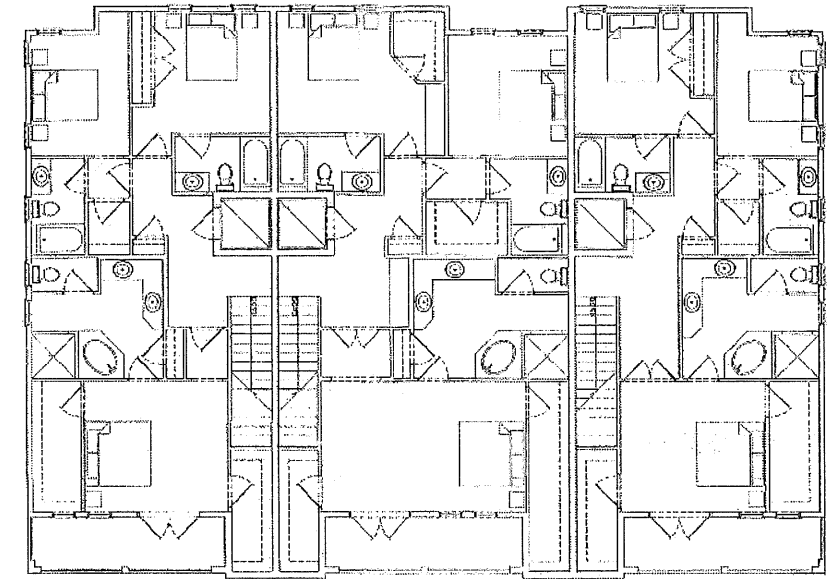
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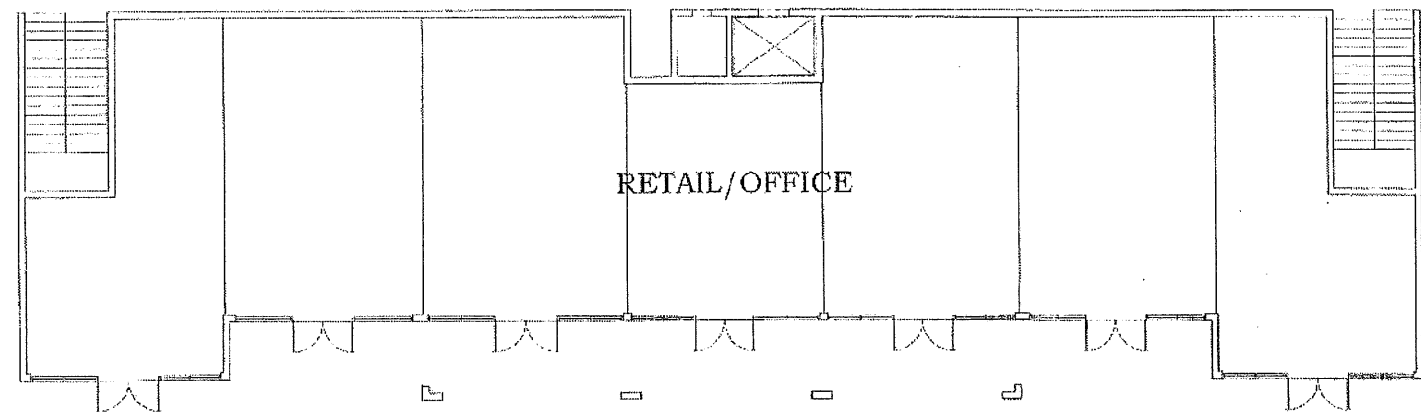
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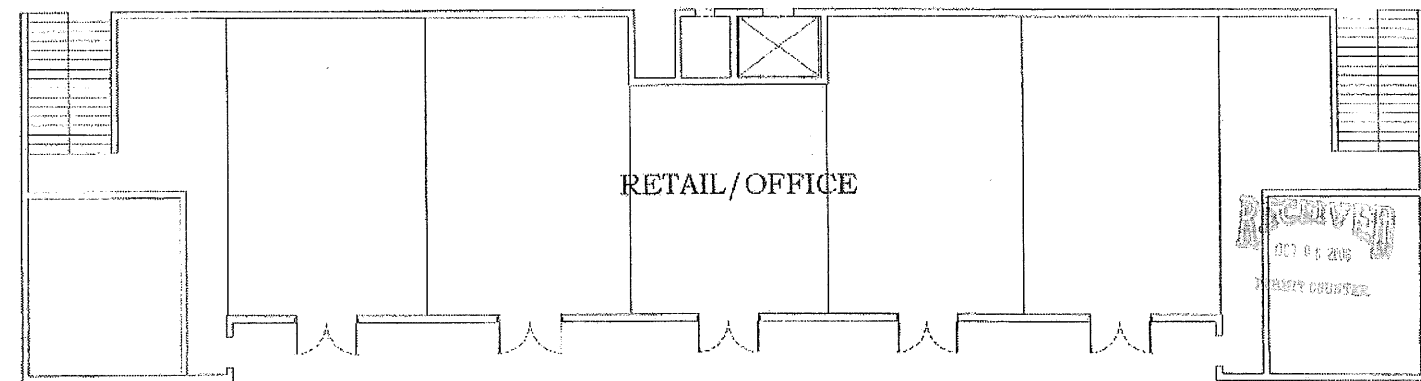
CONCEPT 3rd FLOOR PLAN (A)

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



CONCEPT 1st FLOOR PLAN (A)

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



CONCEPT 2nd FLOOR PLAN (A)

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

DCI 2006-00033



2500 ESTERO BLVD.
FORT MYERS BEACH, FL
33908

No.	Task	Date	Rev.	By	Date
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3	3.0000				
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6	6.0000				
7	7.0000				
8	8.0000				
9	9.0000				
10	10.0000				

2500 ESTERO BLVD.
CONCEPT A
2500 ESTERO BLVD.
FORT MYERS BEACH, FL
33908

Drawn by: JUDY M. HARRIS
Reviewed by: JUDY M. HARRIS
Date: 03/01/06
Task No.: 03-0024

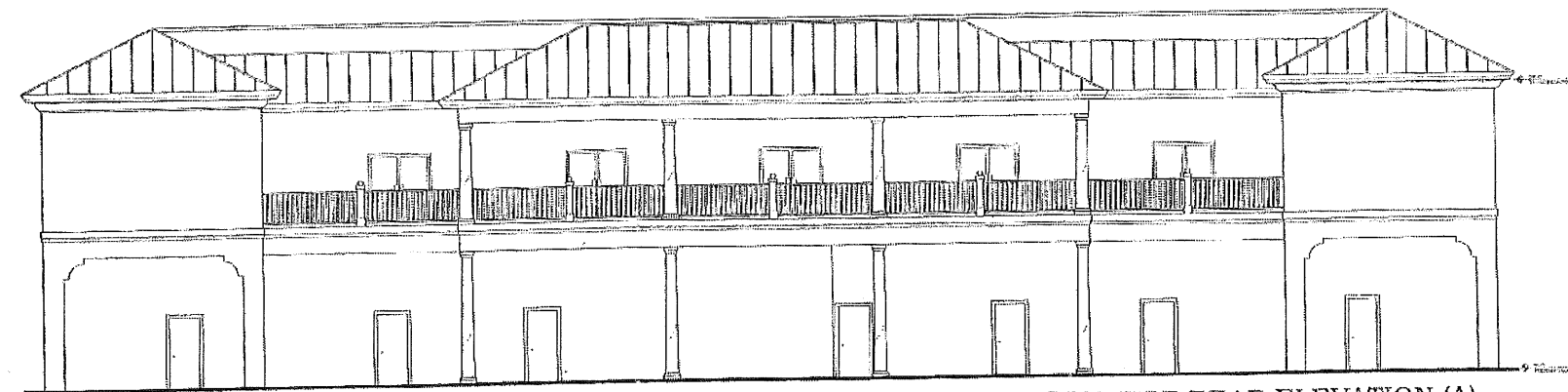
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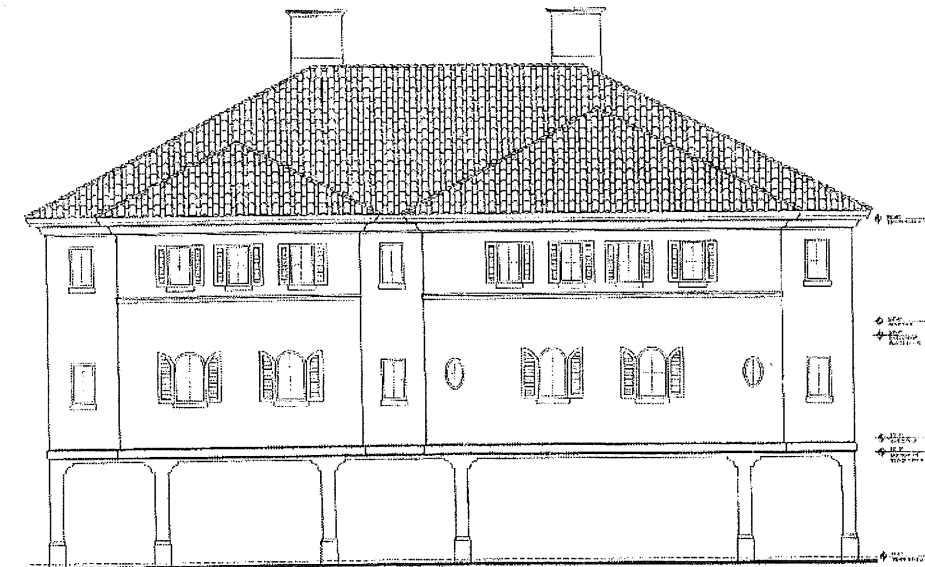
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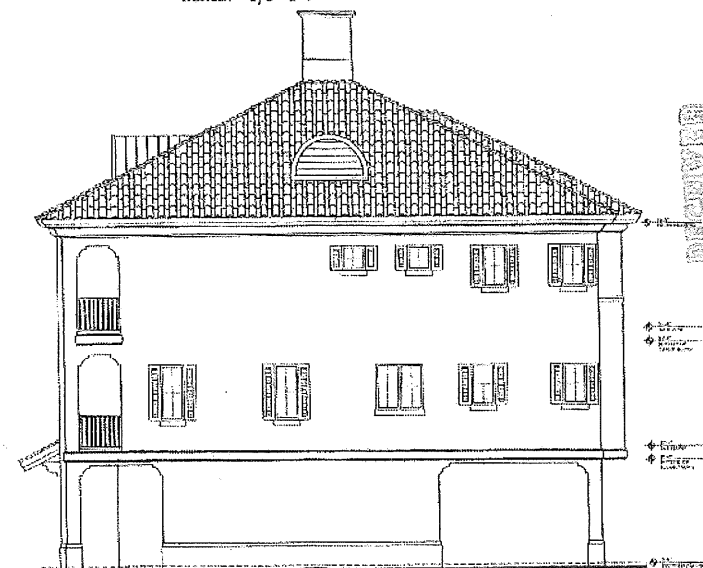
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CONCEPT REAR ELEVATION (A)
SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (A)
SCALE: 1/8"=1'-0"



CONCEPT SIDE ELEVATION (A)
SCALE: 1/8"=1'-0"



These drawings are prepared for the use of the client and are not to be used for any other purpose without the written consent of MCHARRIS PLANNING & DESIGN. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The drawings are not to be used for construction without the written consent of MCHARRIS PLANNING & DESIGN.

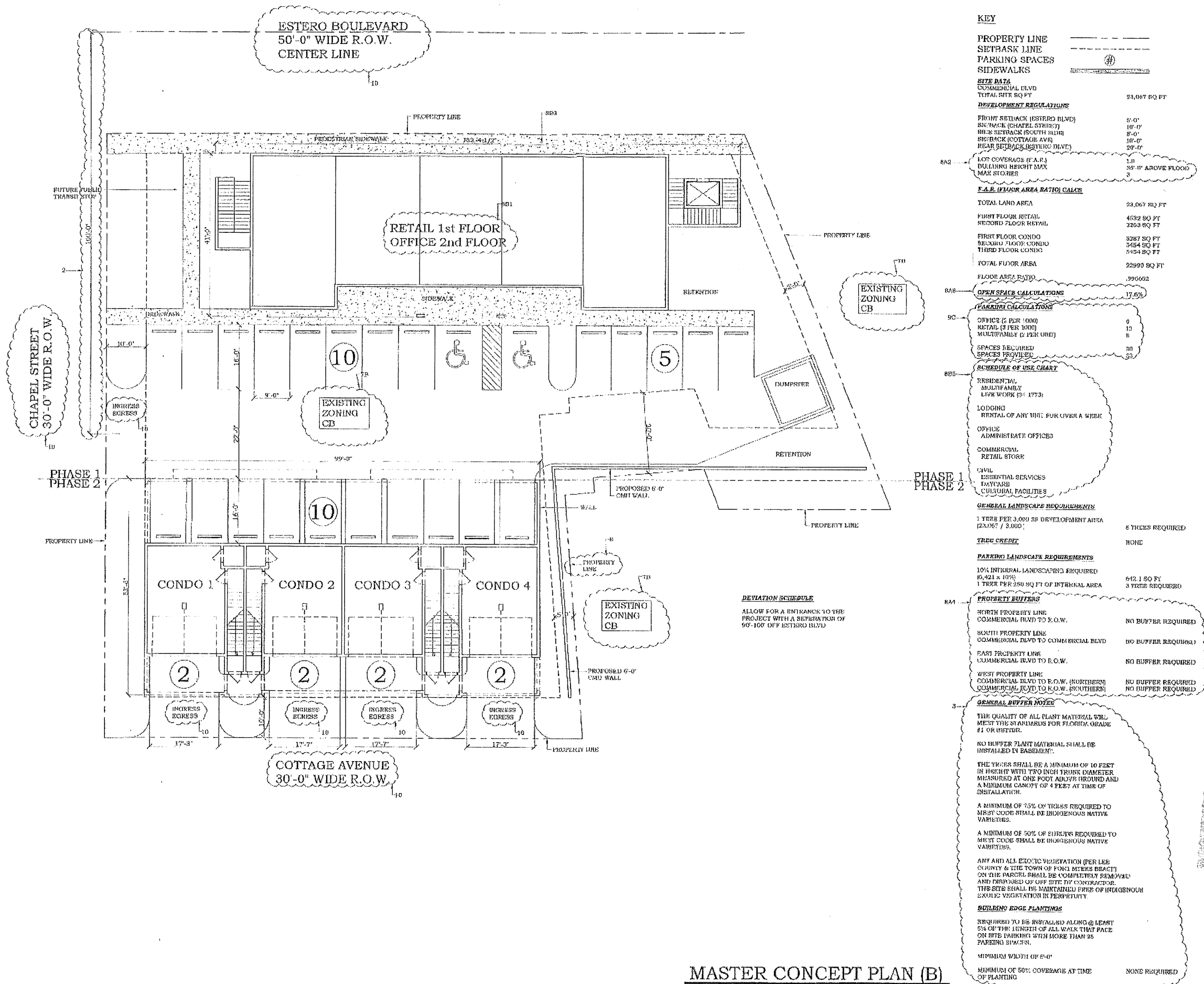
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2500 ESTERO
CONCEPT A
2500 ESTERO BLVD.
FORT MEERS BEACH, FL

Project Name and Address
2500 ESTERO BLVD.
FORT MEERS BEACH, FL
33433
Project No.
CS-0024

Project No.
CS-0024

A-3.1

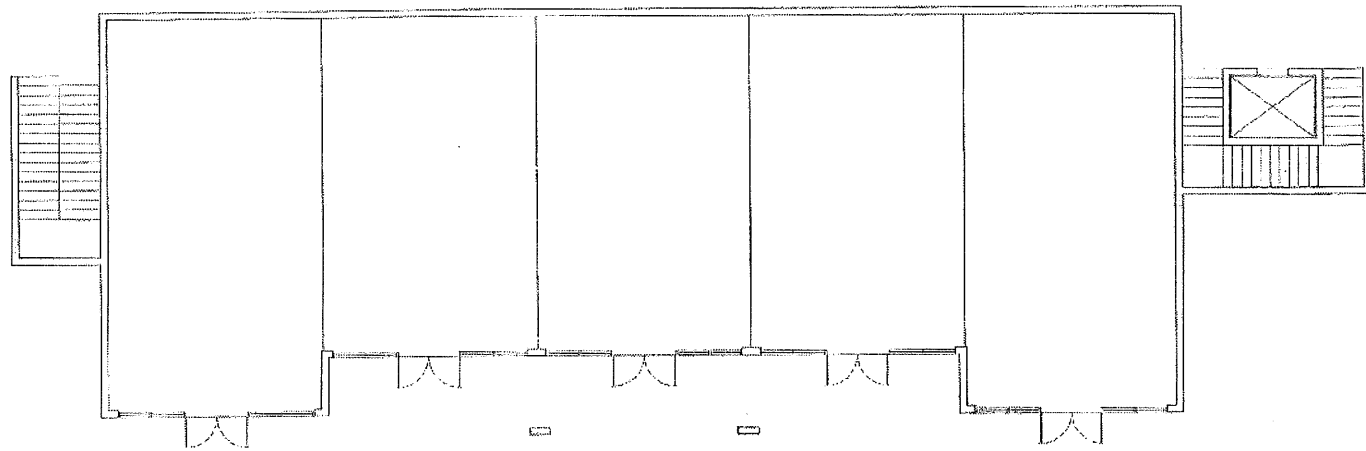


MASTER CONCEPT PLAN (B)

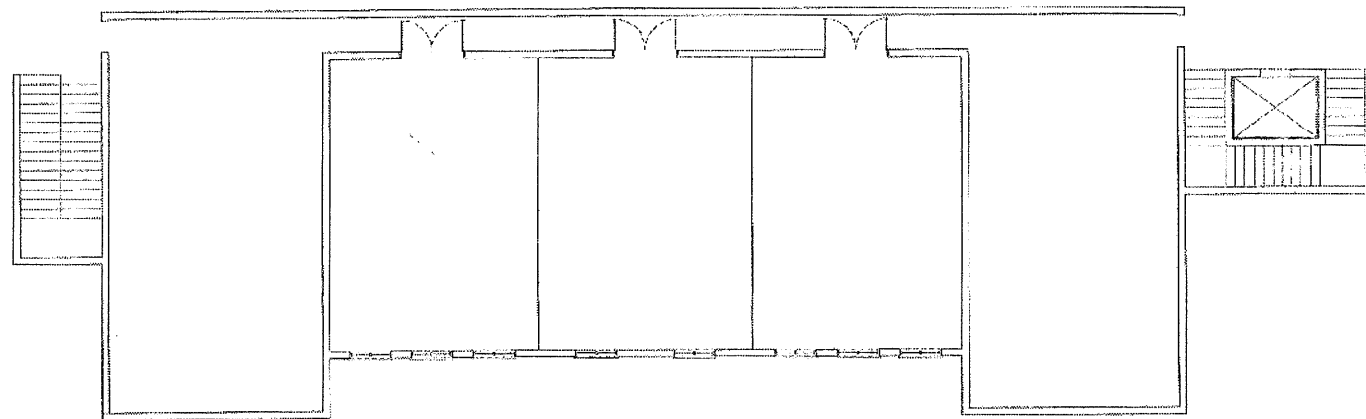
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DCI 2006-00033

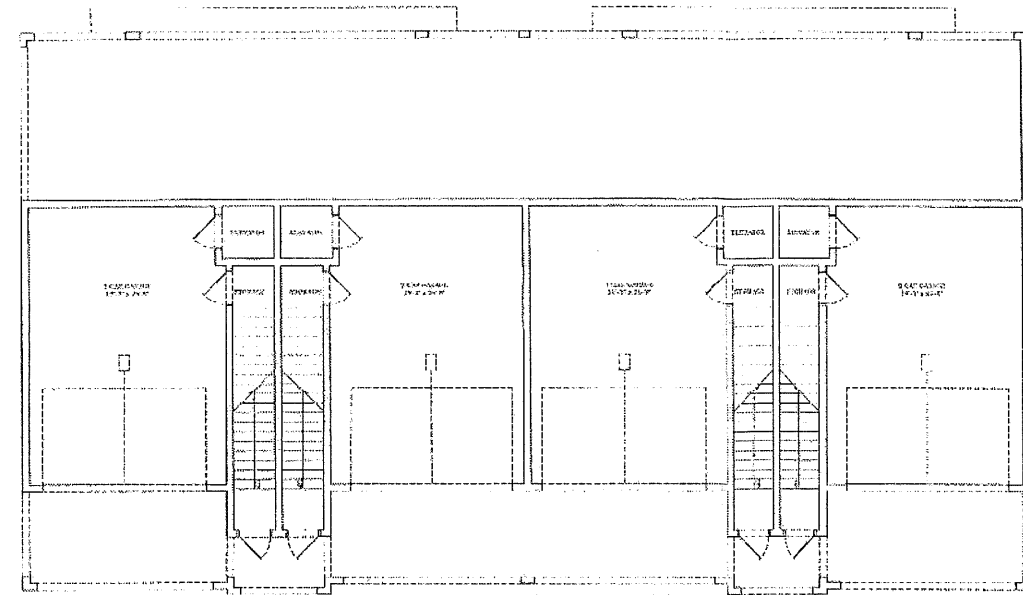
McHARRIS PLANNING & DESIGN 8001 Highland Trade Bldg. Suite 100 Fort Myers, FL 33905 Phone: (239) 744-4882 Fax: (239) 744-4889 Mobile: (239) 744-4883	
Project Name: 2500 ESTERO BLVD. CONCEPT B Project Address: 2500 ESTERO BLVD., FORT MYERS BEACH, FL	
Check By: JULE REINHARDT Drawn By: JULE REINHARDT Scale: AS NOTED Project No: CS 0024	Date: 05-14-06 Date: 05-14-06 Date: 05-14-06 Date: 05-14-06
A-1.1	



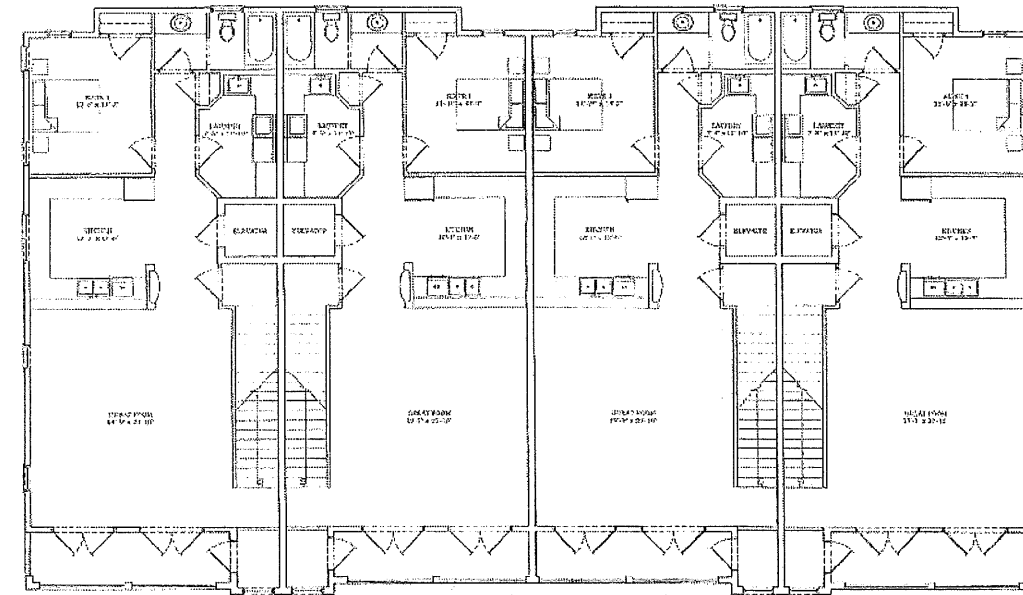
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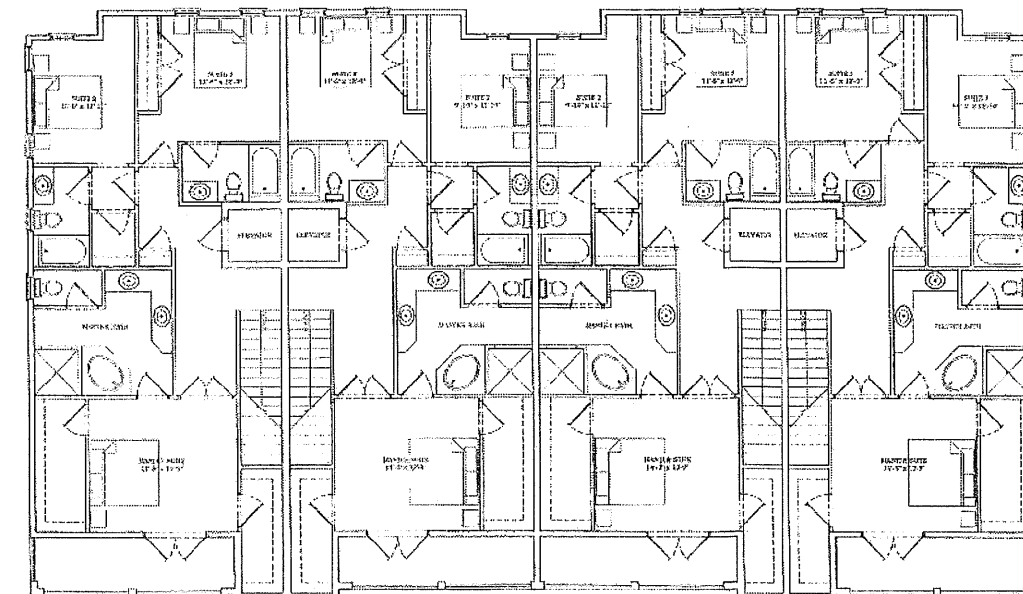
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SCALE: 1/8"=1'-0"



CONCEPT 1st FLOOR PLAN (B)



CONCEPT 2nd FLOOR PLAN (B)



CONCEPT 3rd FLOOR PLAN (B)
SCALE: 1/8"=1'-0"



McHarris Planning & Design, Inc.
2500 Estero Blvd., Suite 400
Fort Myers, FL 33901
Phone: (239) 936-4600
Fax: (239) 936-4601
Mobile: (239) 936-4602

No.	Date	Revisions	By	Check
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2500 ESTERO BLVD.
CONCEPT B
FORT MYERS BEACH, FL

DATE: 2006-00033
C5-0024

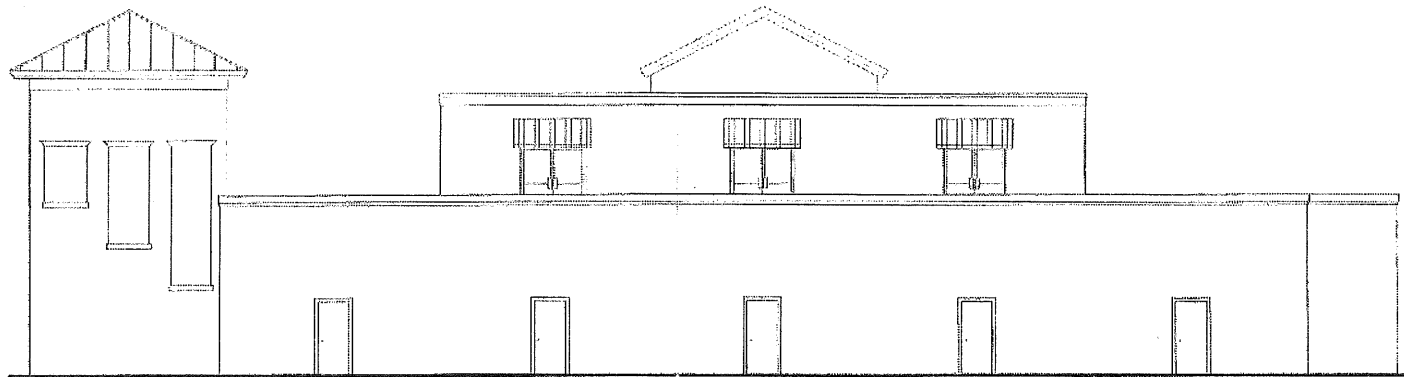
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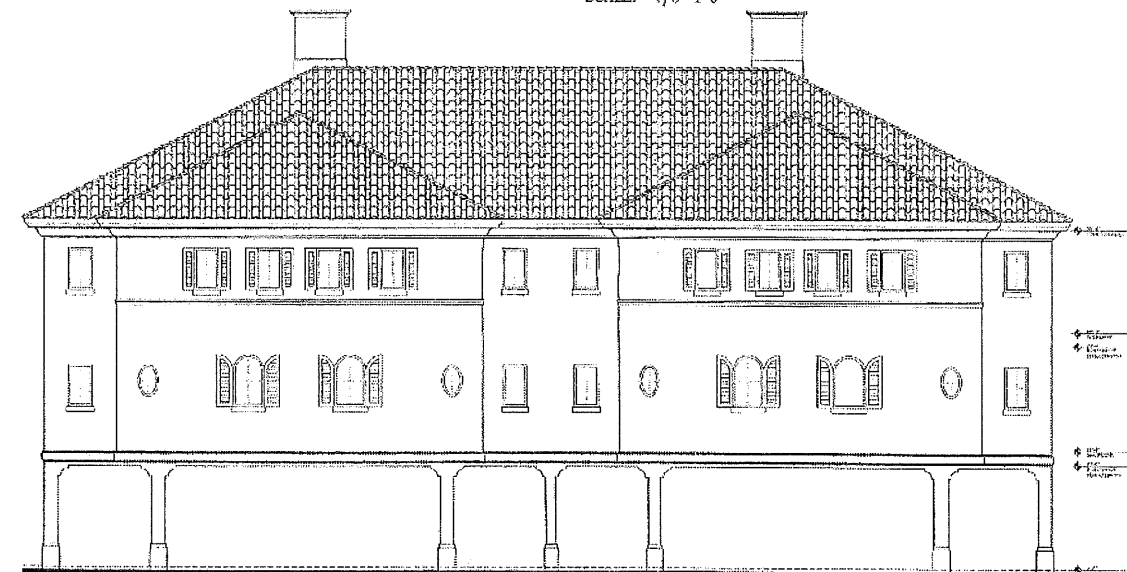
CONCEPT FRONT ELEVATION (B)
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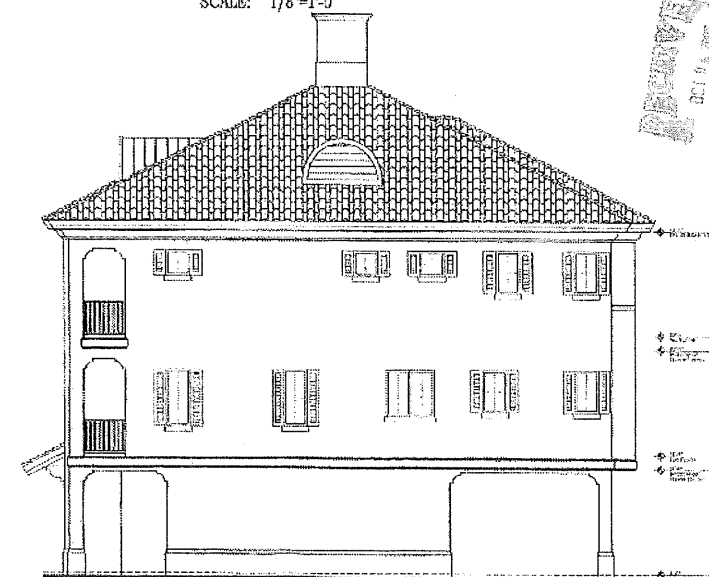
CONCEPT FRONT ELEVATION (B)
SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (B)
SCALE: 1/8"=1'-0"



CONCEPT REAR ELEVATION (B)
SCALE: 1/8"=1'-0"



CONCEPT SIDE ELEVATION (B)
SCALE: 1/8"=1'-0"



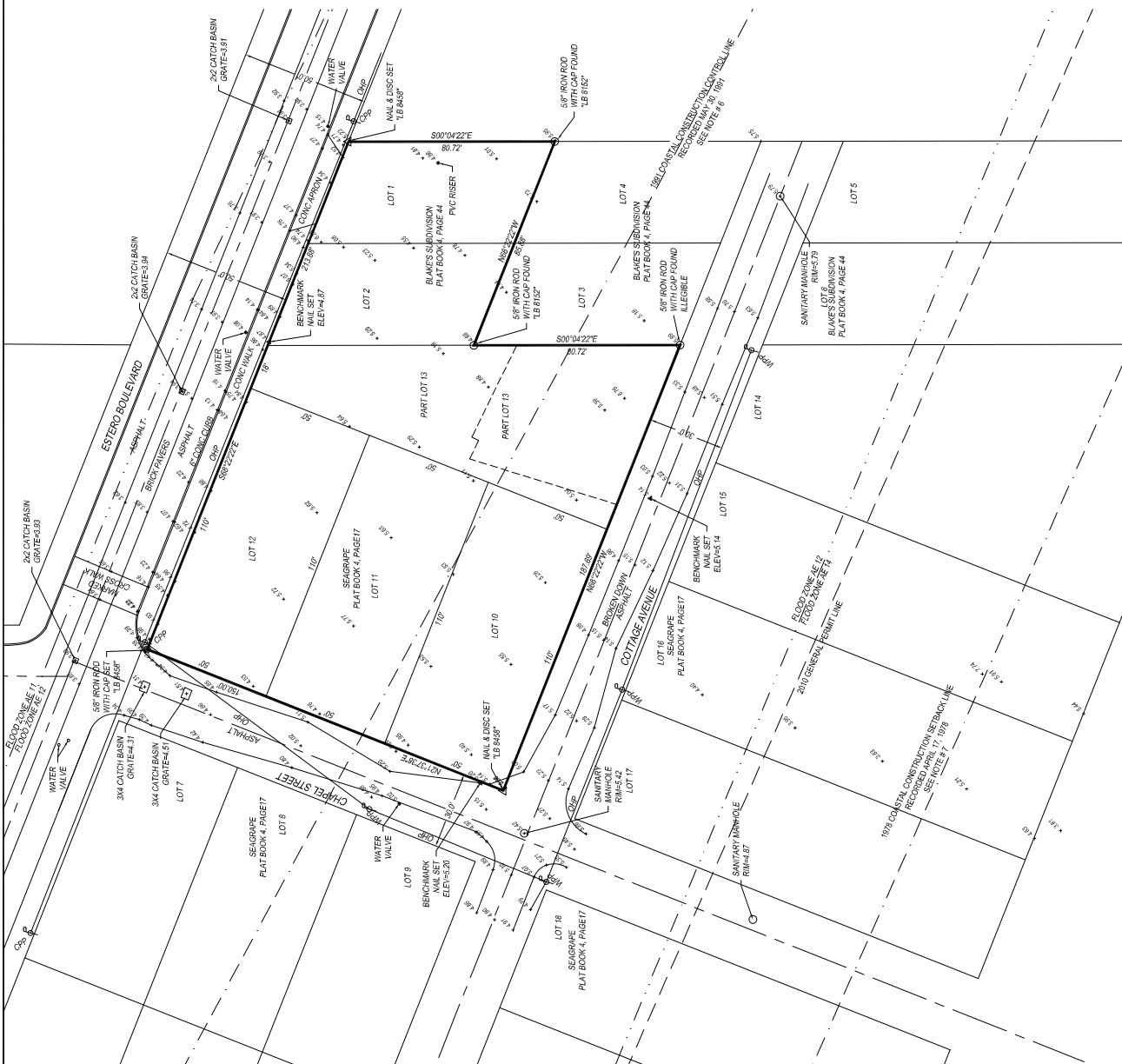
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Rev.	Description	By	Date
1	ISSUED FOR PERMIT	AS	01/11/06
2	REVISIONS	AS	01/11/06
3	REVISIONS	AS	01/11/06
4	REVISIONS	AS	01/11/06

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

Check by: JOE M. BAEZ
Reviewed: CERO GONZALEZ
Prepared: AS RUPERT
Drawing No: CS-0024

Sheet No: A-3.1



EGAL DESCRIPTION:

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

EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

SURVEYOR NOTES:

BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983. 1990 ADJUSTMENT (NAD83/90) COORDINATES, EAST ZONE, DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON DEPARTMENT OF NATURAL RESOURCES CONTROL MONUMENTS 84-76-428 AND 84-74-427 HAVING NAD83/90 GRID COORDINATES AS SHOWN.

ELEVATIONS SHOWN HERE ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND 1989. ELEVATIONS ARE SHOWN FEET TO THE THIRDELEAF (THE NINEHENTH PERCENT) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK. THE PARCEL LINES IN FLOOD ZONES ARE SHOWN ZONES ARE BASED ON FLOOD INSURANCE RATE MAP PANEL 120710504G, DATED NOVEMBER 17, 2003. FLOOD ZONE LINES SHOWN WERE SCALED FROM THE INDICATED FLOOD MAP PANEL. ADDITIONAL INFORMATION SHOWN ABOVE THE RECORD PLAT AND LEGAL DESCRIPTION, INCLUDING A SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE OTHER RECORDS AND/OR EXISTENTS NOT KNOWN TO THE 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 47th COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREON IS AS RECORDED BY ORDINANCE 16-3 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 COMPLES WITH CHAPTER 177, PART II, FLORIDA STATUTES.

THIS PARCEL CONTAINS 0.691 ACRES, OR 30.118 SQ. FT. MORE OR LESS.

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

3154 BOUND.DWG



PREPARED BY	DGM
DRAWING BY	DGM
DESCRIPTION	CAPE CORAL
DATE	10/24/2023

TITLE: **BOUNDARY SURVEY**

HEREDY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HERON 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 OBTAINED IN

CERTIFIED TO:
EMPIRE HOLDING CORPORATION



RONALD G. MILLER, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6874

2500 Estero Blvd.
Property Location Map



March 8, 2024

Hospital Locations

Library Locations

School Locations

CCC Parks

Air Photos: 2023 Hi-Res (3 inch)

County Boundary

Major Roads

Medium

I - 75

US 41

Other Highways

Other Roads

Parcels Near

0 75 150 300 ft

0 20 40 80 m

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

Page 141 of 862



Business Impact Estimate

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

Proposed ordinance's title/reference:

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.

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

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

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

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

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

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

The proposed ordinance is to allow an amendment to a commercial planned development proposed by the owner of the property.

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

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

There are unlikely to be direct compliance costs associated with the ordinance.

The ordinance does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

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

One property owner will be impacted by this proposed ordinance.

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

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

1. **Request:**

Meeting Date: March 3, 2025

1. First reading and public hearing of and ordinance entitled: 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. Open the first public hearing and schedule for second reading and final adoption.

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 Town Council makes final decisions on rezoning requests.

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

4. **Submitter of Information:**

Judith Frankel, Principal Planner

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.

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 LPA then reviewed the application with changes made to the MCP and approval conditions on February 11th, 2025. The LPA voted 4-3 to recommend the approval with conditions of the application. At that meeting the applicant agreed that the hours of the mobile vending/food truck park will be 7am to 9pm with the commercial parking operating on the same schedule. Outdoor entertainment will end at 8pm. The full list of recommended conditions is included as an

exhibit of the proposed ordinance.

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.

Attachments:

1. Second NS Ordinance 25-01 Estero Blvd Food Truck Park
2. TC 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. Business Impact Estimate Ord. 25-01
11. INTERVENER EXHIBIT 1
12. INTERVENER EXHIBIT 2

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. Management Recommendations:

8. Recommended Approval:

Sarah Propst, Community Development, Planning Manager
Judith Frankel, Principal Planner
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/17/2025
Approved - 2/21/2025
Approved - 2/21/2025
Approved - 2/24/2025
Approved - 2/24/2025
Final Approval - 2/24/2025

ORDINANCE 25-01

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/PROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 2500, 2510 AND 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH, TO ALLOW 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 25-02, to a Mobile Vending Park with a Schedule of Uses and corresponding Master Concept Plan (MCP) along 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. One LPA member was absent and the LPA continued the hearing to February 11, 2025 due to a tie vote on a motion to approve the request with conditions and a tie vote on a motion to deny the request based on incompatibility with the neighborhood; and

WHEREAS, at the February 11th, 2025 LPA public hearing, Pelican Watch Condominium Association, Thomas F. and Debra Danford as managers and members of Coastal Cottages LLC, and Edwin T. French III, asked the LPA to grant them intervenor status, which was granted; and

WHEREAS, and the LPA thereafter gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, including the intervenors 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 consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval with conditions; and

WHEREAS, on March 3rd, 2025 the Town Council received a request from Pelican Watch Condominium Association, Thomas F. and Debra Danford as managers and members of Coastal Cottages LLC, and Edwin T. French III, for intervenor status, which was _____, and thereafter held a first reading of the proposed Ordinance; and

WHEREAS, the Town Council gave consideration to the Applicant's request, the LPA's recommendation, staff's recommendation of staff, the documents in the record, and the testimony of interested persons, including the intervenors, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to have a second reading and public hearing on the proposed Ordinance, which was advertised in the Fort Myers News-Press more than 10 days prior to the Town Council on the ____ day of _____ 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, including the intervenors, 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 was prepared and is published on the Town's website; and

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

WHEREAS, Exhibit B provides the Master Concept Plan and the schedule of uses for this CPD to be used during the permitting process; and

WHEREAS, the Town Council finds that this request to rezone the property from the CPD adopted in Resolution 07-28 to CPD with Master Concept Plan with six deviations to the LDC in order to develop a Mobile Vendor/Food Truck Park with a Shared Parking; 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 25-01 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, intervenors and interested parties, the Town Council **APPROVE/APPROVE WITH CONDITIONS/DENY** the requested application.

Section 3. Town Ordinance 25-01 is adopted and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A and the attached Master Concept Plan in Exhibit B, attached hereto and incorporated herein by this reference are approved.

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

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

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

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

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

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

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE

AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 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 approval, the applicant must provide the following buffers:
 - i) 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.
 - ii) 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.
 - iii) 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.
 - iv) 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 or structures 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 9 pm seven days a week. These hours do not include waste removal, deliveries or service to the facility, which may occur outside the hours of operation.

- 7) The parking lot will be available for use the same hours as the mobile vending park, 7am to 9pm seven days a week. Overnight camping or sleeping in vehicles is prohibited.
- 8) Amplified live music and/or amplified live entertainment is only permitted within the main park support structure provided the structure is fully roofed with three enclosing walls until 8 pm. Amplified live music and/or amplified live 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. If the Town through the code compliance/enforcement process determines sound to be in violation coming from the site, the owner/operator may lose the ability to have amplified live music and/or live amplified entertainment (per the agreed upon OCP). See condition #29.
- 9) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Control Ordinance, Article II, Chapter 14 as it may be amended time to time
- 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 main park support structure or as a stand-alone structure on-site. Access to the "comfort station" will only be during the same hours of operation (7am-9pm) for the mobile vending park. Water service to the exterior showers and foot washing stations must be shut off and all restroom access locked to the public outside of the hours of operation.
- 11) Per Deviation #5, the Applicant may utilize a stabilized gravel/lime rock/crushed shell parking surface. If that option is chosen, the Applicant is required 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. The exercising of portable generators associated with mobile vendors for regular maintenance is prohibited on-site.
- 17) All mobile vendors and park facilities must comply with FEMA regulations. No temporary storage containers are permitted or other non-compliant structures. All mobile vendors will be required to evacuate the property and the site secured when evacuation orders are issued by Lee County Emergency Management or the Town of Fort Myers Beach. The removal of vendor vehicles and securing the site is the responsibility of the property owner. Vendors may not return until authorized by the Town and 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.
- 28) A trip generation study must be provided at the time of the development order approval to evaluate that the proposed development does not further impact the surrounding transportation network than what was approved under the 2008 Traffic Impact Statement. Additionally, the applicant should consider a “Right Turn Only” direction sign at the parking lot egress point to direct customers back to Estero Boulevard.

The Applicant must prepare an Operational Compliance Plan (OCP) to be approved by the Town Manager or designee at the time of development order approval. This plan shall include the requirement to provide a quarterly compliance report submitted by the Property Owner/Management for review by Town Staff and, as needed, to meet with Town Staff to ensure compliance with the CPD conditions and applicable code for the first 2 years of operation.



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

Town council

HEARING DATE: March 3, 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 approval, 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.
 - 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 or structures 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 9 pm seven days a week. These hours do not include waste removal, deliveries or service to the facility, which may occur outside the hours of operation.
- 7) The parking lot will be available for use the same hours as the mobile vending park, 7am to 9pm seven days a week. Camping or sleeping in vehicles is prohibited.
- 8) Amplified live music and/or amplified live entertainment is only permitted within the main park support structure provided the structure is fully roofed with three enclosing walls until 8 pm. Amplified live music and/or amplified live 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. If the Town through the code compliance/enforcement process determines sound to be in violation coming from the site, the owner/operator may lose the ability to have amplified live music and/or live amplified entertainment (per the agreed upon OCP). See condition #29.
- 9) All sound generated on-site will be in compliance with the Fort Myers Beach Noise Control 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

main park support structure or as a stand-alone structure on-site. Access to the “comfort station” will only be during the same hours of operation (7am-9pm) for the mobile vending park. Water service to the exterior showers and foot washing stations must be shut off and all restroom access locked to the public outside of the hours of operation.

- 11) Per Deviation #5, the applicant may utilize a stabilized gravel/lime rock/crushed shell parking surface. If that option is chosen, the applicant is required 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. The exercising of portable generators associated with mobile vendors for regular maintenance is prohibited on-site.
- 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 and the site secured when evacuation orders are issued by Lee County Emergency Management or the Town of Fort Myers Beach. The removal of vendor vehicles and securing the site is the responsibility of the property owner. Vendors may not return until authorized by the Town and 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.
- 28) A trip generation study must be provided at the time of the development order approval to evaluate that the proposed development does not further impact the surrounding transportation network than what was approved under the 2008 Traffic Impact Statement. Additionally, the applicant should consider a “Right Turn Only” direction sign at the parking lot egress point to direct customers back to Estero Boulevard.
- 29) The Applicant must prepare an Operational Compliance Plan (OCP) to be approved by the Town Manager or designee at the time of development order approval. This plan shall include the requirement to provide a quarterly compliance report submitted by the Property Owner/Management for review by Town Staff and, as needed, to meet with Town Staff to ensure compliance with the CPD conditions and applicable code for the first 2 years of operation.

V. 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

DRAINAGE/UTILITY EASEMENT

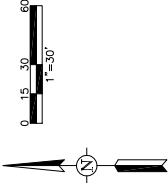
D.U.E.	WOOD POWER POLE
RR	GUY ANCHOR WITH CABLE
WPP	OVERHEAD POWER
GUY	MAIL BOX
CHP	LIGHT POLE
MIKX	CATCH BASIN
LP	CONCRETE
CB	MONUMENT
CONC	
MON	

23154 BOUND.DWG

SURVEYOR	DGM
DRAWING BY:	DGM
APPROVED BY:	CAPE CORAL
DATE	10/24/2023

BOUNDARY SURVEY

PROJECT:	19-46-24-W3-01204-0100 2300 ESTERO BLVD. LOTS 11, 12 & PART 13 SEAGRAPE SUBDIVISION	19-46-24-W3-01204-013A 2443 COTTAGE AVE. PART LOT 13 SEAGRAPE SUBDIVISION	19-46-24-W3-01202-000 2510 ESTERO BLVD LOT 2, BLAKE'S SUBDIVISION	19-46-24-W3-01301-0000 2518 ESTERO BLVD. LOT 1, BLAKE'S SUBDIVISION
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LEGAL DESCRIPTION:

LOTS 10-15, SEAGRAPE SUBDIVISION (PLAT BOOK 4, PAGE 17) AND LOTS 1 & 2, BLAKES SUBDIVISION (PLAT BOOK 4, PAGE 40), ALL INFORMATION FROM THE OFFICIAL RECORDS OFFICE OF THE CLERK OF INDIAN COUNTRY 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 66-76-425 AND 66-76-427 HAVING NAD8390 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 (NAD 83). ELEVATIONS ARE BASED UPON THE TRIMBLE 460C GPS WITH AN INERTIAL SYSTEM (GPS) CONTROL NETWORK.

THE 145 PARCELS IN THE FLOOD ZONES ARE BASED ON FEMA FLOOD INSURANCE RATE MAP PANEL, 102010569G, DATED NOVEMBER 1, 2002. FLOOD ZONE LINES SHOWN HEREON WERE SCALPED FROM THE INDICATED F.F.M. MAP PANEL.

BOUNDARY NOTATIONS SHOWN HEREON ARE BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTIONS OF THE PUBLIC RECORD WAS PERFORMED IN THIS SURVEY. THERE MAY BE OTHER SETBACKS AND ENCUMBRANCES NOT SHOWN TO THIS SURVEY.

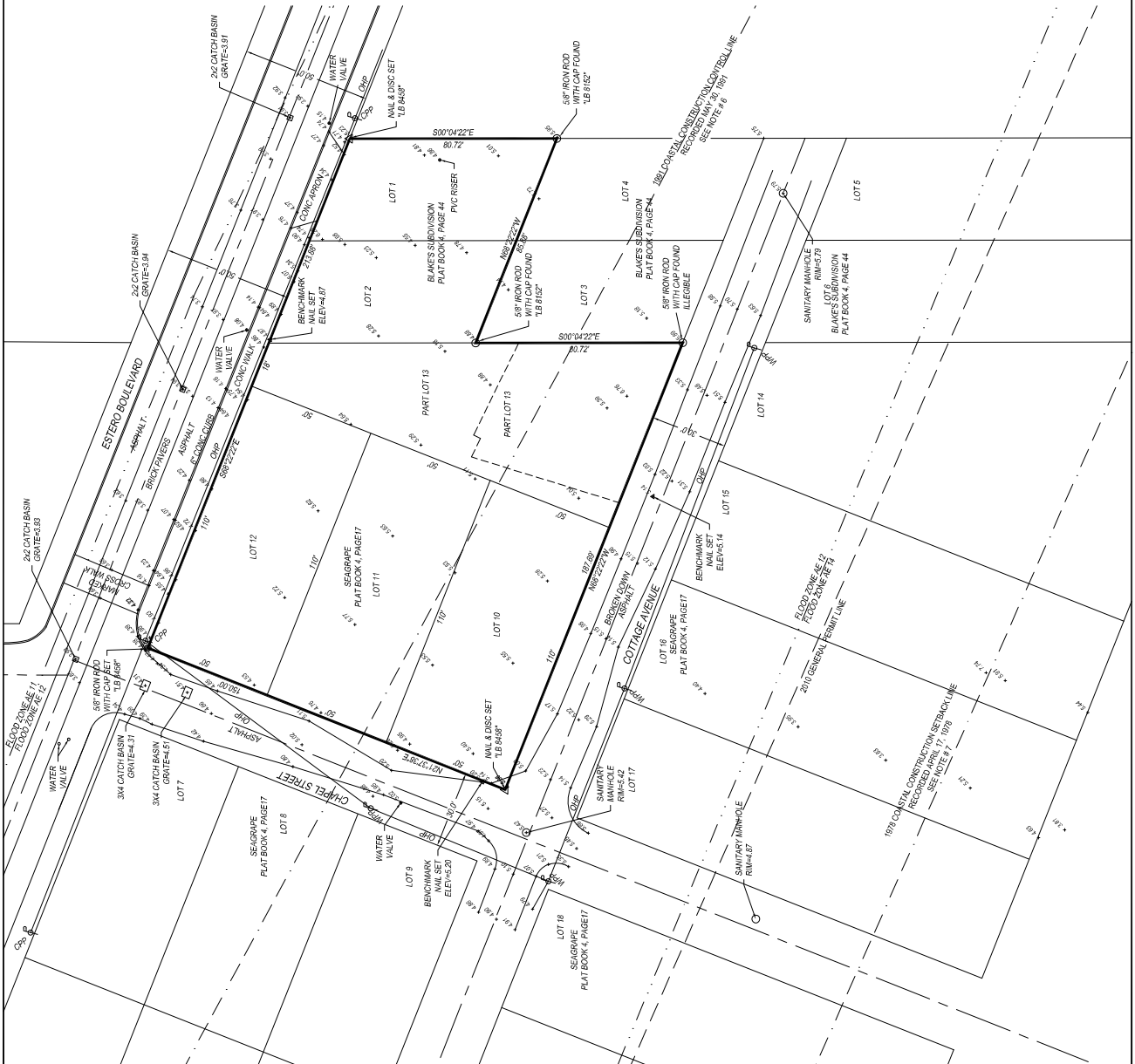
- THE 1991 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN PLAT BOOK 48, PAGE 33, AND FILED IN OFFICIAL RECORDS BOOK 2224, PAGES 1010 THROUGH 1041 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ON MAY 30, 1991.

- THE 1978 COASTAL CONSTRUCTION SETBACK LINE SHOWN HEREIN IS AS RECORDED BY ORDINANCE 71-63 RECORDED APRIL 17, 1978 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

- MEAN FRESH WATER ELEVATION OF 0.26 (NAVD 1988) IS BASED ON A DETERMINATION OF THE FLORIDA DEPARTMENT OF

- THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES, ENVIRONMENTAL AGENCY.

- THIS PARCEL CONTAINS 0.091 ACRES, OR 30,118 SQ. FT. MORE OR LESS.



INHERITING TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HERON DISCHARGED LAIDS 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

CERTIFIED TO:
EMPLOYEE HOLDING CORPORATION



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

2500 Estero Blvd. Property Location Map



March 8, 2024

HospitalLocations

Library Locations

School Locations

CCC_Parks

Air Photos: 2023 Hi-Res (3 inch)

County Boundary

Major Roads Medium

I - 75

US 41

Other Highways

Other Roads

Parcels Near

0

75

150

300 ft

0

20

40

80 m

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

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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:

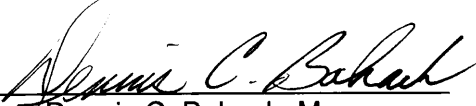
1. The requested rezoning to the Commercial Planned Development (CPD) zoning district, as conditioned **DOES** comply with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests: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

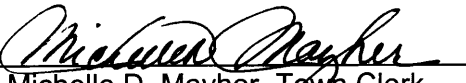
DULY PASSED AND ADOPTED THIS 13TH DAY OF AUGUST, 2007, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

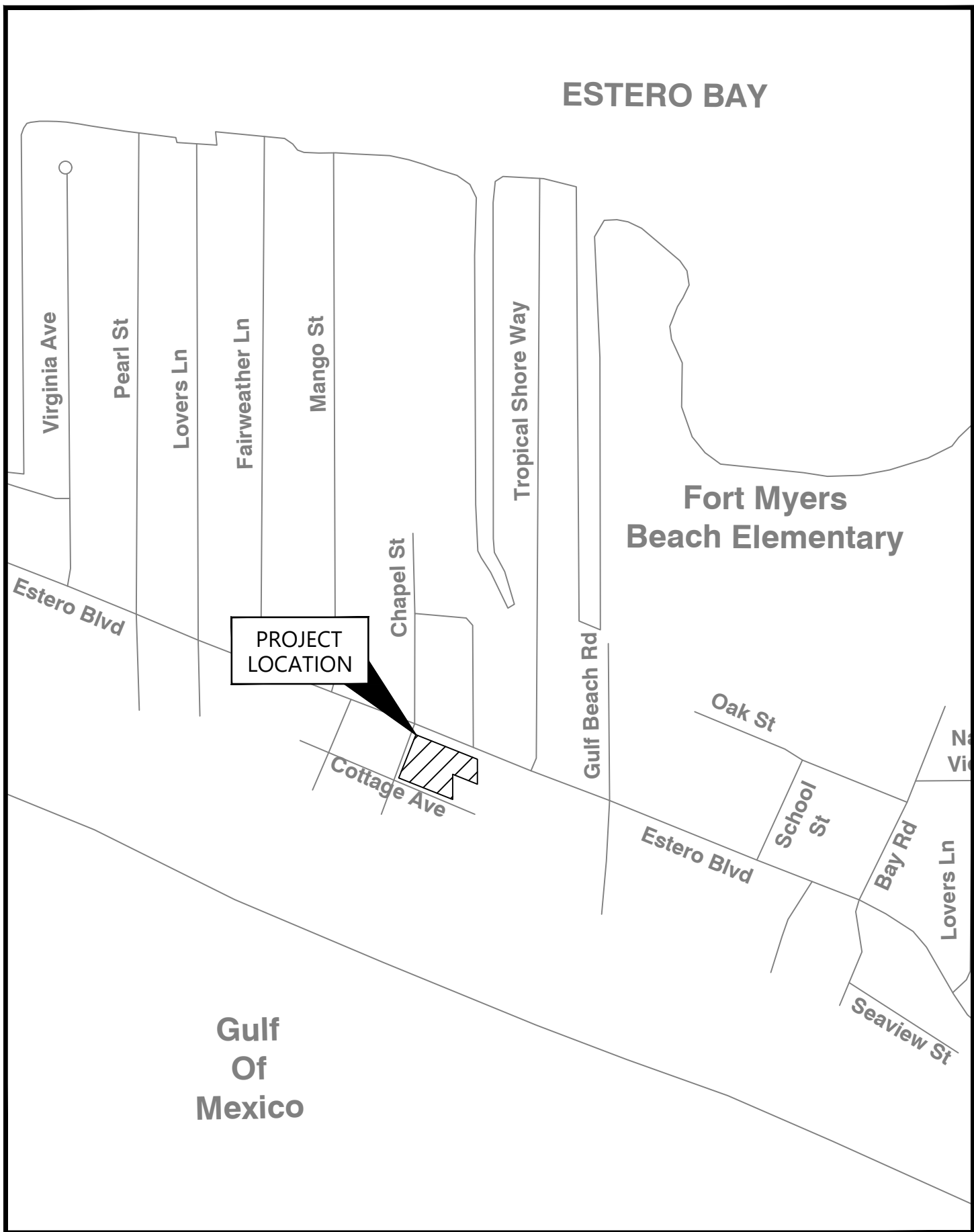
By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle D. Mayher, Town Clerk

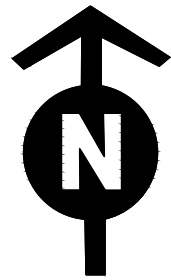
MASTER CONCEPT PLAN FOR

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



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

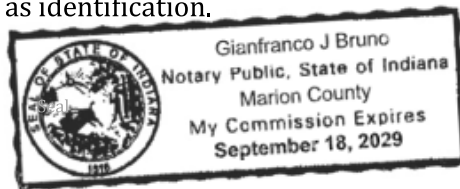
Title

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.



Notary Public Signature #NP0647625

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]

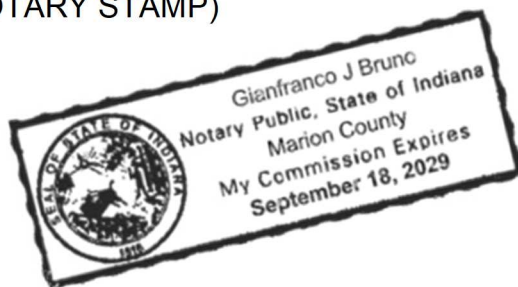
Print Name: James R Hotka

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 asking 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.

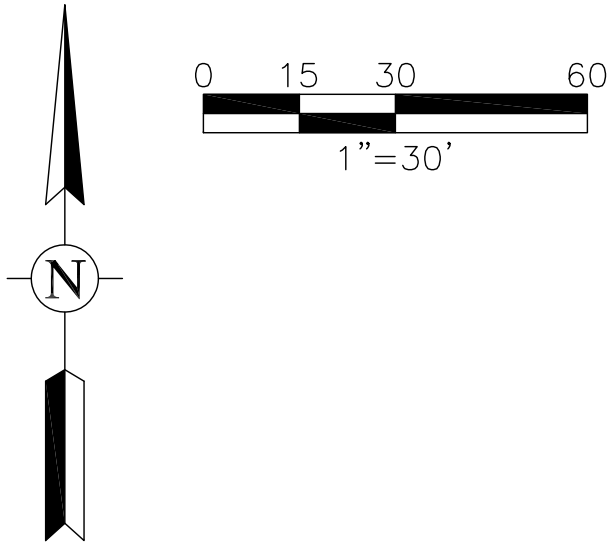
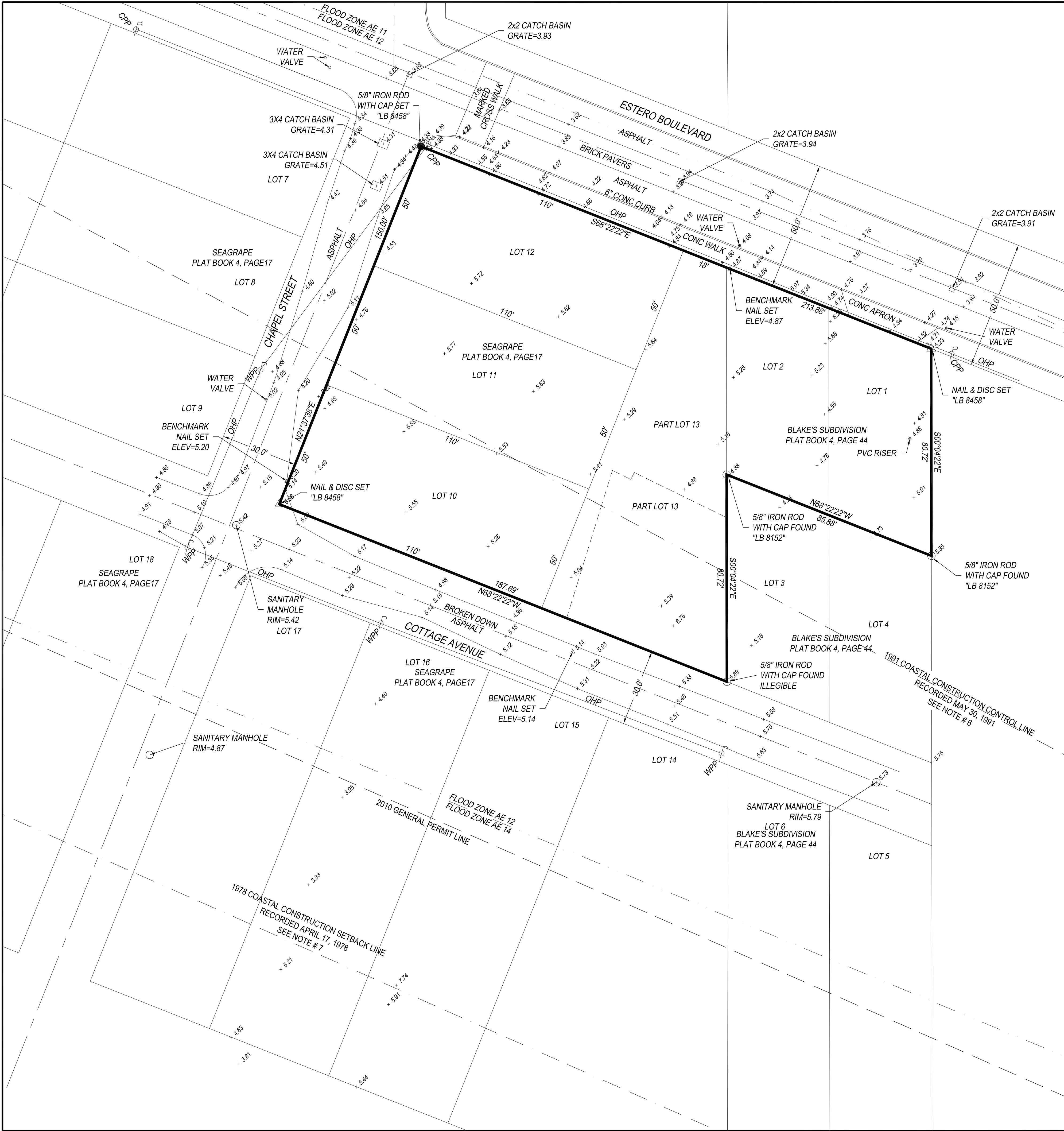
Due to the justifications provided above, we respectfully request waivers from LDC Sec. 10-473 and LDC Sec. 10-286 which require a Listed Species Survey and a Traffic Impact Statement to accompany the CPD Amendment application.



**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

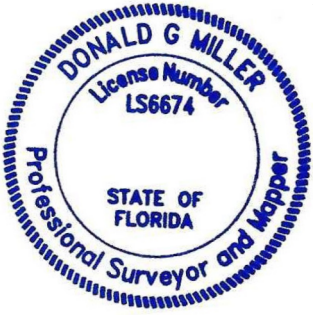
EMPIRE HOLDING CORPORATION
FORT MYERS BEACH, FLORIDA
BOUNDARY SURVEY

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
CS	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



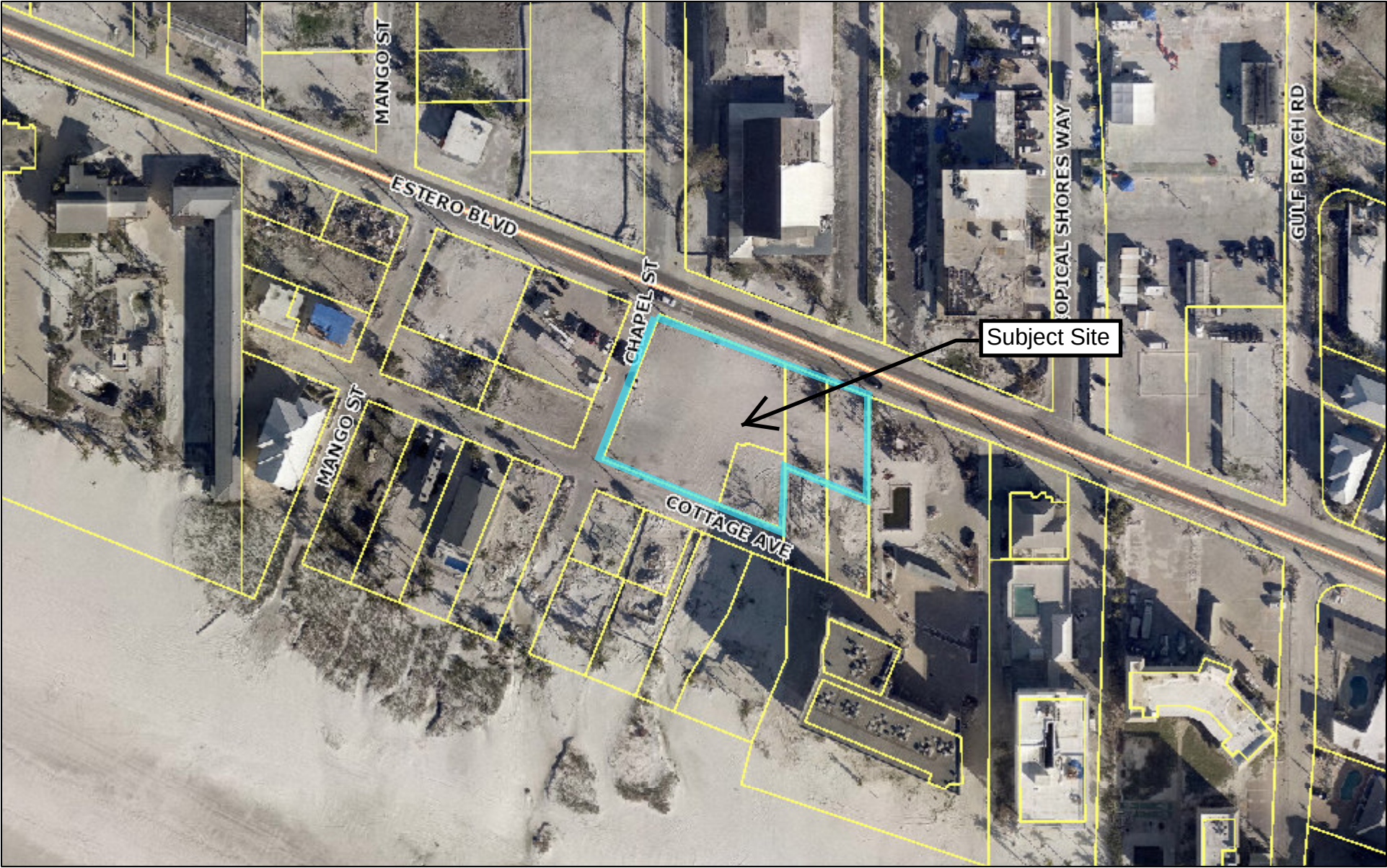
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HEREON DESCRIBED LANDS IS A TRUE REPRESENTATION OF THE FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 53-17 OF THE FLORIDA ADMINISTRATIVE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

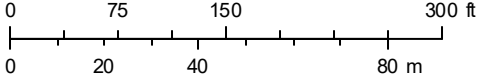


March 8, 2024

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 | 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 MULDOWNY FAMILY LLC +	CJ KENTNER	5667 N CL MYERS DR		BYRON	IL	61010	
19-46-24-W3-0200A.0410	RAMEY STEVEN L & NANCY K		1634 DORRELL CT		GREENWOOD	IN	46143	
19-46-24-W3-0200A.0420	LTE 6020 LLC		2024 OAKRIDGE ST		SAINT PAUL	MN	55119	
19-46-24-W3-0200A.0430	HV DESIGNS LLC		2592 INDIAN WELLS TRL		XENIA	OH	45385	
19-46-24-W3-0200A.0440	MANNING DEBORAH A TR		2580 ESTERO BLVD #44		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0450	ZECHINATI JAMES &		924 WESTCHESTER WAY		RICHMOND	KY	40475	
19-46-24-W3-0200A.0510	SCHRAEDER CHARLES H TR		2580 ESTERO BLVD #51		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200A.0520	CAPPARIS PROPERTIES LLC		1500 COLONIAL BLVD #200		FORT MYERS	FL	33907	
19-46-24-W3-0200A.0530	KOOP ROBERT N & SHARON L		1137 ELMWOOD LN		ELK GROVE VILLAGE	IL	60007	
19-46-24-W3-0200A.0540	AREND DAVID L & JOANNA L		15759 ROAD 138		PAULDING	OH	45879	
19-46-24-W3-0200A.0550	HIGHLAND MANOR APARTMENTS LLC		818 LAUREN DR		VILLA HILLS	KY	41017	
19-46-24-W3-0200B.1010	GULFWAY 101 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
19-46-24-W3-0200B.1020	GULFWAY 102 LLC		23884 SANCTUARY LAKES CT		BONITA SPRINGS	FL	34134	
19-46-24-W3-0200B.1030	WOLFE CHARLES G & PAMELA M		401 MONOCACY DR		BATH	PA	18014	
19-46-24-W3-0200B.1040	GARNETT RODNEY S & ALTHEA N		7377 N COUNTY ROAD 550 E		PITTSBORO	IN	46167	
19-46-24-W3-0200B.1050	ESTERO BEACH CLUB CONDO ASSN		2580 ESTERO BLVD OFC		FORT MYERS BEACH	FL	33931	
19-46-24-W3-0200B.2010	YEAGER JOHN A & M ELAINE		4923 STONEHAVEN DR		COLUMBUS	OH	43220	

19-46-24-W3-0200B.2020	ESTERO FMB RENTAL LLC	2580 ESTERO BLVD #44	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.2030	SEASHORE PROPERTIES LLC	20280 BURNSIDE PL UNIT 1202	ESTERO	FL	33928
19-46-24-W3-0200B.2040	FLORIDA WRIGHT ENTERPRISES LLC	10100 CYPRESS COVE DR UNIT 354	FORT MYERS	FL	33908
19-46-24-W3-0200B.2050	ALEXANDER MICHAEL B TR	9667 WINDGATE DR	BLOOMINGTON	IL	61705
19-46-24-W3-0200B.3010	NORRIS MARK A & SUSAN K	3155 E STRATER RD	KENDALLVILLE	IN	46755
19-46-24-W3-0200B.3020	CHESNUT STEVEN WAYNE &	6701 IDLEWILD ST	FORT MYERS	FL	33966
19-46-24-W3-0200B.3030	MEYER LAURELEE M	2580 ESTERO BLVD #303	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.3040	TUBBS THOMAS A TR	2580 ESTERO BLVD #304	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.3050	ROMBERG TINA RUIZ &	2580 ESTERO BLVD #305	FORT MYERS BEACH	FL	33931
19-46-24-W3-0200B.4010	HEUCK DAVID & MICHELLE	14690 FAIR HAVEN RD	FORT MYERS	FL	33908
19-46-24-W3-0200B.4020	DELBERT G CLARK TRUST +	29785 KESTRAL LANE ST	SAINT JOSEPH	MN	56374
19-46-24-W3-0200B.4030	EBC 403 LLC	1922 MADISON ST	MADISON	WI	53711
19-46-24-W3-0200B.4040	CONKLIN KERRY P TR	12956 ROCKY POINTE ROAD	MC CORDSVILLE	IN	46055
19-46-24-W3-0200B.4050	ALLEN RICHARD JOHN	532 E POLK RD	ITHACA	MI	48847
19-46-24-W3-0200B.5010	MORRISON STEVEN L &	9207 175TH ST W	ILLINOIS CITY	IL	61259
19-46-24-W3-0200B.5020	COMBS JILL A GRAVEL &	14 OAKRIDGE CIR	WARE	MA	1082
19-46-24-W3-0200B.5030	EBC 503 LLC	1922 MADISON ST	MADISON	WI	53711
19-46-24-W3-0200B.5040	MELLEMA GARY & LARI ANN	11 HAYES CT	TROPHY CLUB	TX	76262
19-46-24-W3-0200B.5050	WRIGHT AARON DAVID LEE &	20280 BURNSIDE PL #1202	ESTERO	FL	33928
19-46-24-W3-02401.0080	WHITE ANN A	1831 ARDMORE RD	FORT MYERS	FL	33901
19-46-24-W3-02401.00C0	GAFFNEY JOSEPH J & MARGARET	4914 WEST CHESTER PIKE	NEWTOWN SQUARE	PA	19073
19-46-24-W3-02401.00D0	EVANS JOHN ROBERT JR	10715 FINTAN CT	MOKENA	IL	60448
19-46-24-W3-02402.00A0	SCHRAM JULIE TR	566 SUNSET DR	SOUTH SIOUX CITY	NE	68776
19-46-24-W3-02402.00B0	TOWNSEND THOMAS & AMY	13000 W BETHEL AVE	YORKTOWN	IN	47396
19-46-24-W3-02402.00C0	TOWNSEND AMY E & THOMAS A	13000 W BETHEL AVE	YORKTOWN	IN	47396
19-46-24-W3-02402.00D0	ISLAND HOUSE 2D LLC	1015 W JACKSON ST	MUNCIE	IN	47305
19-46-24-W3-02402.00E0	BLAKE JANICE	7253 PARK LANE	CLAY	MI	48001
19-46-24-W3-02403.00A0	MONKS ROBERT C	1073 FAIR BIRCH DR	MISSISSAUGA	ON	L5H 1M4 CANADA
19-46-24-W3-02403.00B0	KROULADIS JOHN J SR &	2560 ESTERO BLVD #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	



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

[illegible]

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

[illegible]



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

[illegible]

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

[illegible]

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

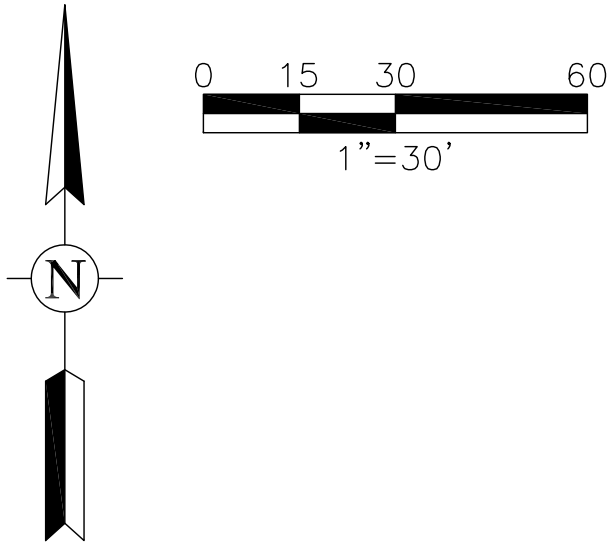
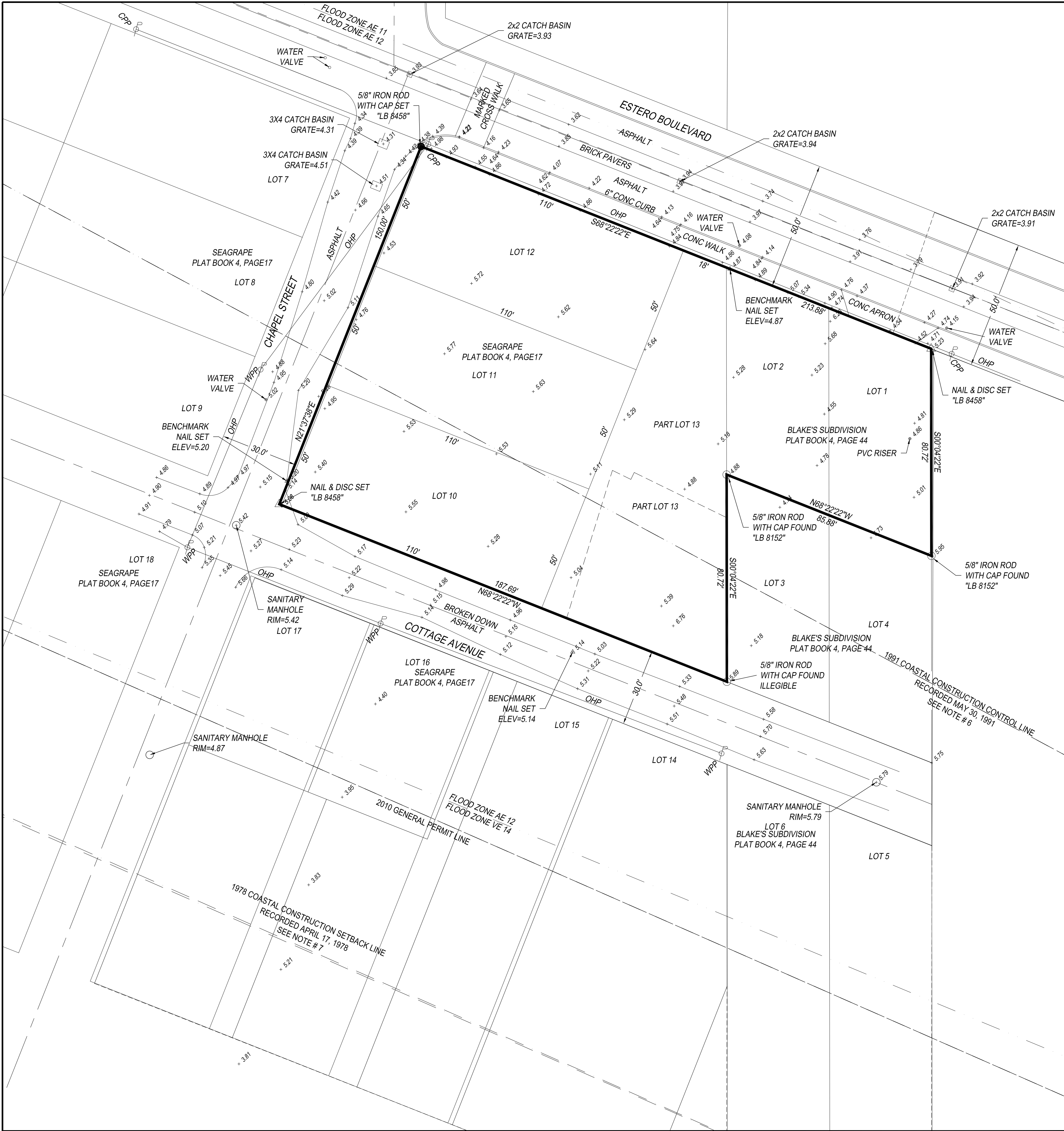
Kenrick Gallander, AICP Vice President, Partner

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

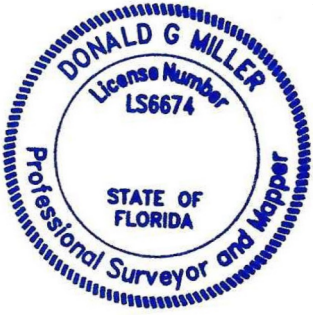
PROJECT:

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



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

CERTIFIED TO:
EMPIRE HOLDING CORPORATION

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

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

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

NARRATIVE

BACKGROUND & REQUEST

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



Figure 1. Location Map



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

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

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

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

PROPOSED USE/DEVELOPMENT

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

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



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

SCHEDULE OF USES:

RESIDENTIAL:

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

LODGING:

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

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

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

CIVIC:

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

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)



DEVELOPMENT STANDARDS:

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

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

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

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

MINIMUM SETBACKS:

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

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

MAXIMUM INTENSITY AND DENSITY:

TO REMAIN CONSISTENT WITH RESOLUTION 07-28.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

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

Site Design

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



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

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

The development will provide improved pads for the mobile vendors/transient merchants with power and water/sewer hookups surrounding an outdoor seating/entertainment and recreation area. As indicated on MCP Opt. B, a permanent support structure will also be located on the eastern border of the site, the outdoor Consumption on Premises (COP) area will generally include the mobile vendor/transient merchant area and will extend from the eastern CPD boundary, south of the Estero Boulevard property line, west to the eastern parking lot boundary and south to the rear of the dumpster enclosure/parking lot. Adjacent to the Estero Boulevard sidewalk between the mobile vendor/transient merchant entrance and the parking lot, there will be an outdoor seating area for park patrons. The proposed pedestrian connection extends from the Estero Boulevard sidewalk between the eastern portion of the parking lot and the mobile vendor/transient merchant locations leading south to the southern parking lot. The permanent support structure will be a maximum of 1,500 square feet and will include a public "comfort station" consisting of restrooms, a foot wash/shower, water fountain as well as office space, storage, and beverage service with bar counter seating. The "comfort station" is intended to be available to the customers of the park and the beach-going public using the parking lot.

The proposed hours of operation for the mobile vendor/transient merchants and outdoor seating area will be 7am to 10 pm seven days a week. Any outdoor entertainment will be permitted until 9:00 pm and located within the centralized seating/entertainment/recreation area as depicted on the proposed MCP – Opt. B. These restrictions along with the location of the permanent structure, significant buffers, enhanced landscape plantings, and opaque fence will help to minimize sound carrying over to the surrounding properties. The type of entertainment proposed will be mainly limited to solo and duo acts that would complement this family-oriented venue.

Vehicular and Pedestrian access

The site design outlined on MCP – Opt. B provides a direct pedestrian connection from the Estero Boulevard sidewalk to the commercial parking lot and the mobile vendor/transient merchant park entrance. The primary vehicular access to the site is from Chapel Street, while the mobile vendors/transient merchants will access the site from a restricted and controlled existing access on Estero Boulevard. Pedestrians will be able to access the park directly from the sidewalk along Estero Boulevard and along the edge of the parking lot. The parking lot configuration will allow two-way traffic through a 22' drive aisle, allowing traffic to move freely in a logical two-way circulation pattern and to provide safe ingress and egress movements from Chapel Street. The public parking lot is a short and convenient walk just north of the public beach access #26 on Chapel Street. The site will also provide bicycle parking on the northern border of the site near Estero Boulevard.



Buffers and Screening

There are 10' wide buffers along the south property line abutting Cottage Avenue, the west property line along Chapel Street, and a portion of the northern property line along Estero Boulevard. A combination of a minimum 10' wide and 5' wide buffer with enhanced landscaping is proposed along the eastern property line. Along with the proposed eastern side buffer and enhanced landscaping, the proposed permanent support structure will provide additional park separation/buffering from the adjacent property. A minimum 10' wide buffer with a 6' high opaque fence is proposed along the south/southeastern property lines adjacent to the vacant RM zoned land. The proposed buffers will provide aesthetically pleasing views, with appropriately placed, ample plantings beyond what is required, while ensuring compatibility with the adjoining properties. Resolution 07-28, provides the following existing buffer conditions. The applicant is proposing the following amendments (Strikethrough & Underline) to these existing conditions applicable to MCP - Option B:

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

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

Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.

Along the southeast property lines that depicts a 6-foot-high opaque fence, with a 3-foot-high hedge planted in double staggered rows to be planted on the outside of the fence. Option B: Along the southeast property lines a minimum 10 foot wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.

Along Cottage Avenue, (the south property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row.

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



Surrounding Uses

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

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Boulevard	Institutional	Estero Blvd. ROW, Vacant (prior place of worship)
SOUTH	Boulevard	Residential Multifamily	Cottage Ave. ROW, Vacant (prior single-family)
EAST	Boulevard	Residential Multifamily	Pool Amenity Area and Parking Lot
WEST	Boulevard	Commercial Boulevard & Residential Multifamily	Chapel St. ROW, Food Truck (prior Restaurant & office) and vacant (prior single-family)

Compatibility

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

The development standards, proposed buffers and screening, location of the vendors, and permanent structure, as well as connecting to existing services ensures compatibility with adjacent uses and are appropriate for property located in the Boulevard Future Land Use Category District. The existing public beach access #26 location on Chapel Street and the commercial parking lot create a reciprocal relationship which provides additional spaces for the public and access to the beach. The addition of the restrooms will also be a benefit to the public and island visitors using the parking area to access the public beach access. The mobile vendors/transient merchants will provide alternative locations for eating, shopping and outdoor entertainment to include items such as outdoor seating, corn hole, volleyball, etc. Access to parking, eating establishments, and entertainment are all components of a vibrant successful community, the addition of the proposed uses for this site supports the island during its recovery and are compatible with the approved uses within this area of the island.



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

A. COMPREHENSIVE PLAN AMENDMENTS

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

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



Figure 3. Proposed FLUM category

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



B. PHASING OF CONSTRUCTION

The development will be constructed in a single phase.

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C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

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

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

The vision for Estero Boulevard to be an interesting, safe area for the public to walk along is supported through this proposed amendment and subsequent project. The redevelopment design features characteristics such as enhanced landscaping that will include properly placed shade trees, shrubs and ground cover as well as bicycle parking along Estero Boulevard. Additionally, pedestrian connectivity from Estero Boulevard is provided and outdoor shaded seating is located to be within a few feet of the sidewalk along the eastern portion of the site along Estero Boulevard. These elements contribute to the safe walkability and engagement of the public realm along Estero Boulevard. The mobile vending park is a unique, interesting, and inviting venue that will draw the walking, biking, or driving public along Estero Boulevard in to eat, shop and enjoy some family entertainment.

These enhancements create a development easily accessible and safe for pedestrians, while adding interest and improving the character of Estero Boulevard for residents and visitors, thus supporting the “Estero Blvd” vision as described in Objective 1-A and Policy 1-A-1 of the Fort Myers Beach Comprehensive Plan.

POLICY 1-A-3 In commercial and mixed-use areas, the town shall identify specific portions of Estero Boulevard where changes in land development regulations could work towards a more coherent “framing” of the Boulevard. New regulations should accomplish the following design goals over time through infill and redevelopment:

- i. bringing buildings closer to the sidewalk
- ii. encouraging or requiring compatible means of meeting the mandatory flood elevation requirements (for example; using dry-floodproofing techniques, or designs such as the old hardware store which is built close to the street with outside steps up, but with added steps up inside to reach the flood elevation);
- iii. locating most parking to the rear of buildings, limiting curb cuts, and promoting shared parking areas;
- iv. facilitating pedestrian and bicycle access and contributing to the interconnectedness of the circulation system;
- v. adopting design guidelines that encourage architecture and urbanism along Estero Boulevard that contributes to the human scale and “beach cottage character”



The mobile vendor/transient merchant park is located along the eastern portion of the project adjacent to Estero Boulevard. The project promotes the activation of the public realm and the creation of an active and inviting environment along Estero Boulevard through a design that brings outdoor seating and shade elements toward the front and draws people then into the development to the main seating, entertainment, and recreation area that is surrounded by the mobile vendors. The design provides a distinct node consisting of a pedestrian connection into the park and bicycle parking area, helping to further encourage the traveling public to walk and bike throughout the town.

The unique configuration of the overall property, limiting the primary access point off Chapel Street and adhering to the vision of the mobile vending park results in locating the parking area to the western portion of the site. It is the intent of the town to encourage and locate “most” of parking to the rear of site as stated under Policy 1-A-3. However, not all projects can function or be designed strictly to these desired standards. Through this rezoning amendment to the existing CPD, the design provides for a significant buffer along Estero Boulevard. This buffer will be designed and consist of an extensive number of plantings beyond the requirements for a Type D buffer. This element of the project will create a lush and natural vegetated environment to help further frame the pedestrian and public realm along Estero Boulevard. The parking area orientation not only helps to serve the mobile vending park but also gives the public options to park and access the town’s public beach access point along Chapel Street. (Beach Access #26) located just 255 feet south of the development.

Through the elements and design as well as the flexibility under CPD amendment process, the proposed redevelopment and design of this site contributes toward achieving the goals as outlined in Policy 1-A-3.

FUTURE LAND USE ELEMENT:

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

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

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

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



the pedestrian-oriented public realm.

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

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

The project site is located within the Boulevard FLUC, and as stated in Policy 4-B-5, commercial activities must be sensitive to nearby residential uses, complement any adjoining commercial uses, and contribute to the pedestrian-oriented public realm. The MCP – Option B proposes to provide improvements to the public realm along Estero Boulevard through enhanced and appropriately placed and selected landscaped buffers that further soften the view into the parking area as well as promote interest and seeks to add an impressive natural element along the corridor. The project provides clearly defined pedestrian connectivity from the existing sidewalk along Estero Boulevard into the project and adds vehicle and bike parking opportunities for the public to walk to the beach via access #26. The proposed commercial mobile vending park with the various food and miscellaneous retail items will add a unique but complementary element to the other commercial uses coming back to the surrounding area. The project features design concepts such as appropriate use of building location, buffering to ensure proper separation from adjoining properties, incorporating enhanced plantings, opaque fencing, appropriate infrastructure (utility hookups) and orientation of the park amenities away from the perimeter all help to ensure the project does not negatively impact and is sensitive to the surrounding uses. Overall, the project has been designed to be considerate of the nearby residences, complementary to the adjoining commercial uses and to contribute to the pedestrian-oriented public realm along Estero Boulevard to ensure consistency with Policy 4-B-5.



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

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

The CPD amendment is consistent with this policy as it is following the planned development application process to accomplish the needed flexibility in the design and layout of the project. The existing mixed-use development uses based on the schedule of uses is still applicable and was found to be compatible and complementary to the surrounding area. The proposed mobile vending park use that would be allowed under the amendment will also be sensitive to the surrounding area. Through the site design that directs the most intense activities toward Estero Boulevard and interior to the site away from surrounding properties, the provision of enhanced landscaping throughout the project, appropriate buffering, and opaque fence, the project is sensitive to nearby residential uses, complements adjoining existing and future commercial uses and contributes to the public realm to ensure compliance with Policy 4-C-3 of the Comprehensive Plan.

COASTAL MANAGEMENT ELEMENT:

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

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

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

TRANSPORTATION ELEMENT

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



POLICY 7-D-3 ALTERNATE TRAVEL MODES

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

POLICY 7-F-1 ENCOURAGE SHARED PARKING LOTS:

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

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

UTILITIES ELEMENT

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

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

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



D. DESIGN STANDARDS COMPLIANCE

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

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DECISION-MAKING COMPLIANCE

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

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

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

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

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

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

(4) The testimony of any applicant.

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

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

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

(6) The testimony of the public.

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

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

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



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

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

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

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

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

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

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

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

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

The existing CPD approval, which is to remain in effect in conjunction with the proposed uses outlined in the application and MCP – Opt. B, allows for a maximum of 9,952 square feet of commercial and office space as well as three residential units. The request for five (5) mobile vending pads with an outdoor seating/entertainment/recreation area is less intensive than the previously approved uses. As such, there will not be any further burden placed upon the existing transportation network or services and facilities.

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

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

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



rights-of-way. Compatibility is discussed throughout the enclosed Narrative.

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

CONCLUSION:

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



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

SECTION F: SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

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

(PRIOR APPROVED AND TO REMAIN)

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

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



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

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

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

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

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



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

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

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

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

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



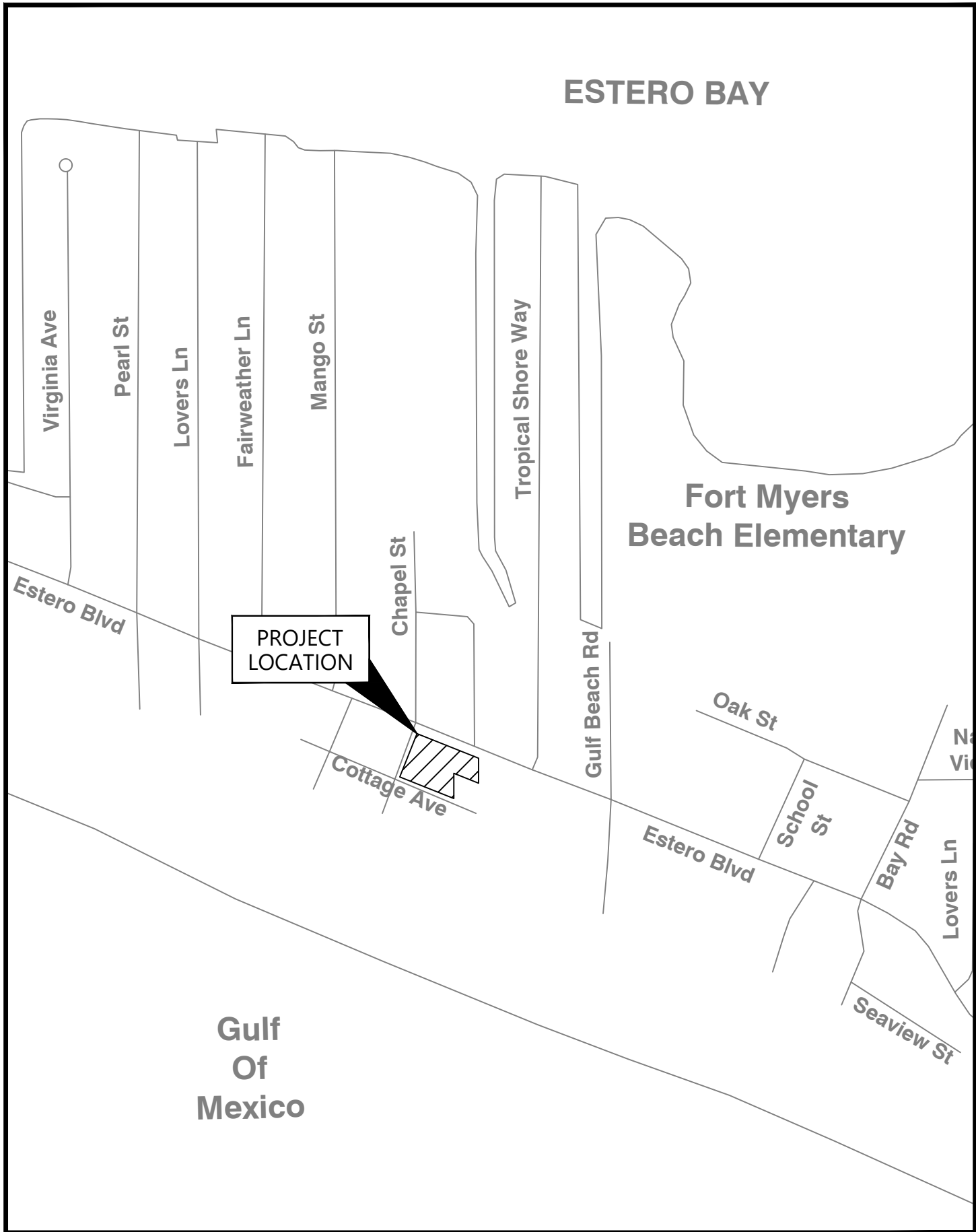
DEVIATION #6 seeks relief from LDC Section 10-416(d)(2) Table 10-8, which requires a 15-foot-wide Type D buffer when the proposed parking and vehicle use area abuts a right-of-way or road easement to allow for a minimum 10-foot-wide buffer.

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

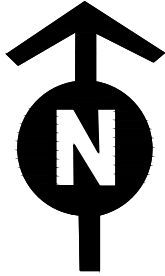
MASTER CONCEPT PLAN FOR

2500 ESTERO CPD

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



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

PREPARED BY:



5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

EMPIRE HOLDING CORPORATION

6104 E. 21ST STREET
INDIANAPOLIS, IN 46219

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1	COVER SHEET	
2	MASTER CONCEPT PLAN	
3	NOTES	
DATE:	PROJECT No.:	SHEET No.:
December, 2024	230035.01.01	1 OF 3



2500 EST



2500 ESTERO BLVD















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

Supplemental Parking Analysis

The Town of Fort Myers Beach Land Development Code (LDC) does not currently address parking standards for a mobile vendor/transient merchant park use. Research was conducted to analyze mobile vendor/transient merchant parks parking requirements within southwest Florida jurisdictions (City of Bonita Springs, City of Cape Coral, and City of Fort Myers). The following information is presented to support the parking calculation we have determined to be appropriate for a mobile vending park at this location.

1) City of Bonita Springs

a) LDC Sec. 4-2159 Mobile Food Vendor Park (6)

Parking will be provided at three spaces per mobile food vendor, plus one additional parking space per 15 seats.

2) City of Cape Coral

a) Section 5.11.16.C.8. **A minimum of three parking spaces shall be provided per vending space plus one additional parking space per 15 seats.** Additional parking spaces for on-site accessory uses such as bars or restaurants are required per LDC Article 6, as amended.

3) City of Fort Myers

a) LDC Sec. 118.3.5.F.7.B.8. **A minimum of three parking spaces per food truck** is required unless located in downtown or midtown where it can be demonstrated that enough public parking and on-street parking is available within a quarter mile walking distance to the food truck park. A shared parking agreement may also be entered with nearby uses subject to approval by the community development director. The director is authorized to approve an alternative number of parking spaces based upon a parking demand study submitted by the applicant.



Based on the above research, the proposed parking requirement for a mobile vending park is to allow a minimum of three parking spaces per mobile vendor/transient merchant and one additional parking space per 15 seats. The proposed development is for 5 mobile vendor/transient merchant spaces, park support structure, and a maximum of 60 seats for patrons.

2500 ESTERO BOULEVARD CPD AMENDMENT Vehicle Parking Calculations	
Requirements	Spaces
3 spaces per mobile vendor/transient merchant Five (5) mobile vendor/transient merchants	15
1 parking space per 15 seats Seventy-five (75) seats (Includes outdoor tables and beverage service counter seating)	5
Proposed Park Support Structure (Max. 1500 SF):	
• Office Area (2 spaces/1,000 SF): 150+/- SF	3.3
• Storage Area: 400+/- SF	N/A
• Restrooms: 120+/- SF	N/A
• Beverage Service Area Supporting Mobile Vendors (8 spaces/1,000 SF): 400+/- SF service area plus and counter seating	3.2
SubTotal Number of Parking Spaces Required	26.5
Parking Reduction: 1 space eliminated per 4 bicycle spaces provided. 4 bicycle spaces provided	(1)
TOTAL Number of Parking Spaces Required	25.5 (26)
TOTAL Number of Parking Spaces Provided	45



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

CONDITIONS AND COMMITMENTS (DRAFT)

Existing Conditions from Resolution #07-28 to remain or as amended (Strikethrough and Underlined):

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

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

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

a. Schedule of Uses

RESIDENTIAL:

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

LODGING:

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

OFFICE:

- ADMINISTRATIVE OFFICES

COMMERCIAL:

- RETAIL:
 - RETAIL STORE, SMALL (LESS THAN 5,000 SQUARE FEET)



- FOOD SERVICE/RESTAURANT/ BAR
- MOBILE VENDOR/TRANSIENT MERCHANTS WITH OUTDOOR SEATING, ENTERTAINMENT, RECREATION AREAS AS INDICATED ON THE MASTER CONCEPT PLAN - OPTION B
- OUTDOOR SERVICE AND CONSUMPTION ON PREMISES WITHIN THE DESIGNATED AREA AS INDICATED ON MASTER CONCEPT PLAN – OPTION B
- COMMERCIAL PARKING LOT (MASTER CONCEPT PLAN – OPTION B ONLY)

CIVIC:

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

CULTURAL FACILITIES (BY ADMINISTRATIVE APPROVAL)

b. **Site Development Regulations**

Minimum Lot Size: ~~23,067.00± Square Feet or 0.52± acres~~ 30,099.96 Square Feet or 0.691± acres

Minimum Lot Width: ~~160± feet~~ 213± feet along Estero Boulevard

Minimum Lot Depth: 150± feet along Chapel Street

Minimum Lot Width: ~~119± feet~~ 187± feet along Cottage Street

Minimum Setbacks:

Street: 5 feet (Estero Boulevard)
 10 feet (Chapel Street)
 10 feet (Cottage Street)

Side: 5 feet

Floor Area Ratio (FAR): 1.0

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

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

- Along Chapel Street (the west property line), a 10-foot-wide buffer with a minimum of 4 trees per 100 linear feet (6 trees) and a 3-foot-high hedge planted in a double staggered row.
- Along the east property line that extends from Estero Boulevard for a distance of 100± feet, a 5-foot-wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3-foot-high hedge planted in a double staggered row. Option B: Along the east property line that extends from Estero Boulevard to the proposed structure (30±), a minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3-foot-high hedge planted in a double staggered row. From and along the proposed structure (45±), a minimum 5-foot-wide buffer with a minimum of 10 trees per 100 linear feet.



- Along the southeast property lines that depicts a 6-foot-high wall, a 3 foot high hedge planted in a double staggered row to be planted on the outside of the wall. Option B: Along the southeast property lines a minimum 10 foot wide buffer with 6 foot high opaque fence with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row planted on the outside of the fence.
 - Along Cottage Avenue,(the south property line), a 10 foot wide buffer with a minimum of 4 trees per 100 linear feet (4 trees) and a 3 foot high hedge planted in a double staggered row to be planted in between the driveways to the residential units. Option B: A minimum 10-foot-wide buffer with a minimum of 8 trees per 100 linear feet and a 3 foot high hedge planted in a double staggered row.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
 5. The local development order must be in compliance with ~~LDC Section 14-71 through 14-79~~ all applicable federal, state, and local regulations regarding sea turtle and outdoor lighting.
 6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan ("Plan").
 7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by the conditions and deviations approved as part of this planned development.
 8. Prior to local development order approval, the construction plans must indicate that pervious pavement and exfiltration will be incorporated throughout the project to maximize the overall stormwater management capacity.
 9. Prior to local development order approval, the project developer will partner with the Town to coordinate survey, site preparation, and infrastructure improvements for the project with the Town's plans for work in the adjacent public rights-of-way.

**Proposed Commitments/Conditions DRAFT - PROPOSED LANGUAGE LIKELY TO BE AMENDED
BASED ON LEGAL REVIEW**

1. Mobile vendors or impacted/displaced businesses that were legally operating within the Town prior to Hurricanes Ian, Helene, or Milton and now operating as mobile vending business legally within the town will be given "first right of refusal" or priority for locating or re-locating to the mobile vending park.
2. A minimum of five (5) mobile vending pads shall be provided within the mobile vending park. Any additional mobile vending pads shall require town approval.



3. All mobile vendors shall be required to connect to onsite utilities. Generator use is only allowed when electrical service is disrupted or temporarily non-available due to designated disaster related events.
4. All mobile vendors will be associated with either food or merchandise. There shall be no cannabis or smoke/vape related merchandise vendors allowed.
5. All mobile vendors will be required to evacuate the property when evacuation orders are issued by Lee County Emergency Management.
6. Consumption on premises will be limited to beer and wine only.
7. All sound generated on-site will be in compliance with the Fort Myers Beach Noise Ordinance, Article II, Chapter 14.
8. Amplified music or entertainment is permitted outdoors until 9 pm and only within the designated entertainment area(s) indicated on the Option B Master Concept Plan. Outdoor entertainment or music will be restricted to only solo and duo performers. No bands (3 or more performers) or drums/percussion unless approved through the town's special event permitting process.
9. Access to and from the property via the Estero Boulevard access point will not be allowed during typical peak season traffic times, which are 8 am – 11 am and 4 pm – 7 pm.
10. Hours of operation:
 - a. Mobile Vending Park hours will be open to the public from 7 am until 10 pm.
 - b. Parking lot will be available for use 24 hours a day, 7 days a week.
11. A publicly accessible "comfort station" consisting of restrooms, outdoor shower/foot rinse, hand washing and water fountain will be integrated within the proposed park support structure.



**2500 ESTERO BOULEVARD
COMMERCIAL PLANNED DEVELOPMENT (CPD)
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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

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

TIME: 9 AM

DATE: LPA 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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Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

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

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

Town of Fort Myers Beach
2731 Oak St,
Fort Myers Beach, FL 33931

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

«OwnerName»
«MailAddress»
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Business Impact Estimate

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

Proposed ordinance's title/reference:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING 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.

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

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

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

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

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

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

The proposed ordinance is to allow an amendment to a commercial planned development proposed by the owner of the property.

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

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

There are unlikely to be direct compliance costs associated with the ordinance.

The ordinance does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

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

One property owner will be impacted by this proposed ordinance.

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

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

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 18, 2025

VIA E-MAIL ONLY: allersd@fmbgov.com

Mayor Dan Allers
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 Mayor Allers:

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 Town Council hearing on March 03, 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 submitted by clients following the February 11 LPA hearing;
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 Town Council hearing on March 03, 2025;
7. Media File links- A document containing working links to drone fly-overs of the proposed site and their proximity to abutting property owners, as well as a video showing the impact of live music emanating from food trucks at more than 180 feet of distance; and
8. A draft version of the conditions list based on the Local Planning Agency's ("LPA") comments during discussion at the February 11, 2025 LPA hearing.

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

Mayor Dan Allers
February 18, 2025
Page 3

before and discussion by the LPA on January 9, 2025, we respectfully urge 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

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)

Nancy Ann M. Stuparich, Esquire, Vose Law Firm LLP, Town Attorney (via e-mail only w/encl: nstuparich@voselaw.com)

Noel Davies, Applicant's Attorney (via e-mail only w/encl.: noel.davies@daviesduke.com)

Karen Woodson, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: karenwoodson@fmb.gov)

Scott Safford, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: scottsafford@fmb.gov)

John R. King, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: johnking@fmb.gov)

Vice Mayor Jim Atterholt, Town of Fort Myers Beach Council (via e-mail only w/encl.: AtterholtJ@fmbgov.com)

Mayor Dan Allers, Town of Fort Myers Beach (via e-mail only w/encl.: allersd@fmbgov.com)

Katie O. Berkey, Esquire, AICP, Becker & Poliakoff

ENCLOSURE 1

Expert Planning Report prepared by Max Forgey, AICP, Forgey Planning, dated February 3, 2025, and Mr. Forgey's CV

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Local Planning Agency
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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
236 SE 45th Street
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

ENCLOSURE 2

Expert Traffic Report prepared by Mohsen Salehi, AICP, ITE(F), Corbel Design Consulting
Services, dated February 4, 2025, and Mr. Salehi's CV

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Local Planning Agency
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Fort Myers Beach, FL 33931
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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.

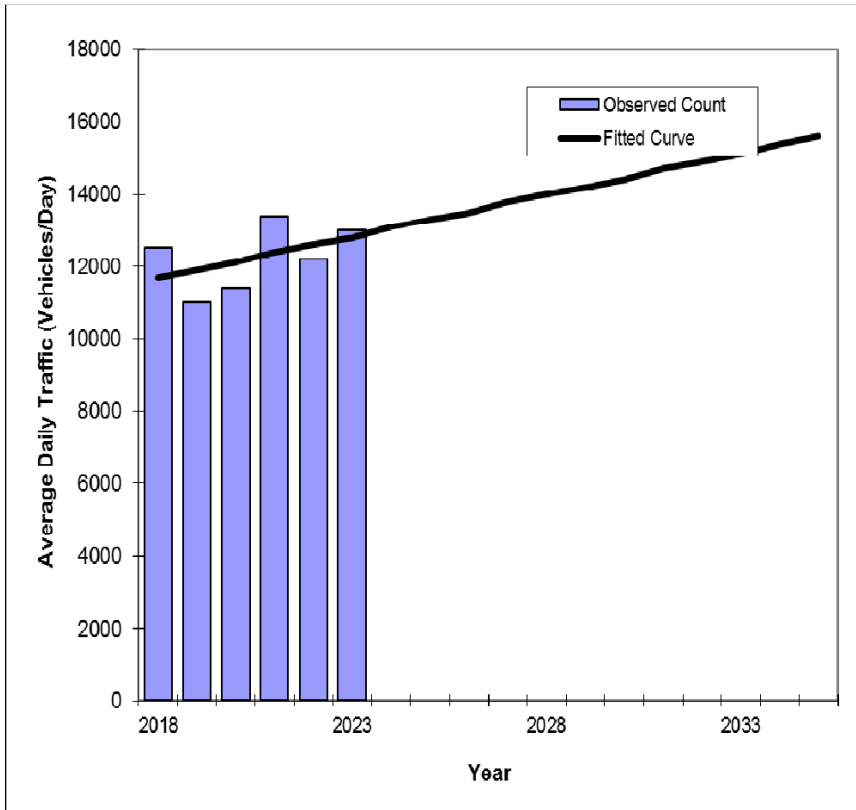
Policy 7-J-2 Traffic Impact Analyses

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.

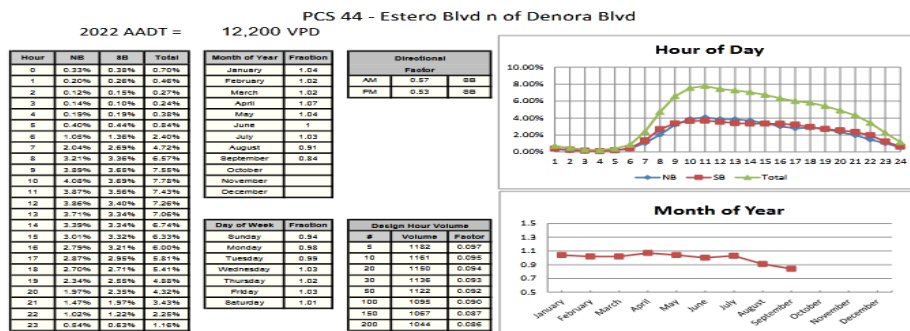


Chapel St /Beach Access 26 Context

- 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>

ENCLOSURE 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



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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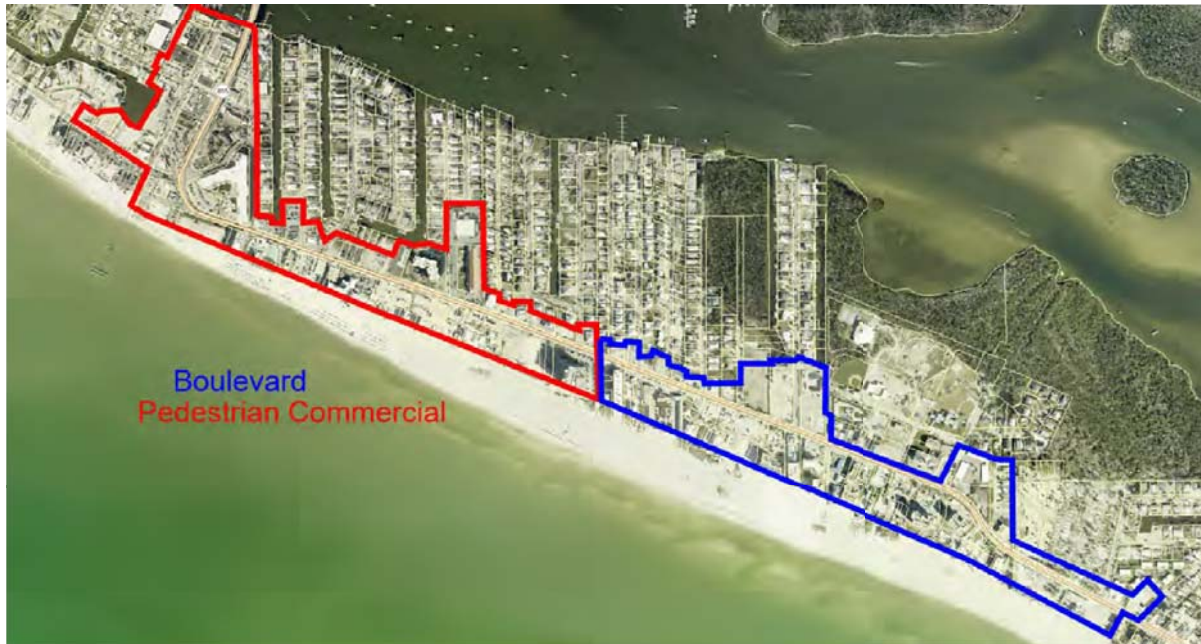


SEC. I: INTRODUCTION

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.



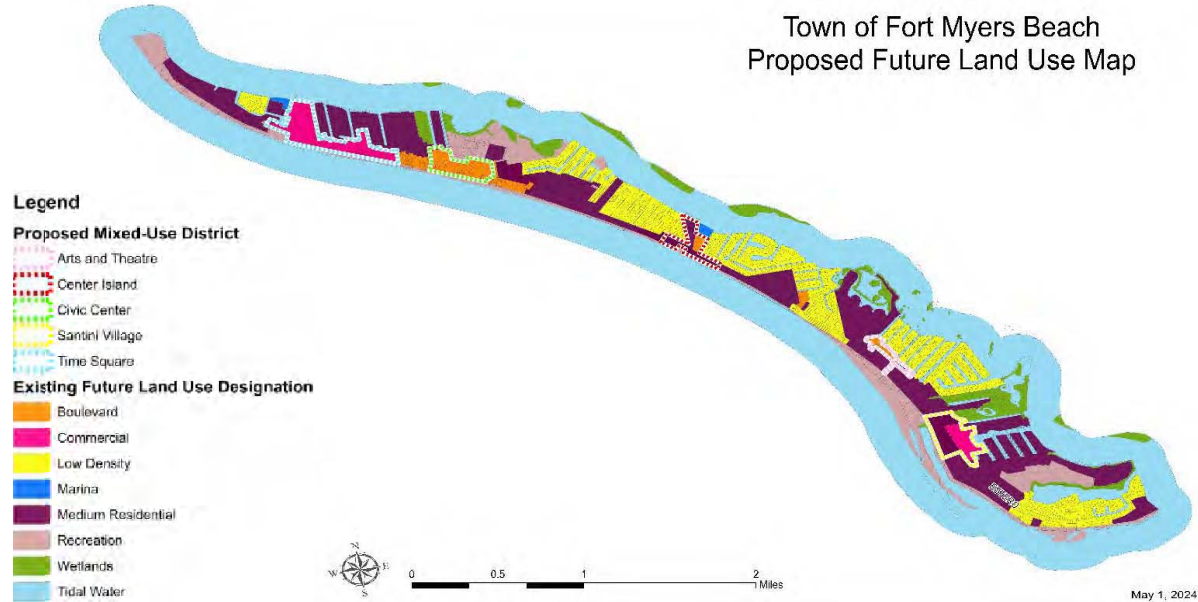
SEC. II: NEIGHBORHOOD CHARACTERISTICS



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



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 & 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



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 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



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



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.	Cadie 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. 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



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 of 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 of 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 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



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.



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.



ENCLOSURE 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





ENCLOSURE 5

Minimum Requested Mitigations/Conditions

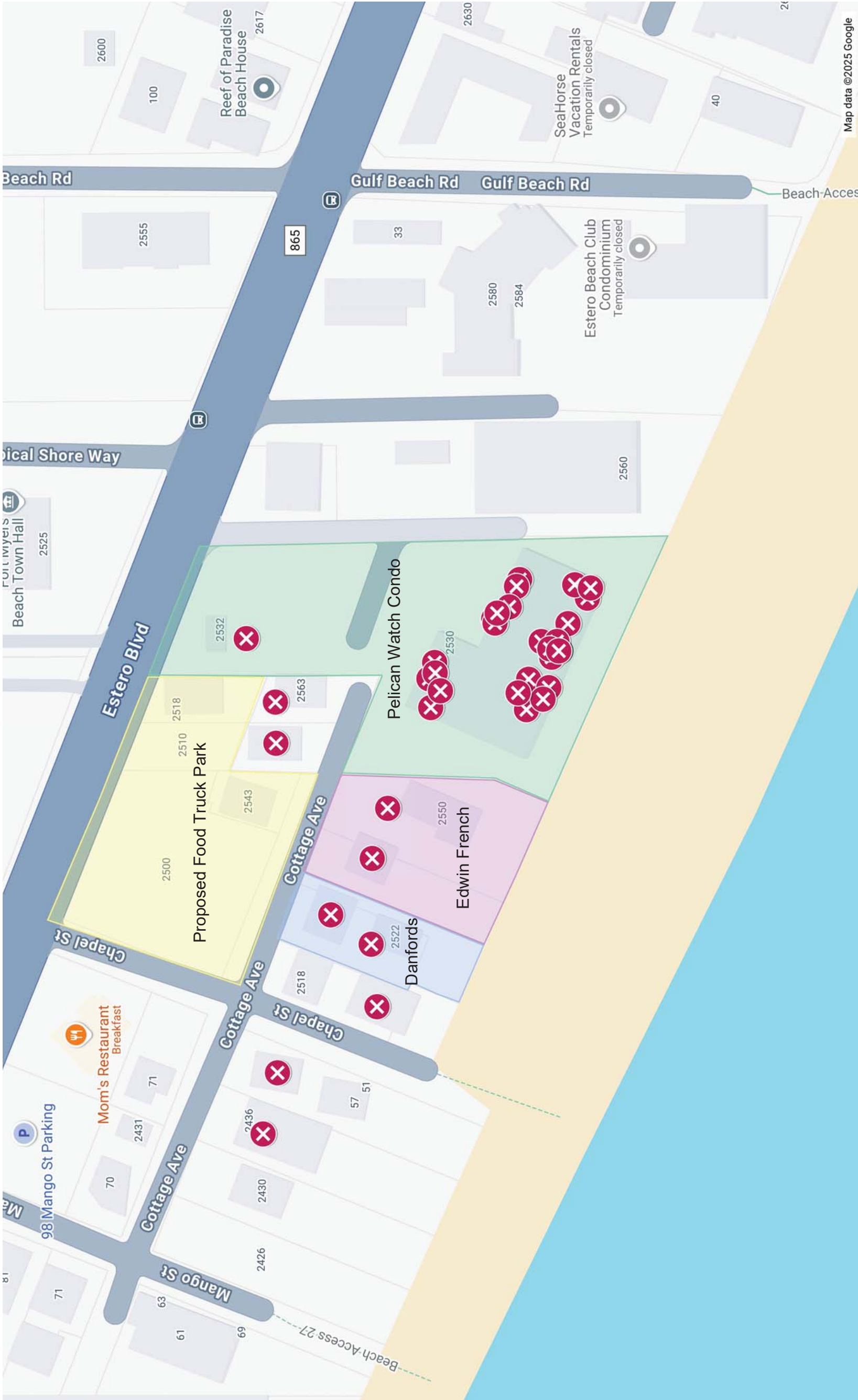
Requested Additional Mitigations/Conditions

- Turn island at exit to parking lot to force right hand turn, plus related signage
- Music on 2 days per week, between 2-8 pm, and only for 3 hours per day. Ambient music limited to 60 decibals, per restaurant national guidance. No music from individual food trucks.
- No special event exceptions and no live music exceptions that deviates from the above standards
- Along Cottage, make the barrier two ropes/chains high or put a 4-5 ft high fence in place
- Provide funding to allow Pelican Watch to build a security gate entrance at Cottage
- Parking area to be built using pavers (local aesthetics), neighborhood look and feel
- A traffic impact study should be required
- A cross walk and/or traffic light for pedestrian safety – If to be pedestrian and biker friendly, there should be a safer way to cross the street at the intersection
- City or applicant to provide proper street signage for beach access, illegal parking, dead ends, etc.

ENCLOSURE 6

AMENDED TO INCLUDE LETTERS SUBMITTED AFTER LPA Hearing
February 11, 2025. With Resident's Locations map and links to Videos and photos.

Empire Holding / Food Truck Park Opposition Letter Map Rev. 2-9-25

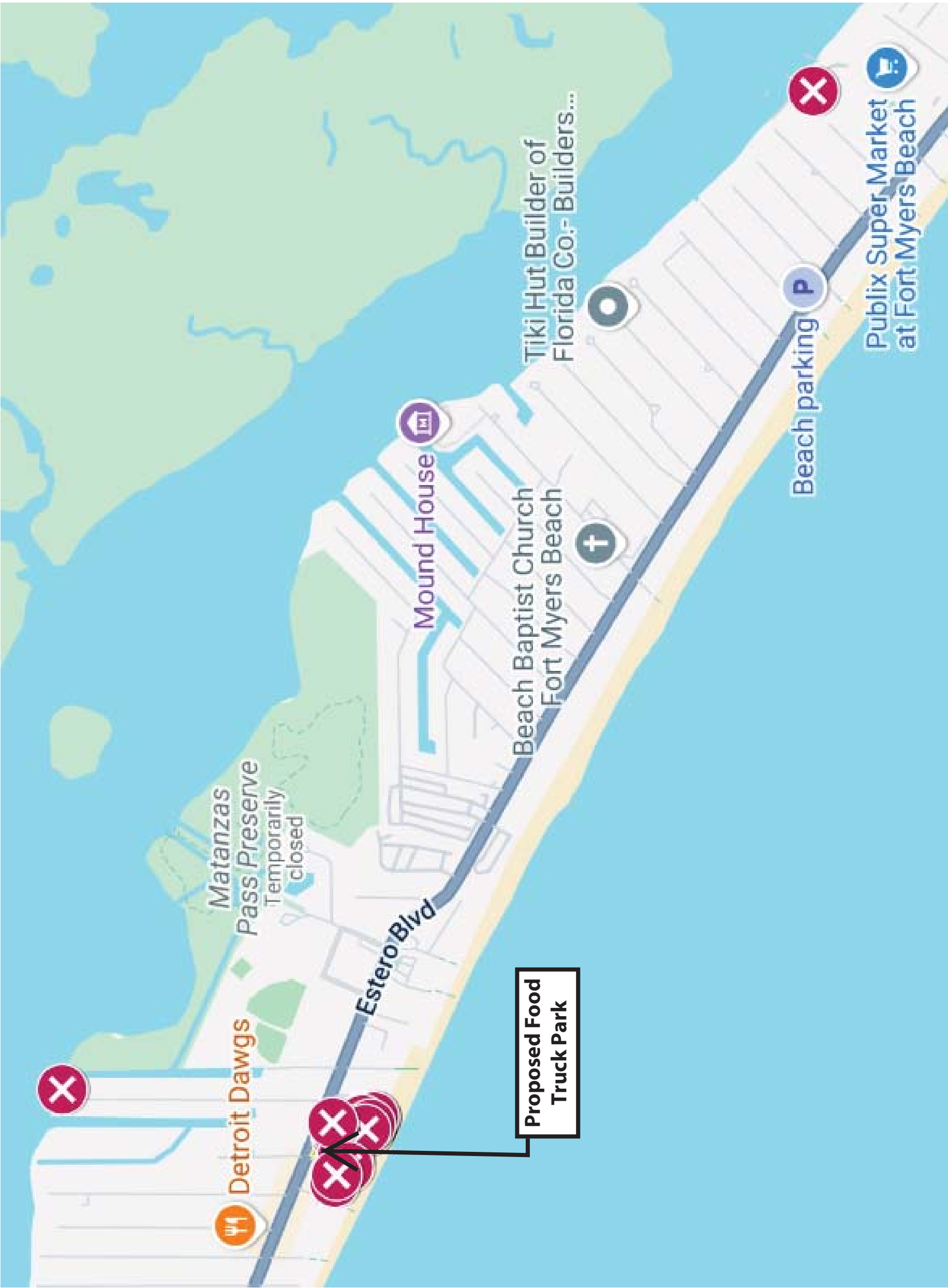


- Untitled layer
- 📍 Empire Holding Corp - CPD Amendments
 - ✖ David and Monica Tezak, 2440 Cottage Ave
 - ✖ Helen Tezak, 50 Chapel St
 - ✖ Pelican Watch Condominium, 2530 and 2532 Estero Blvd
 - 🏡 Pelican Watch Condominium Property
 - ✖ Vince and Sue Todd, Pelican Partners, 2532 Estero Blvd #606
 - ✖ Patrick G. and Carolyn M. McKeown, 2532 Estero Blvd #605
 - ✖ Richard Robshaw, 2532 Estero Blvd #608
 - ✖ Randy Briesath, 2532 Estero Blvd #203
 - ✖ Gary Fields, 2532 Estero Blvd #601
 - ✖ 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 Siefiring, 2532 Estero Blvd # 307
- ✕ Jerry and Darlene Weaver, 2532 Estero Blvd #106
- ✕ Kevin Minor, 2532 Estero Blvd #105
- 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
- Mr. and Mrs. Derek O'Loughlin, 2553 Cottage Ave
- Jan Krause, 2532 Estero Blvd #204



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

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 owners request. They know not what they do or want.

Vince Todd
Belgian Watch
2532 Estero Blvd. # 606
Fort Myers Beach, FL 33931

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.

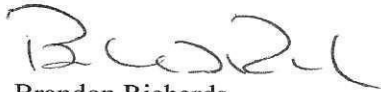
Additionally, one LPA member stated that his reason for a yes vote was because he thought a commercial mobile vendor food truck park and parking lot would benefit the surrounding residential neighbors. This opinion contradicts an objective and unbiased professional / expert appraiser's opinion hired 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,

A handwritten signature in black ink, appearing to read "Brandon Richards", written in a cursive style.

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.

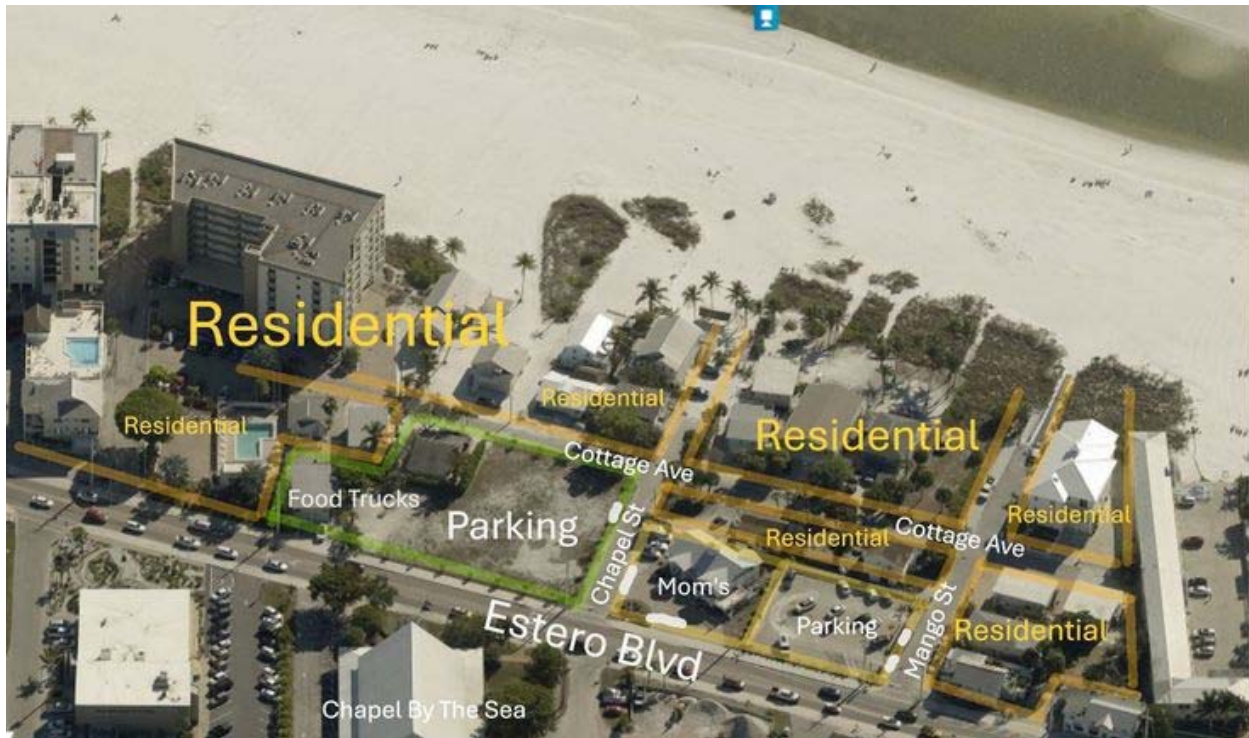
I appreciate you reading what I've written here and on the Pinterest Board linked above.

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.

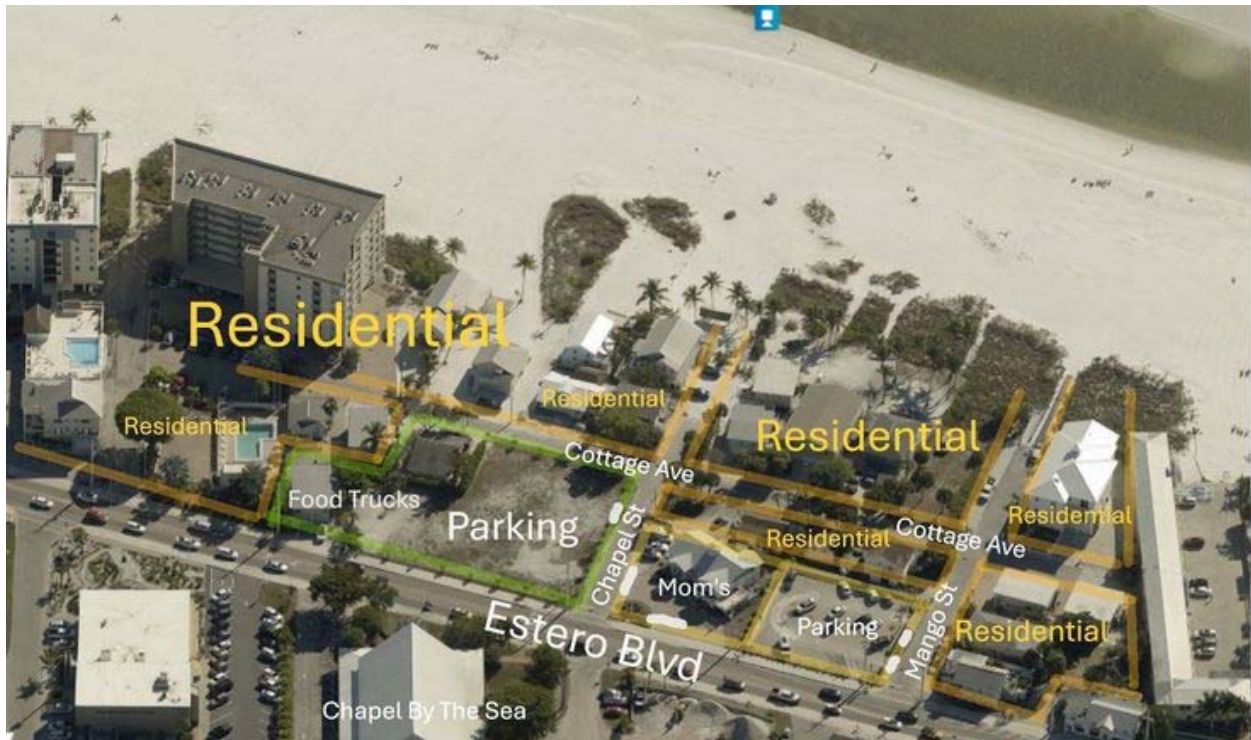


Single speaker is loud even this far away!

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.

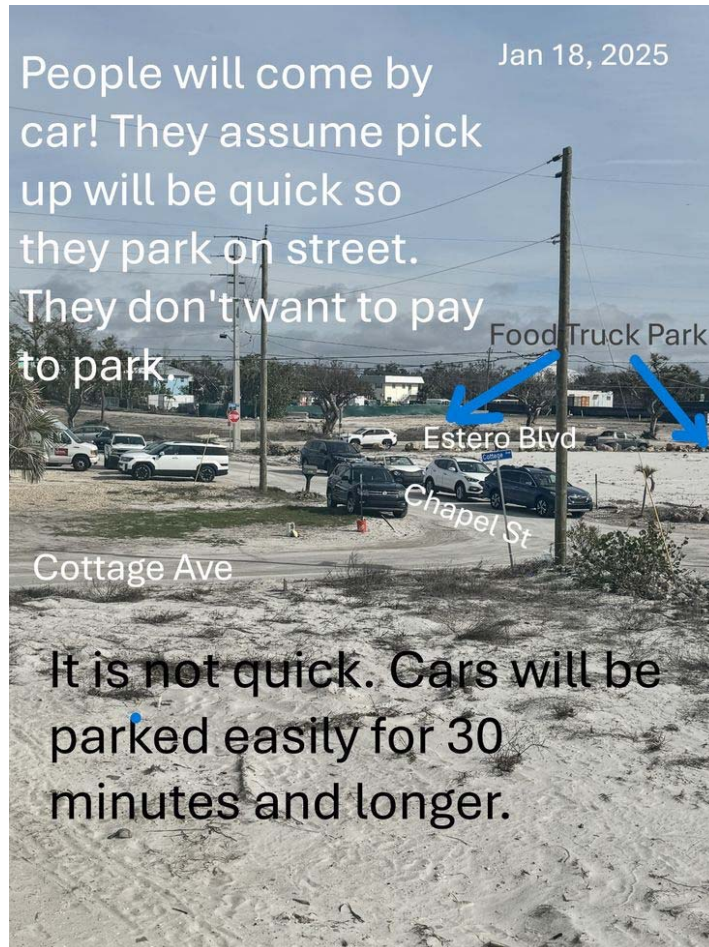
Again, a permanent structure could strategically place speaker pointed so that just those on premises hear it. This won't be possible with an outdoor system. (My cell phone recording did not do justice to what I was actually hearing when making this video. It's more disruptive in person.)



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.



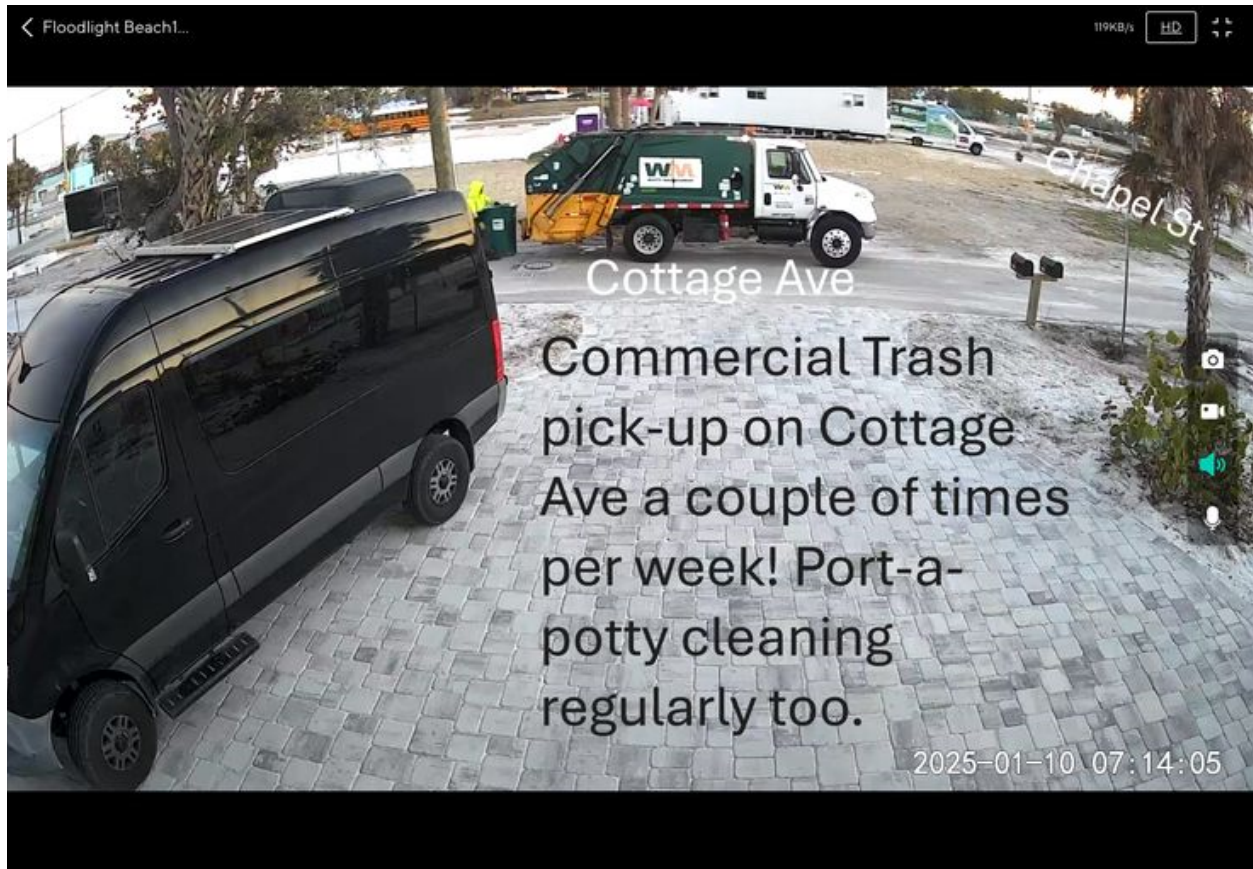
The expectation of just parking for “a minute” is a fallacy.

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!



Noise, traffic, smells, trespassers this close to my home 24 hours a day, 365 days a year! Then add alcohol!

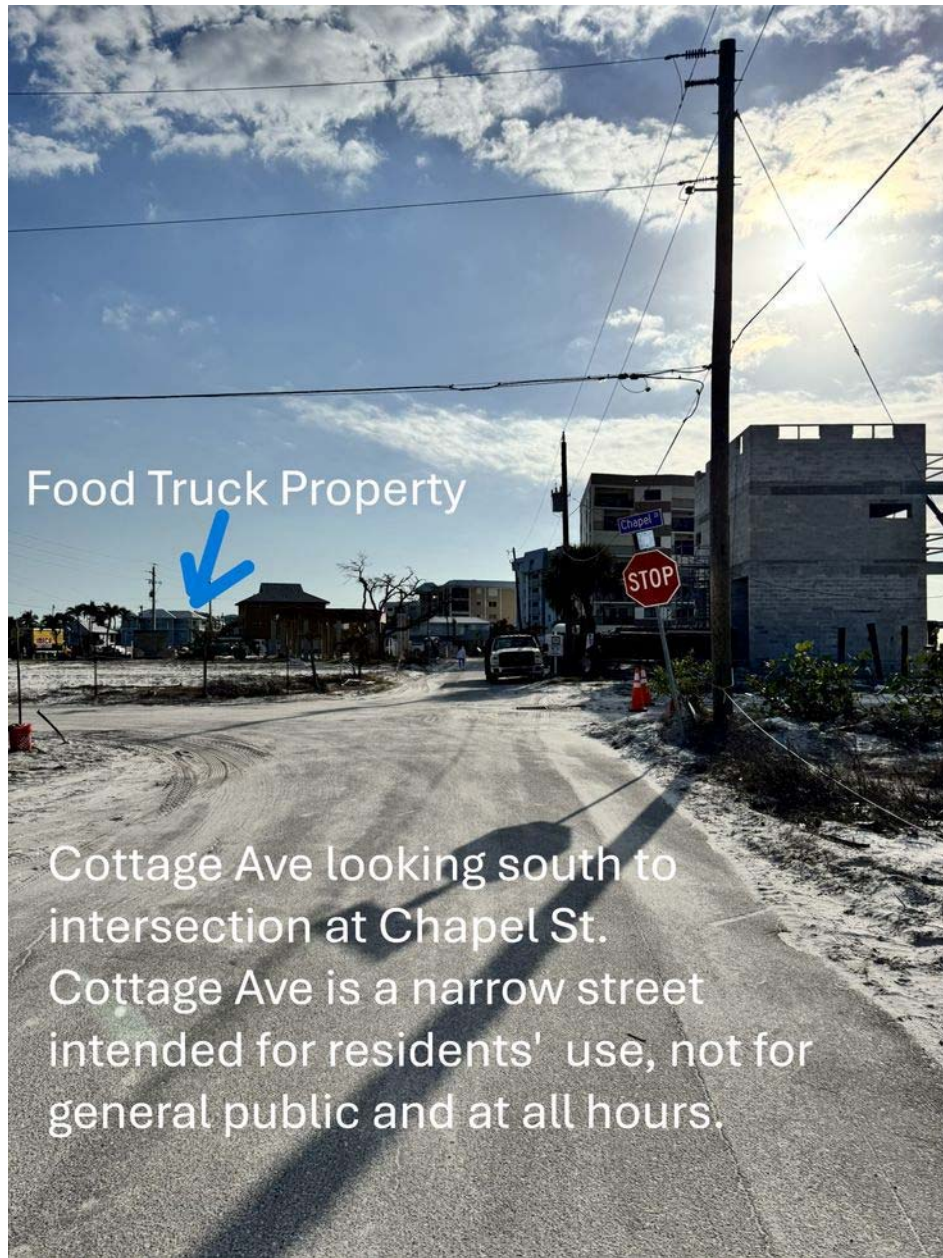
Proposed Pay Public Parking

Chapel St

Cottage Ave

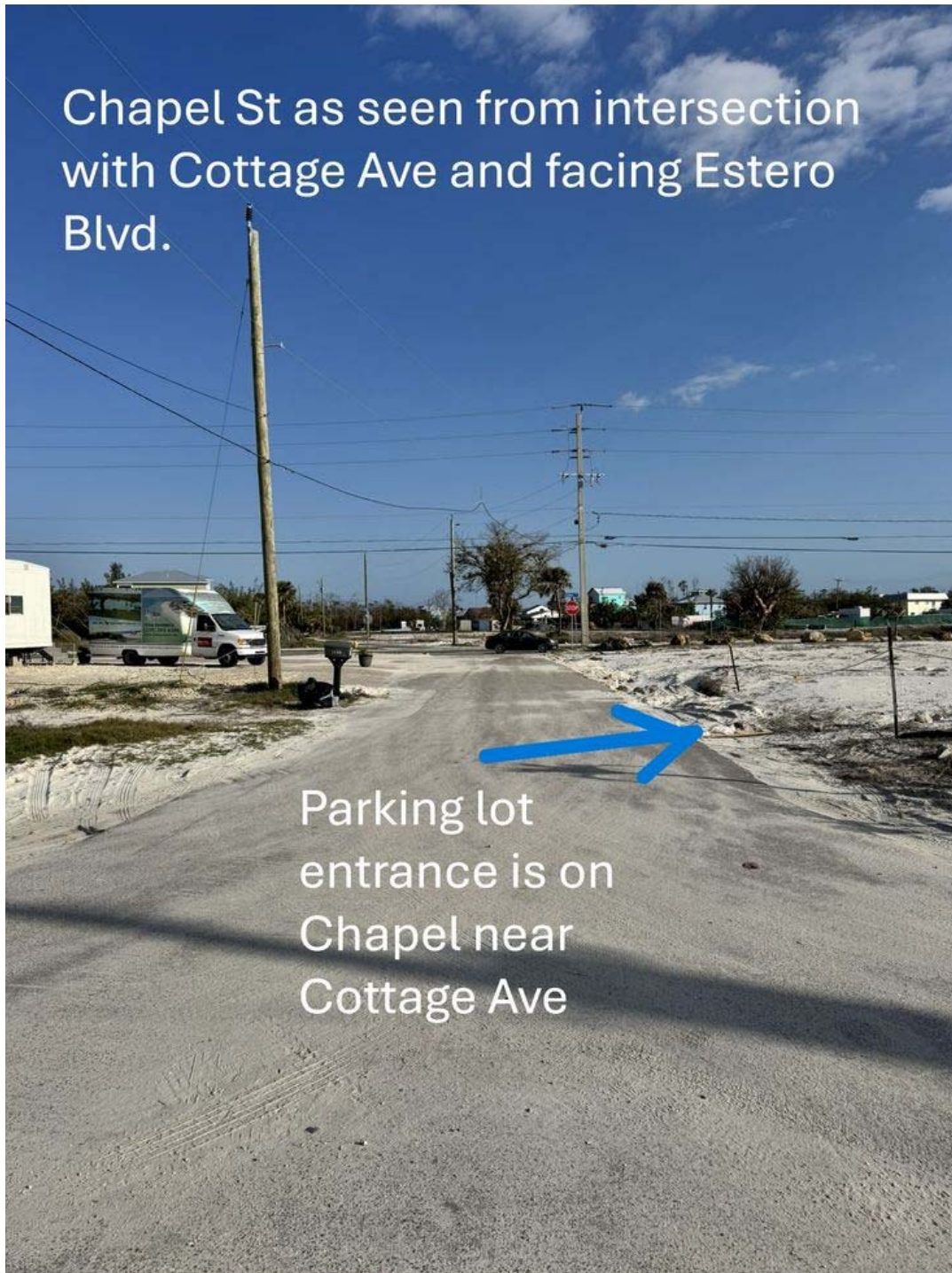
View from my home on Cottage Ave. Another huge Parking lot!

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

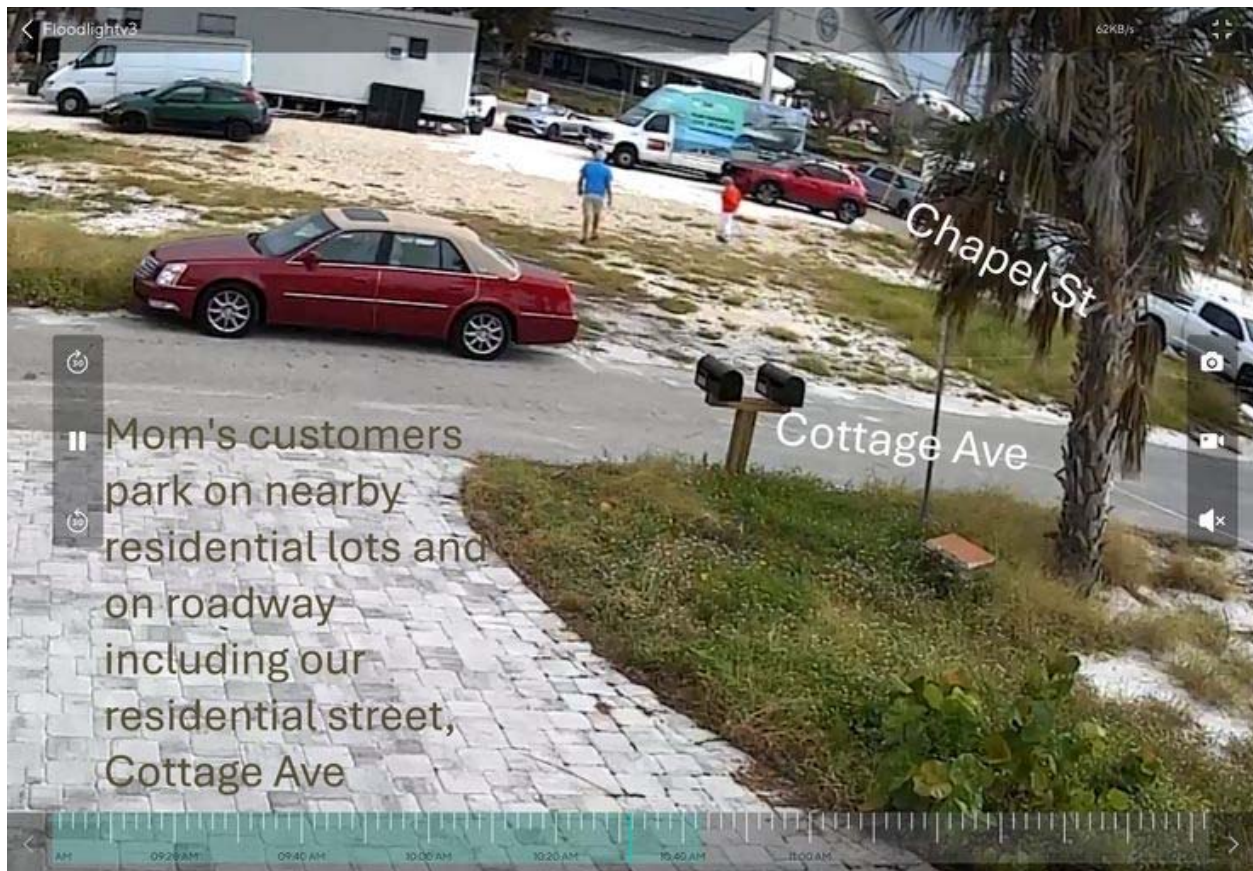
Parking lots invite cars! Those in the cars may turn into Chapel St thinking that they'll park for free and eat at the food truck park. What happens when they see it's paid and they would get reimbursed? They are already on Chapel St. They will undoubtedly continue onto Cottage Ave. If they turn toward 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

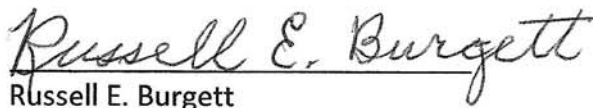
From: Russell Burgett
Owner of unit 101 for 30 years
2532 Estero Blvd. Unit 101
Ft. Myers Beach, FL 33931

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 abut 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

Food Truck Opposition Letter

From Randal Briesath <briesath@theseismicgroup.com>

Date Thu 2/6/2025 3:42 PM

To Judith Frankel <jfrankel@fmbgov.com>; amy@fmb.gov <amy@fmb.gov>

Cc Albuernes, Milena <MAlbuernes@beckerlawyers.com>; Moscoso, David <DMoscoso@beckerlawyers.com>;
Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>

 1 attachment (15 KB)

Opposition Letter 2.4.24.docx;

External email

Judith and Amy,

Attached is Randal and Pam Briesath opposition letter to the food truck development project.

Thank you for your service to our community,
Randy and Pam Briesath

Regarding the proposed food truck court development

Dear LPA committee and council members,

My wife and I have been owners at Pelican Watch since 2012 and purchased our unit to be close to the north end entertainment area but not end up in or adjacent to an outside entertainment venue.

We are supportive of the commercial development of this site for both the sake of the property and the city as a whole. We are supportive of an enclosed commercial development with site specific parking (no paid public parking). The sort of open air entertainment venue being proposed, especially with the developer seeking permanent approval, will forever change the function of the property and the tranquility of the adjacent residences.

We are also concerned that the order of the whole process is a bit upside down. It is our belief that the city should first study and adopt food truck park ordinances and regulations, then allow a developer to fit into those criteria. Right now, the developer is basically helping the city craft these as they go through the application process. We think this is evident due to many deviations and mitigations being sought and offered by the applicant. Actually the number and type of deviations alone tend to speak to the unsuitability of this site for applied for purpose.

Further, the applicant has not nor been required to submit a traffic impact study which seems ironic given the impact this will certainly have on Estero traffic flow.

A main issue, and one that should certainly be considered, and is now verified through expert report, is the detrimental effect on all the adjacent and Pelican Watch property values. We would think that the committee and council would consider a “do no harm” type of approach to residents and owners. This project will have a direct negative impact on us as soon as this project gets approved.

The proximity issues of this project to us adjacent owners just can’t be mitigated with this proposed development. The day this site opens for business will be the last quite day we and our fellow owners will ever have at our pool.

With the numbers of deviations, the residential adjacencies, and the likely neighborhood consequences (trespass, litter, noise, etc) the city must consider their ability to enforce their regulations and problems when the residents complain – and today there simply seems like there is a lack of resources, budget, or will to take this on – thus leaving us holding the bag on the problems we all know will be there.

Let’s be patient with development, and do it right (not fast) for the long-term health of our island community. Please vote no to allowing this development.

Randy and Pam Briesath

Pelican Watch #203

Memo to: Fort Myers Beach LPA Committee

From: Gary Fields, Former President, Pelican Watch

Date: February 6, 2025

Re: Objection to reasoning to accommodate Food Truck Park at 2500 Estero

LPA Committee members:

I wish to vehemently object to the rezoning necessary to accommodate the proposed food truck park at 2500 Estero Blvd. I will attempt to refrain from restating the many objections you have already received (traffic, noise, odor, in a residential area) and limit my comments to areas which you may not have not considered.

1. The project developers have repeatedly stated that the proposed development as a “family oriented” destination that will address the shortage of opportunities for children and grandchildren. These frequent statements are erroneous and deceptive. There are only 4 non-hotel properties that I am aware of that serve alcohol and have live music - the Beach Bar, La Ola, Nervous Nellies and Snug Harbor. I am a frequent customer of all of them and I can confidently state that they are rarely children at any of them. They are adult entertainment facilities more accurately described as a “Beer Garden.” The description of the proposed development serving an unmet family need is an attempt to minimize the disruptive perception of the impact.

2. The Town’s sound ordinance will not preserve the quiet environment expected in a residential and small commercial area. This is due to two factors.

A. I have used a professional sound measuring device to measure the sound level at the public area adjacent to La Ola, where consistent sound around 75db was measured. While this was only slightly above the Town’s sound ordinance, this would mean that allowed music would be within 10 feet of the Pelican Watch social and pool area, used for the quiet enjoyment of hundreds of people. While Pelican Watch owners have been aware of a potential commercial enterprise next to the pool, no one has anticipated the possibility of 70 db sound all day. Imagine having La Ola level sound within 10 feet of your home. In addition, adjacent homes and at least 12 lanais are only a short distance away and will receive a similar level of noise due to the lack of an adequate barrier for higher level sound mitigation.

B. The noise level at La Ola and this summer, the Beached Whale temporary tent enterprise, consistently exceeded the Town’s sound ordinance. This suggests that the Town and Lee County do not have the necessary personnel to enforce the sound ordinance. This unfortunate situation is understandable, due to the many burdens from Hurricane Ian. But we should recognize that adding to the enforcement burden will not give us the deserved protection and it is better to consider prevention (denial of the rezoning) than relying on unrealistic enforcement expectations.

Thank you for your consideration. Please reject the rezoning and permitting.

Food Truck Park - Estero Blvd - FMB

From kminor8341@gmail.com <kminor8341@gmail.com>

Date Thu 2/6/2025 9:31 AM

To jfrankel@fmbgov.com <jfrankel@fmbgov.com>

Cc Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; 'Randal Briesath' <briesath@theseismicgroup.com>; dmoscoso@becklawyers.com <dmoscoso@becklawyers.com>; kminor8341@gmail.com <kminor8341@gmail.com>

External email

Hi There – My wife Wendy and I (Kevin Minor) are the owners of unit #105 in Pelican Watch Condo and I too am concerned about many things regarding the “Outdoor Venue – Food Park”. I used to own the house at 2530 Cottage up to 2018 and had many issues with transient homeless persons breaking into my cottage or, more often, sleeping on and under my picnic table or in my bushes. I believe that this outdoor venue will attract some of this same element. So, my concern is about safety and the policing of the venue.

In addition, I am also concerned that Cottage Ave, which terminates into our parking lot, will allow people to drive under our condo building, and through our private parking lot creating traffic that did not exist before.

Then the obvious issues with proximity to residential property, safety, trash, and unpleasant odors is of concern to me. I also assume that FMB would also like a better property tax base that comes with a permanent structure vs this food truck park. I would entertain a permanent venue.

Thank you for doing a wonderful job putting FMB back together but I’m not in favor of the open venue food truck park.

Kevin & Wendy Minor
262-853-8341
2532 Estero Blvd, Unit #105
Fort Myers Beach, FL 33931

From: liam oloughlin <Liam@loloughlin.com>
Sent: Wednesday, February 5, 2025 12:19 PM
To: Judith Frankel <jfrankel@fmbgov.com>
Cc: liam oloughlin <Liam@loloughlin.com>; Kelly S. O'Loughlin <ksoloughlin@gmail.com>
Subject: Letter of Opposition for Development of 2500 Estero Boulevard, Fort Meyers Beach, FL

Good afternoon,

Ms. Frankel, please see the attached letter of opposition listing our objections and concerns for the food truck and parking development at 2500 Estero Boulevard, Fort Meyers Beach, FL.

Thank you,

Liam O'Loughlin

L.O'Loughlin Construction Services
30111 Bates Road
Perrysburg, Ohio 43551

419.699.0070

Liam@loloughlin.com

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

L. O'LOUGHLIN
CONSTRUCTION SERVICES

Town of Fort Meyers Beach
2525 Estero Boulevard
Fort Meyers Beach, FL 33931

Additional Opposition letters
Submitted Post Agenda

ATTENTION: Judith Frankel

Please accept this letter of opposition to the Development at 2500 Estero Boulevard, application number 20240137. Our objections and concerns are listed below.

We are the property owners of 2553 Cottage Avenue, Fort Myers Beach, Florida.

Please accept this letter of opposition in addition to our letter sent in January 2025, of CPD Application #20240137, where the "Applicant is requesting to amend the existing CPD RES#07-28 to provide for "Option B" - Master Concept Plan and updated Schedule of Uses to allow for the development of a food truck park with outdoor seating and a commercial parking lot. This action will replace the previously approved "Option A" MCP for the CPD."

We also have concerns that a request to expand the previously approved CPD boundaries to include 2518 Estero and 2543 Cottage Avenue was included in a separate ordinance.

We strongly oppose the proposed rezoning from residential to commercial, the proposed mobile truck park planned, and or approving the commercial planned development.

COMPARISONS

We have looked at comparisons of food truck parks in the Fort Meyers area:

- **Bonita Beach** - *Rooftop at Riverside*, 27333 Old 41 Rd, Bonita Springs, FL 34135. Commercial area permanent 2-story structure with supporting amenities.
- **Naples** - *Celebration Park Naples*, 2880 Becca Ave, Naples, FL 34112. Commercial area permanent structure with supporting amenities.
- **Fort Meyers** - *Bay Street Yard*, 2136 Bay Street, Fort Meyers, FL, 33901. Commercial area permanent structure with supporting amenities.

With the comparisons that we've reviewed, the food truck parks were supported by commercial businesses – both retail and beverage – and none were in a residential area.

Per the proposal submitted by the neighborhood company, all the codes referred to are for temporary structures. This is not typical in any commercial development.

BUILDING STRUCTURE

This is a commercial enterprise. This should be considered under Federal, State, and Local Applicable Laws, Ordinances, and Codes for Uses and Structures for Commercial proposes.

All the proposed structures refer to the code “Minor Structures.”

The proposed development requires an additional structure for Beer and Wine sales; this structure is not defined in the code for minor structures.

SCHEDULE OF USE

Temporary Uses - Pert Sec 34-3041: Temporary Use can only be 10 consecutive days. Only 3 times a year. Permits expire within 30 days.

BUFFERS

Plans calling for a 10' Buffer from the adjacent property line for 2553 COTTAGE AVE - THIS IS NOT CORRECT.

The Fort Myers Beach ordinance reads SF-R to COM C/F 15' BUFFER 6' High Fence. However, this ordinance may serve a purpose with structures at a ground elevation. As residential property owners, we are forced to build all new residence to meet new regulations, which has our residence elevated. As a property owner, we would like to address the code SF-R to COM F which is a required 30' buffer

with vegetation that would address the new regulations imposed on the rebuilding of new homes.

JURISDICTION AND CONTROL

Typically, in a public food and beverage environment/business, there is jurisdiction governing licensing requirements and processes, including inspections to ensure safety and cleanliness. We cannot find any laws, ordinances, codes or requirements published by City Fort Myers Beach that pertain to Mobile Food Parks and their regulations.

ITEMS OF CONCERN

Pests/Wildlife

There is no Grease Trap included for control of the Grease. This is paramount due to issues that arise from a lack of Grease Traps. The increase of rodents/pests/wildlife. In residential area is a primary concern.

Trash Enclosure

Refuse enclosures are all within 10' of residential property.

LIGHTING

The required lighting with the proposed Buffer, the light glow will transfer to adjacent residential property with the limited Buffer proposed. Also, our calculations for the proposed Five Food Trucks will not meet the requirements of Chapter 30.1 related to visual light.

VISUAL

As per requirement, we are building Elevated Structures and our line of sight is significantly higher in view of:

- Trash enclosure
- Public Bathrooms
- Public Showers

PUBLIC SAFETY

Who will oversee the park for all public safety/security during business hours and after hours in the park including all Public Restrooms and Auxiliary Structures.

TAX REVENUE

Does the proposed plan anticipate revenues to support City Life Safety Services required for the purpose

SUMMARY

This plan is not applicable to the residential neighborhood in which it is proposed. Typically, this type of proposal is in a commercial platform, as you can see by all mobile food truck parks referenced. The support of commercial retail spaces is typically necessary for its success. We feel that the commercial application of a food truck park in a residential neighborhood would adversely effect the residents and their safety, security, living conditions, and quality of living. This would also be considered a breach of “quiet enjoyment”, which is the right to peacefully enjoy your property without unreasonable disturbances.

Thank you for your attention to this matter.

Mr. and Mrs. Derek O’Loughlin
2553 Cottage Ave
Fort Myers Beach, Florida 339321
STRAP: 19-46-24-W3-01303.0000
Folio ID: 1022775

From: Rick Robshaw <rickrobshaw33931@gmail.com>

Sent: Tuesday, February 4, 2025 4:35 PM

To: jfrankel@fmbgov.com

Cc: Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>; dmoscoso@becklawyers.com; briesath@theseismicgroup.com

Subject: Food Truck Project

Hi,

My name is Rick Robshaw and I have owned condo #608 at Pelican Watch - 2532 Estero Blvd since 2009. I have been a full time resident for about 5 years now and registered to vote here.

I am writing today in regards to the proposed open air food truck park next to our condo property. I live on the north east corner of the building on the top floor approx 7 stories high and closest to the project in the '8-stack'.

Some of you may have visited my condo. If you were here while the diesel engine was running out on the beach for the re-nourishment project, you will know that it was not easy having a conversation out there. That engine put out about 65 decibels of sound. Being on the top floor here there is no mitigation possible unless they build a 7 story wall as I have direct line of sight to the project and from what I can tell, the live music will be a mere 45 yards from my lanai. I cringe at the thought of having to deal with loud bad karaoke all day long. For comparison I was at Wahoo Willies on Saturday with a single performer on a guitar. From approx 25-30 yards from the stage (sitting at table at opposite end of the bar), the sound level of the music along with the sound of patrons nearby was 90 decibels. Obviously many are in violation of the noise ordinance. Not a big deal in the entertainment zone but Pelican Watch is in the middle of a residential area.

In addition, the dumpsters and bathrooms will be even closer than the music. Again no mitigation possible when I am looking straight down on them. No amount of plants or fencing will cover that for me.

The smells from the dumpster, bathrooms, grease traps and various foods being cooked could make my lanai unbearable when the wind blows my way. It will certainly devalue the property with all this going on right under my railings/nose.

The layout of the 'dead end' on Cottage ave. is also going to be an issue. Turn in the Pelican Watch driveway (there is no security gate) and you can drive under the building and out the other side to return to Estero Blvd. This issue has existed for years and caused us to put speed bumps in the garage to reduce the risk of hitting a child running from the lobby door to the beach around a blind corner.

Food Trucks - I like them. But it should not be a permanent fixture as it will exclude quaint sidewalk cafes along the boulevard. They simply cannot compete with the low cost of a food truck business. Food Trucks by design are all 'take out' generating a lot of trash which will invariably end up on and around our property as well as the beach.

Thank You,
Rick Robshaw

Opposition to Residential Rezoning Application for Food Truck Park

From Jan Krause <jskrause@casscomm.com>
Date Sat 2/8/2025 7:51 PM
To jfrankel@fmbgov.com <jfrankel@fmbgov.com>
Cc Berkey, Kathleen "Katie" <KBerkey@beckerlawyers.com>

External email

First time sender

I, Jan A Krause, am a second generation original owner of Unit 204 Pelican Watch.

I am vehemently opposed to rezoning the adjacent property to use as a food truck park, essentially a "Beer Garden," because it fails to promote the calm, relaxing, and positive atmosphere as originally intended.

Living in a residential area our families and young children should be safe and free from witnessing negative, bold, and compromising behaviors of vacationers noisy and boozing it up below our balconies, slamming into our pool fences, peeing, and parking on our property.

Pelican Watch is and always has been a family environment and Pelican Watch owners shouldn't have to justify our family centered lifestyle.

Please let's be forward thinking and utilize the space for parking or brick & mortar buildings that could adequately contain their clientele.

Thank you for your consideration.

Jan A Krause

Sent from my iPhone

Albuernes, Milena

From: Moscoso, David
Sent: Monday, February 3, 2025 2:19 PM
To: darweaver@charter.net; Albuernes, Milena
Subject: RE: Proposed Food truck park, 2530 Estero blvd.

Categories: Filed

Thank you, Darlene,

@Albuernes, Milena could you please add and save this to the file.

Best,
David

David J. Moscoso
Attorney at Law
Coral Gables
Ext: 11003 (305.260.1003)

From: darweaver@charter.net <darweaver@charter.net>
Sent: Monday, February 3, 2025 2:13 PM
To: Moscoso, David <DMoscoso@beckerlawyers.com>
Subject: Proposed Food truck park, 2530 Estero blvd.

 External email >

 First time sender >

As long term owners in excess of 35 years on Ft. Myers Beach, and Florida residents; the idea of a "Food truck court.."withn a mile of established resaurants is a very concentering situation. The increase in traffic and nosie in our residential location would be very intrusive and distracting for families. Especially during evening hours. There is already congestion on Cottage Street and a food truck court would certainly adversely impact that.

It has been noted that perspective buyers in our neighborhood have stopped looking when informed of a possible food truck court at our back door.

Property values are already being affected by three recent hurricanes and slow rehabilitation of our beautiful island. Please consider these factors when deciding on allowing a food truck court a mile from Times Square on Fort Myers Beach.

Very Truly Yours,

Darlene Weaver,
Ft. Myers Beach resident

Photos by Deb Danford

FMB property (image 1 of 3)



Drone View
(image 2 of 3)



Arial Picture of 25240 Cottage before Ian (Image 3 of 3)



----- Forwarded Message -----

From: SUSAN BONFIGLI <sabonfigli@aol.com>

To: Amy Baker <amy@fmbgov.com>; Dan Allers <allersd@fmbgov.com>; Jim Atterholt <atterholtj@fmbgov.com>; karenwoodson@fmbgov.com <karenwoodson@fmbgov.com>; johnking@fmbgov.com <johnking@fmbgov.com>; Scott Safford <scottsafford@fmbgov.com>; Judith Frankel <jfrankel@fmbgov.com>

Sent: Sunday, February 16, 2025 at 01:14:15 PM EST

Subject: Food Truck Park Plan is detrimental to our residential neighborhood

Dear Council Members:

The neighbors strongly oppose any business on this property that would involuntarily involve them, particularly the planned food truck park with amplified entertainment . Our community has peacefully coexisted with other businesses in the past, largely because they have not disrupted our daily lives or impacted the quiet enjoyment of our homes and properties.

Historically, establishments such as the Royal Scoop Ice Cream Parlor, Tuckaway's Restaurant, a beachwear retail shop and the local bicycle shop have been within sight of our residential neighborhood, yet they never compromised our quality of life. On the contrary, we enjoyed frequenting these businesses as patrons.

Currently, the paid public parking area on Mango Street serves as another example of a business that was integrated into the neighborhood. The Town, recognizing the potential impact on residents, imposed operating restrictions between sunrise and sunset to minimize disturbances. (Ordinance 18-07) While there are seasonal challenges, such as increased congestion making it difficult to exit Mango Street, we have adapted by relying on the alternative route, Chapel Street. Many of us, I believe, prefer to forgo vehicle use between 9 AM and 9 PM, opting instead to navigate our neighborhood streets on foot or by bicycle. This makes it even more critical to prevent additional traffic from being introduced into our already narrow residential streets.

Mom's is another established business near us, and while we look forward to its return to a brick-and-mortar location, we recognize that its current food truck operation has caused notable disruptions. Fortunately, the Town has implemented restrictions on its hours of operation, limiting them to 4 PM (though they typically close by 2 PM) to mitigate potential neighborhood disturbances. Additionally, outdoor entertainment is prohibited at Mom's, ensuring that residents are not subjected to unnecessary noise pollution. (Ordinance 17-03) The Town carefully considered our community's well-being in making these decisions.

Since Hurricane Ian, however, Mom's overflow parking has become a recurring issue. With fewer homes standing, patrons have taken to parking along neighborhood roadways, which was far less feasible before the storm. Attached, you will find a series of photos this last week illustrating the problem. Cars are effectively parked in the right-of-way on Cottage Avenue and Chapel Street. These vehicles are lined along the roadway in front of my home and along Chapel

Street. (Note that the deterrents proposed around the Food Truck property would do nothing to alleviate the issue in front of my home, but instead could exasperate it.)

Beyond traffic concerns, we also contend with the nuisance of overwhelming odors emanating from the food truck. At times, it feels as if all the oxygen is being consumed by these pervasive smells. Once Mom's relocates to a permanent structure, we anticipate better containment of both odors and trash, much as it was before Hurricane Ian. Additionally, a brick-and-mortar establishment may allow for increased on-site parking, alleviating the current strain on our neighborhood streets.

The food truck park, however, is an entirely different kind of business—one that will inevitably impose itself upon us, whether we wish to be involved or not. The planned pay-to-park lot is primarily designed to serve beach-goers rather than patrons of the food trucks. Just as with Mom's, it is unlikely that visitors will opt to pay for parking merely to eat. Instead, these spaces will likely be taken by those heading to the beach, displacing parking for legitimate customers.

Additionally, the amplified entertainment aspect poses significant concerns. While the music may initially be directed towards Estero Boulevard, once buildings are constructed in that area, the sound will reflect off structures and reverberate back into our neighborhood. We are already experiencing this phenomenon with Diamondhead, where music carries down the beach and then bounces off the Pelican Watch condominium, creating an amplified effect. Just last week, I stepped onto my deck, puzzled by the loud music, only to realize I was hearing it from multiple directions.

It is a misconception that one- or two-person musical acts are not disruptive. We recently dined at Nervous Nellie's, where a single guitarist performed alongside pre-recorded accompaniment, creating the effect of a full band. Similarly, a steel drum musician produced a sound far more powerful than one might expect. Sound systems are designed to project, ensuring that the music reaches not only the intended audience but also anyone beyond them. It is not just the volume that is intrusive, but the persistence of noise for hours at a time—whether from vocals, instrumentals, or the lively crowd. While entertainment is enjoyable, residents deserve peace in their homes.

In the past, Sandy Bottom's music was so loud that my home literally vibrated. The performers actively encouraged the audience to "make some noise," and they did—with the impact felt directly in my living space. I now have the manager's phone number to notify him when the volume becomes excessive, but this is not a position I want to be in, nor should I have to be. The nature of amplified sound systems inherently disrupts the surrounding community. (As an aside, I sincerely hope that downward-facing speakers are incorporated in Sandy Bottom's new Tiki to contain the music within their property, rather than projecting it outward.)

Live entertainment naturally energizes a crowd. When alcohol is added to the mix, patrons become even louder, compounding the issue for immediate neighbors. This environment is not what one would consider "family-friendly"; rather, it caters to adults seeking a lively social scene and it's outdoors without containment. Such a business model is entirely inconsistent with the local establishments that have successfully coexisted with our residential neighborhood.

Another pressing concern is the introduction of additional food trucks, each contributing to odor pollution. If one food truck can create an overwhelming sensory impact, imagine the effect of five. While the increased distance from my home may provide some relief, residents in Pelican Watch and abutting on Cottage Avenue will bear the brunt of the problem.

Moreover, the food truck park raises security concerns. As our island continues to recover, we may see an increase in vagrancy. Unlike a brick-and-mortar establishment, which commands a certain level of respect and patron accountability, a food truck park with unattended seating and restrooms may become an attractive refuge for transients. These trucks are more vulnerable to theft than permanent buildings, and an unsupervised seating area could invite unwelcome activity, particularly in the quiet hours of the night when nearby residents are asleep.

Before Hurricane Ian, vagrancy was already a serious issue in our neighborhood, exacerbated by programs run by Chapel by the Sea that attracted transient individuals. With our streets dark and quiet at night, our homes became easy targets. A permanent structure would help mitigate these risks, reinforcing security while containing potential nuisances.

LPA Member Jane Plummer speculated that a restaurant might introduce open-air noise at a higher elevation. However, such issues can be mitigated with proper town regulations. Consider establishments like Charlie's Boathouse and Coste's at Diamondhead—both well-respected businesses that operate(d) harmoniously within their communities without causing disruptions.

A more suitable alternative for this space would be a multi-use brick-and-mortar establishment, perhaps featuring a pizza parlor, sandwich deli, or family-friendly ice cream shop. Other viable options could include a hair salon, spa, or a business offering bicycle-delivery pizza within a limited radius. With dedicated on-site parking specifically for patrons, these businesses would align with the needs of our neighborhood and enhance our community's character.

Regardless of what ultimately occupies this property, it is imperative that any business exiting onto Chapel Street be restricted to right turns only, preventing commercial traffic from infiltrating our residential area on Cottage Avenue. Thoughtful planning and consideration for the existing community should be a priority in any development proposal.

In summary:

Please do not permit the following on this commercial property, regardless of the business:

1. **Amplified Entertainment** – Even within allowable decibel levels, continuous noise can be mentally and emotionally exhausting. Residents should be able to enjoy their decks, patios, and lanais in peace, listening to the ocean waves and nature during the day. (Consider the analogy of Chinese water torture—while a single repetitive drip of water may seem harmless, its persistence can become unbearable.)
2. **Outdoor Alcohol Sales** – Fort Myers Beach has a reputation for party-like activities. When alcohol is involved, people tend to become less mindful, often to the detriment of the surrounding neighborhood.

3. **Commercial Pay Parking** – This will only increase traffic on our residential streets and attract visitors who may not respect the neighborhood or its residents. Parking should be reserved exclusively for the patrons of the business operating on the property.
4. **Commercial Activity Before 7 AM and After 9 PM** – Any business operating on this property should harmonize with the residential community, just as other adjacent commercial properties have successfully done.

Why a Food Truck Business is Inappropriate Next to Our Residential Neighborhood:

1. **Odors** – Heavy, lingering food odors can create an unpleasant environment, sometimes making it feel as though fresh air is lacking.
2. **Wind-Blown Trash** – Loose waste inevitably finds its way into our yards and onto the beach, diminishing the cleanliness of our neighborhood.
3. **Storm Preparedness** – Whether a storm is officially named or not, there is no assurance that the largely mobile structures and equipment on this property will be properly removed or secured, potentially causing damage to neighboring properties. Past hurricanes, such as Helene and Milton, have demonstrated the consequences of inadequate storm preparedness. Good intentions do not always translate into effective action.

A More Suitable Alternative:

A permanent structure built to modern hurricane standards would provide greater security and resilience. Additionally, dedicated free parking for the businesses within the structure would help prevent unnecessary congestion in our residential area. Any business developed on this property should respect the residential character of the neighborhood, rather than catering to a transient party atmosphere.

I truly appreciate your consideration for the health and happiness of me and my neighbors to continue having peace and enjoyment in our own homes. Respectfully, I ask that you please deny this application.

Sincerely,
Susan Bonfigli

2434 Cottage Ave
Fort Myers Beach

SUSAN BONFIGLI
sabonfigli@aol.com



Feb 16, 2025, 10:38am

Proposed Food Truck Property



Feb 14, 2025; 10:34am

Food Truck Proposed



Cottage Ave

Chapel St



ENCLOSURE 7

Media File Links

Pelican Watch – 03.03.2025 Hearing Records

<https://beckerlawyers-my.sharepoint.com/:f:/p/admlitsupport/EjtF1sSIQzpLrq0SmMrbQssBHNbvwf3S1KepZjKpaK-rYw?e=aFAsms>

Randy Briesath Outdoor Music

[Food Truck Music \(180 feet away\).mov](#)

ENCLOSURE 8

A draft version of the conditions list based on the Local Planning Agency's ("LPA") comments during discussion at the February 11, 2025 LPA hearing.

LPA (2.22.25)) Recommended Conditions of Approval for **DCI Rezoning 20240137.2**

- 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.
 - 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 or structures 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 9 pm seven days a week. These hours do not include waste removal, deliveries or service to the facility, which may occur outside the hours of operation.
- 7) The parking lot will be available for use the same hours as the mobile vending park, 7am to 9pm seven days a week. Camping or sleeping in vehicles is prohibited.
- 8) Amplified music or entertainment is permitted within the main support structure as indicated on the Master Concept Plan provided the structure is fully roofed with three enclosing walls until 8 pm and only within the designated entertainment area(s). 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. If Town Staff determines noise to be a continuing issue at the site (per the agreed upon OCP), the owner/operator may lose the ability to have live entertainment and/or amplifies music may be revoked. See condition #29.
- 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. Access to the “comfort

station” will only be during the same hours of operation (7am-9pm) for the mobile vending park. Water service to the exterior showers and foot washing stations must be shut off and all restroom access locked to the public.

- 11) Per Deviation #5, the applicant may utilize a stabilized gravel/lime rock/crushed shell parking surface. If that option is chosen, the applicant is required 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. The exercising of portable generators for regular maintenance is prohibited on-site.
- 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 and 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.
- 28) An update to the 2008 Traffic Impact Study must be provided at the time of the Development Order. Additionally, the applicant should consider a "Right Turn Only" direction sign at the parking lot egress point to direct customers back to Estero Boulevard.
- 29) Applicant must prepare an operational compliance plan (OCP) to be approved by the Compliance and Operations Director at the time of Development Order. This plan shall include a quarterly schedule for review of compliance with the Property Owner/Management and the Town for the first 2-years of operation. The OCP shall state the penalties for non-compliance with conditions stated here as well as all other Town ordinances with special consideration for excessive noise and poor sanitation. If Town Staff determines there to be a continuing issue(s) at the site, the owner/operator may lose the ability to have live entertainment and/or amplifies music or other consequences identified in the OCP. After the 2-year period if all issues are resolved the Director may decide to end the compliance period.

David J. Moscoso
Attorney at Law
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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 18, 2025

VIA E-MAIL ONLY: allersd@fmbgov.com

Mayor Dan Allers
Town of Fort Myers Beach

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 Mayor Allers:

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 Town Council hearing on March 03, 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 sixty (60) minutes of time for an agent for 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

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.”

Mayor Dan Allers
February 18, 2025
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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)

Nancy Ann M. Stuparich, Esquire, Vose Law Firm LLP, Town Attorney (via e-mail only w/encl: nstuparich@voselaw.com)

Noel Davies, Applicant's Attorney (via e-mail only w/encl.: noel.davies@daviesduke.com)

Karen Woodson, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: karenwoodson@fmb.gov)

Scott Safford, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: scottsafford@fmb.gov)

John R. King, Town of Fort Myers Beach Council Member (via e-mail only w/encl.: johnking@fmb.gov)

Mayor Dan Allers
February 18, 2025
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Vice Mayor Jim Atterholt, Town of Fort Myers Beach Council (via e-mail only w/encl.:
AtterholtJ@fmbgov.com)

Mayor Dan Allers, Town of Fort Myers Beach (via e-mail only w/encl.:
allersd@fmbgov.com)

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)

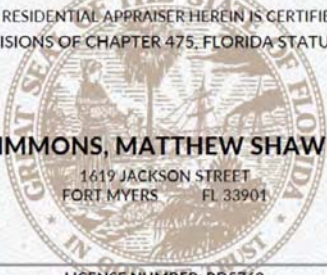
Professional Affiliations

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			
LICENSE NUMBER: RD5762			
EXPIRATION DATE: NOVEMBER 30, 2026			
Always verify licenses online at MyFloridaLicense.com			
	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 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



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.

1. **Request:**

Meeting Date: March 3, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240233: 1) A VARIANCE TO REMOVE REQUIRED PARKING ASSOCIATED WITH THE USE OF THE LOT AS A 25-UNIT HOTEL/ MOTEL; 2) A VARIANCE TO REMOVE SITE DESIGN REQUIREMENTS SUCH AS PROVIDING LIGHTING FOR VEHICLE AND PEDESTRIAN USES, TURN-AROUND AREA SUFFICIENT TO ALLOW 90-DEGREE PARKING AT THE END OF A ROW, THE ABILITY TO TURN-AROUND AND EXIT THE LOT IN A FORWARD ORIENTATION, STACKING REQUIREMENTS, ADDITIONAL DRAINAGE AND PARKING LOT LANDSCAPE REQUIREMENTS AS DESCRIBED IN SEC. 10-416(C); 3) A VARIANCE TO REMOVE REQUIREMENTS WHICH LIMIT DRIVEWAY WIDTHS TO A MAXIMUM OF 25-FEET; AND 4) A VARIANCE TO ALLOW INTERNAL AISLE WIDTH FOR TWO-WAY TRAFFIC BE NO LESS THAN 22-FEET IN WIDTH. FOR THE PROPERTY LOCATED 1479 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The applicant must design their parking lot to meet the LDC requirements, the applicant has proposed to variance those non-compliant aspects of the existing lot and they will be held to the plan approved in a previous Limited Development Order (LDO) from 2020.

What the action accomplishes:

Allows the applicant an exemption from bringing non-compliant aspects of the parking lot into conformity with the current LDC.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jason Smalley, Senior Planner

5. **Background:**

The applicant was notified that they must obtain a Special Exception from Town Council before engaging in commercial parking at their 1479 Estero site. In addition, the applicant is requesting variances to remove parking requirements for the 25-unit hotel building on this site, allowing for the use of all parking spaces to be used for commercial parking, while also requesting to remove landscape buffers, required parking lot configuration requirements and LDC-required reductions of their driveway width.

This item was continued at the December 10, 2024, LPA meeting. After the meeting staff consulted with the Town Attorney and determined that this Variance request was necessary for the approval of the concurrent Special Exception application to allow the applicant to continue its prior use of the property as a parking lot.

The LPA recommended approval of variances 2, 3 and 4 and recommended denial for the 100% reduction of parking requirements on 1479 Estero. The LPA voted 5-1 (with one member not present) to forward the requests to Council. Council will be presented with all 4 variances for their consideration.

Attachments:

1. Reso. 25-55; VAR20240233, 1479 Estero
2. TC Staff Report
3. Variance Application and Supporting Documents

4. [Historical] Adjacent Neighbor's LDO

Financial Impact:

N/A

6. Alternative Action

Approve with conditions

7. Management Recommendations:

N/A

8. Recommended Approval:

Jason Smalley, Senior Planner
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/20/2025
Approved - 2/24/2025
Approved - 2/24/2025
Final Approval - 2/24/2025

RESOLUTION NUMBER 25-55

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240233: 1) A VARIANCE TO REMOVE REQUIRED PARKING ASSOCIATED WITH THE USE OF THE LOT AS A 25-UNIT HOTEL/ MOTEL; 2) A VARIANCE TO REMOVE SITE DESIGN REQUIREMENTS SUCH AS PROVIDING LIGHTING FOR VEHICLE AND PEDESTRIAN USES, TURN-AROUND AREA SUFFICIENT TO ALLOW 90-DEGREE PARKING AT THE END OF A ROW, THE ABILITY TO TURN-AROUND AND EXIT THE LOT IN A FORWARD ORIENTATION, STACKING REQUIREMENTS, ADDITIONAL DRAINAGE AND PARKING LOT LANDSCAPE REQUIREMENTS AS DESCRIBED IN SEC. 10-416(C); 3) A VARIANCE TO REMOVE REQUIREMENTS WHICH LIMIT DRIVEWAY WIDTHS TO A MAXIMUM OF 25-FEET; AND 4) A VARIANCE TO ALLOW INTERNAL AISLE WIDTH FOR TWO-WAY TRAFFIC BE NO LESS THAN 22-FEET IN WIDTH. FOR THE PROPERTY LOCATED 1479 ESTERO BLVD.; 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, Robert Burandt Esq., on behalf of owners LKLB of Florida Inc. ("Applicant"), is requesting a variance from Sec. 34-2020(d)(2)(e) to reduce required parking for their 25-unit hotel/ motel to zero (0); and

WHEREAS, Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2015 to remove requirements to provide sufficient lighting, on-site turn-around areas, vehicle stacking and compliant drainage and landscape design; and

WHEREAS, Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2016(1) to remove requirements to provide a minimum 22-foot drive aisle for two-way traffic; and

WHEREAS, Robert Burandt Esq., on behalf of owners LKLB of Florida Inc., is requesting a variance from Sec. 34-2013 to remove limitations on the minimum and maximum width of driveways at the entrance/exit; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0060B.0070; and

WHEREAS, the Property is located in the "Pedestrian Commercial" category of the Future Land Use Map of the Comprehensive Plan and the "Downtown" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 9, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 5 to 1 to recommend approval of 4 of the variance requests with conditions of the variances; and

WHEREAS, on February 3, 2025 the Town Council held a duly noticed public hearing to fully consider the variance requests, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to **APPROVE/ APPROVE WITH CONDITIONS/ DENY** the request.

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

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

Section 2. The Town Council determines the Applicant **DID/ DID NOT** meet its burden of proof that the requested variances **DO/ DO NOT** meet the requirements of the Town Comprehensive Plan and LDC, and **APPROVING/ APPROVING WITH CONDITIONS/ DENYING** the variances is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES/ APPROVES WITH CONDITIONS/ DENIES** the variances from Sec. 34-2020(d)(2)(e), 34-2015, 34-2016(1) and 34-2013.

Section 3. In approving/ approving with conditions/ denying the variances, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There **ARE/ ARE NOT** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variances under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variances **ARE/ ARE NOT** the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variances **ARE/ ARE NOT** the minimum variances needed to relieve the Applicant of an unreasonable burden caused by the application of the regulations to the Property.

D. The granting of the variances **WILL/ WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property **ARE/ ARE NOT** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variances, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. The variances shall only apply to the lot as shown on the provided site plan. Demolition or substantial damage to the commercial structure shall render the variances to be null and void.
- C. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the Property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
- D. Requirements and agreements made in LDO20230196, including:
 - 1. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
 - 2. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
 - 3. The Applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
 - 4. The Applicant shall provide a parking plan for all four of the applicant's sites (1325-1345, 1400, 1479 Estero and 1403 Santos Rd) which must be approved by Town Planning and Zoning staff.

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

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

ADOPTED this XX day of February 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Nancy Stuparich, Town Attorney

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



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

TYPE OF CASE: Variance

CASE NUMBER: VAR20240233

CASE NAME: 1479 Estero Blvd.; requesting a variance from Sec. 34-2020(d)(2)(e) for the removal of required parking spaces to serve 25 hotel/ motel units, Sec. 34-2015 removing requirements to design the parking lot with sufficient lighting, on-site turnaround area, vehicle stacking and drainage and landscaping design, Sec. 34-2016(1) requiring two-way drive-aisle widths to be at least 22-feet wide, Sec. 34-2013 requiring minimum and maximum driveway widths at the entrance/ exit.

**COUNCIL
HEARING DATE:** February 3, 2025, at 9 AM

**STAFF
RECOMMENDATION:** APPROVE WITH CONDITIONS

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

I. APPLICATION SUMMARY

Applicant/Owner: Robert Burandt, Esq./ LKLB of Florida Inc.

Request(s): **1)** A variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** A variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row, the ability to turn-around and exit the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** A variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** A variance to allow internal aisle width for two-way traffic be no less than 22-feet in width.

Subject property: See attached site plan

Physical Address: 1479 Estero Blvd

STRAP #: 19-46-24-W4-0060B.0070

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North: CANAL

South: DOWNTOWN
Commercial Parking Lot

East: DOWNTOWN
Multi-Family Condominium

West: DOWNTOWN
Commercial Parking Lot

II. BACKGROUND AND ANALYSIS

Background:

Robert Burandt, Esq., the authorized representative for 1479 Estero Blvd, is requesting four variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC 34-2020(d)(2)(e) requiring a minimum of 30 parking spaces to accommodate the hotel/ motel use of 25-units which are less than 450 square-feet per room (25 units x 1.2/ unit $\leq$ 450 s.f. = 30 required spaces; 13 remaining spaces which can be utilized for commercial parking should that use be approved by Council).

The second (2) is a variance from the Town's LDC 34-2015 which requires parking lots to be designed with internal landscaping and drainage to meet current land development code standards. The applicant is also seeking relief from stacking, turning radius and lighting requirements. The elimination of these requirements may impact the free-flow of traffic on Estero Blvd.,

The third (3) variance is from the Town's LDC 34-2013 which limits maximum driveway widths is 25-feet, the northernmost driveway is approximately 30-feet wide.

The fourth (4) is a variance from the Town's LDC 34-2016 which requires drive aisle widths of at least 22-feet, the applicant's previously approved Limited Development Order (LDO) shows that the existing aisle width is approximately 20-feet according to Lee Property Appraisers online GIS tools.

Analysis:

The first (1) variance request is for a reduction of the minimum required parking to accommodate the hotel/ motel use which calls for 1.2 spaces per accommodation unit which are ≤450 s.f. The Town's LDC Sec. 34-2020 (d)(2)(e) would require that 30 of the 43 available parking spaces would need to be dedicated for use by the 25 hotel/ motel units, allowing them a maximum of 13 spaces dedicated to commercial use. The applicant is requesting that all 43 spaces be allocated for a commercial parking lot, a 100-percent reduction of required parking associated with the hotel/ motel use

The second (2) variance request is to remove parking lot design requirements. The Town's LDC Sec. 34-2015 states that applicants shall provide landscaping, drainage to accommodate the use of the site as a 25-unit hotel/ motel, space to allow for stacking to occur entirely on the applicant's site, vehicle/ pedestrian lighting and end spaces to provide sufficient turn-around space in dead-end aisles. The applicant is seeking to keep the site as it currently exists. A commercial parking lot is anticipated to have a greater impact to Estero Blvd, with an increase to vehicle move in and out of the property.

The third (3) variance request is to remove requirements in the Town's LDC Sec. 34-2013 that driveways/ entrances/ exits cannot be wider than 25-feet, the current northernmost driveway is between 25-30 wide.

The fourth (4) variance request is to remove requirements in the Town's LDC Sec. 34-2016 which requires that two-way drive-aisles be a minimum of 22-feet wide when vehicles utilize 90-degree parking spaces, perpendicular to the drive-aisle. This requirement would be addressed during the Fire Department's eventual review of a LDO/ DO, the applicant has not provided assurances to staff that even if given approval to remove that aisle width requirement that the Fire reviewer would be able to approve the parking lot layout as has been presented in this variance application.

"The purpose of the Downtown district is [to] create the desired quality and character for the center of pedestrian-oriented commercial activities within the town. New commercial buildings are expected to accommodate pedestrians by providing storefronts near sidewalks and by offering shade and shelter along major streets." The lot varies in width from approximately 108 feet to 130 feet. The lot depth is approximately 270-feet with a portion that extends into the adjoining waterway.

Neighborhood Compatibility:

The subject property is a 25-unit hotel/ motel use with 43 parking spaces including one ADA-compliant space (per LDO20230196; attached). The lot sits directly adjacent

to a condominium and an existing commercial parking lot (1397 Estero Blvd) and another commercial parking lot across Estero Blvd. (1450 and 1478 Estero Blvd.)

While the commercial parking use is in-line with the mix of uses in the area, the proposed layout would not be in-line with the previously approved Special Exception for 1397 Estero Blvd. (SEZ 2003-00028).

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there are/**are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property is already developed and has been in generally the same layout going back to at least 1998, which is as far back as LEEPA aerals can be obtained through the LEEPA website. Staff cannot assess whether commercial parking had been allowed previously by the Town or the County on this site. Asking to utilize all 43 parking spaces, rather than the 13 spaces which would be allowed if the parking requirements were applied to this lot is not a de minimis ask.

Staff and Management recognize that records available for what parking activities were happening on the applicant's site are not complete, staff has agreed to present a wholistic parking plan for all 4 sites where Lani Kai has available parking to management, if the plan is approved then staff agrees that the variances may be warranted for 1479 Estero.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The applicant has stated that there had been commercial parking for decades, even prior to the Town's incorporation, the staff cannot assess the validity of this claim, but there have been no measurable changes to the site since Hurricane Ian.

- c. *That the variance granted is/**is not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The applicant can develop commercial parking on this site and provide for the minimum requirements that they are asking for relief from.

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

The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed variances will not materially affect the existing uses if they continue their uses as they have been.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for **1)** a variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** a variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row the ability to turn-around and exist the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** a variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** a variance to allow internal aisle width for two-way traffic be no less than 22-feet in width and found that the variance requests does not meet the requirements set forth in sec. 34-87.

It seems that the variance requests per LDC Sec. 34-87 do not meet the requirements outlined in sections A and C of the findings and conclusions of this staff report. However, they do meet the requirements set forth in sections B, D and E of the findings and conclusions of this staff report.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20240233, a **1)** a variance to remove required parking associated with the use of the lot as a 25-unit hotel/ motel; and **2)** a variance to remove site design requirements such as providing lighting for vehicle and pedestrian uses, turn-around area sufficient to allow 90-degree parking at the end of a row the ability to turn-around and exist the lot in a forward orientation, stacking requirements, additional drainage and parking lot landscape requirements as described in Sec. 10-416(c); **3)** a variance to remove requirements which limit driveway widths to a maximum of 25-feet; and **4)** a variance to allow internal aisle width for two-way traffic be no less than 22-feet in width

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) The variance shall only apply to the lot as shown on the provided site plan. Demolition or substantial damage to the commercial structure shall render the variances to be null and void.
- 3) Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
- 4) Requirements and agreements made in LD020230196 including:
 - a. Minimum standard parking space dimensions (18' x 9') and ADA parking space (18' x 12' with a 5' wide striped loading aisle)
 - b. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
 - c. Any lighting proposed must obtain proper permits and must obtain FDEP approval.
- 5) The applicant shall provide a parking plan for all four of the applicant's sites (1325-1345, 1400, 1479 Estero and 1403 Santos Rd) which must be approved by the head of Planning and Zoning.

V. EXHIBITS

- A. Previously Approved LDO Site Plan
- B. Variance Application
- C. Approved Parking Plan

BURANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

ATTORNEYS AND COUNSELORS-AT-LAW

1714 CAPE CORAL PARKWAY EAST

CAPE CORAL, FLORIDA 33904

ROBERT B. BURANDT, ESQ.
ROBERT C. ADAMSKI, ESQ.
ERIC P. FEICHTHALER, ESQ.
ALVARO C. SANCHEZ, ESQ.
DAVID W. HOLLEY, ESQ.
LEE G. RENDEIRO, ESQ.
DREW D. LIPSCHER, ESQ.

Telephone No.: (239) 542-4733
Facsimile No.: (239) 542-9203
E-mail: Robert@capecoralattorney.com

SEPTEMBER 4, 2024

Via Email & Delivery

Jason Smalley

Senior Planner, Community Development

Town of Fort Myers Beach

2731 Oak St

Fort Myers, FL 33931

Re: Lani Kai Application

Dear Mr. Smalley:

The Lani Kai intends to continue to lease spaces only to their patrons and only agreed to this application after discussion with the Town of Fort Myers Beach staff. They don't intend to invest additional sums of money into their parking lot at this time.

Pursuant to your July 24, 2024, correspondence, my client (Lani Kai) needs the following variances.

1. Waiving the number of required spaces to accommodate the 25-guest unit calculation and allow the applicant to rely on the limited development order attached hereto (Bates stamp # 012).
2. Variance from providing a parking lot configuration and rely on the limited development order. (Bate stamp # 013).
3. Variance from landscaping requirements.
4. Variance requiring the applicant to reduce the entry driveway width from Estero Blvd. and to allow the existing two (2) driveways to be in compliance with the limited development order. (Bate stamp # 012 and 013).

Thank you for your time and consideration regarding this matter. If you have listed any additional variances, please let me know. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

/s/ Robert B. Burandt

Robert B. Burandt, Esq.

Attorney-At-Law

Burandt, Adamski, Feichthaler & Sanchez, PLLC

Town of Fort Myers Beach

SEP 5 2024

Received by: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 1479 Estero Blvd, Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-0060B.0070

Applicant: LKLB of Florida Inc. Phone: 239-463-3111

Contact Name: Robert B. Burandt, Esq. Phone: 239-542-4733

Email: robert@capecoralattorney.com Fax: 239-542-9203

Current Zoning District: Hotel/Motel

Future Land Use Map (FLUM) Category: Mixed Use

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

☒ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: LKLB of Florida Inc., Robert B. Burandt, Esq. Phone: 239-542-4733

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

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

Applicant Mailing Address: 1714 Cape Coral Parkway East, Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: 239.542.9203

Contact Name: Robert B. Burandt Phone: 239-542-4733



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Robert B. Burandt, Esq. Phone: 239-542-4733

Address: 1714 Cape Coral Parkway East, Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: 239.542.9203

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☒ Other. Please Explain: Special Exception to allow paid public parking. Need the following
variances: #1 variance from only using 13 parking spaces. #2 need variance from re-design of parking.

PART III - Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Robert B. Burandt, Esq. swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Robert Barandi

Printed Name

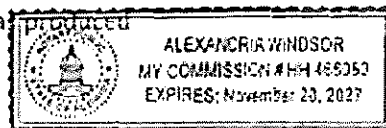
STATE OF FLORIDA COUNTY OF Lee

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

presence OR _____ online notarization, this 5 day of June, 2024, by

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

_____ as identification.



Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

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

Name, Address and Office	Percentage of Stock
Robert Conidaris	100%

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

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Ownership

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

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____ Signature	_____ Printed Name
--------------------	-----------------------

AFFIDAVIT

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

I, Robert B. Borandt, Esq. (name), as Attorney (title)
of L.L.B. of Florida Inc. (company), swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

LKLB of Florida Inc.
Name of Entity (corporation, partnership, LLP, LLC, etc)
[Signature] Attorney
Signature Title
Robert D. Burandt, Esq. 6/5/24
Typed or Printed Name Date

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 5 day of June, 2024 by [Signature], ☒ who is personally known to me OR ☐ who has produced [Signature] as identification.



PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-00608,0070

Property Address: 1479 Estero Blvd., Fort Myers Beach, FL 33931

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

☒ Yes. Property identified in subdivision: Venetian Gardens

Book: 6 Page: 70 Unit: Block: B Lot(s): 7+8+E 1/2
of Lot 9+28+29+ VAC RD R/W OR 553 PG 797

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) Front 125' Back 100' _____ feet

Depth (please provide an average width if irregular in shape) 270 _____ feet

Frontage on street: 125 _____ feet. Frontage on waterbody: _____ feet

Total land area: 30,725 _____ ☐ acres ☒ square feet

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

Go over the bridge and turn left, go down 1/5 of a mile on your left-hand side.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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



Case# _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name: Lani Kai Bay Front
Authorized Applicant: Robert B. Burandt, Esq.
LEIPA STRAP Number(s): 19-46-24-W4-0060B.0070

Current Property Status:	
Current Zoning: Hotel/Motel	
Future Land Use Map (FLUM) Category: Proposed mixed use	
Platted Overlay?	yes no FLUM Density Range:

Requested Action:

☐	Use of premises in the EC (Environmentally Critical) zoning district for:
☒	Use of premises in the _____ zoning district for:
The Property is a 25-unit Motel with 43 parking spaces which are 18 x 9 feet. The drive aisle width is 20 feet with one handicapped parking space see Exhibit #1 attached hereto and incorporated herein	



Case# _____

Date Received: _____

PART I
Narrative Statements

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

Applicant is requesting to continue to use the parking lot for the Bayside Hotel for public paid parking.
without modifications to the parking lot, landscaping or other requirements.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties.

Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:

This property has been used for public paid parking since before the town was incorporated and will have no
adverse effect on the surrounding property or their use.
The Times Square area of the Beach needs more public parking. Traffic is very congested because visitors
have no place to park.



Case# _____ Date Received: _____

Granting the requested Special Exception could impact surrounding properties as follows:

There would not be any adverse effect. The property is bordered by Norms parking to the North and property to the right of Norms parking which is owned by the Applicant or its affiliates

There is a canal to the right of the property and a Condominium to the South. This property has continually been used as public parking since the late 80s early 90s.

**PART 2
Submittal Requirements**

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

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3500.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement



Simon Holmes

November 10, 2023

RE: 1479 Estero Blvd, Fort Myers Beach
Strap # 19-46-24-W4-0060B.0070
LDO Application 20230196- Type 8- Resub 2

Dear Mr. Holmes,

Your application for a Limited Development Order has been **approved** by the Town of Ft. Myers Beach for the modifications proposed on the property located at 1479 Estero Blvd.

Request: request to reseal/ restripe of the parking lot and add 1 handicap stall will be striped.

THIS LIMITED DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF UP TO THREE (3) YEARS AND IS SCHEDULED TO EXPIRE ON 11/10/2026.

Please contact the Town's Planning Department to schedule a final inspection once the job is complete by emailing zoningpermits@fmbgov.com.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and Local permits. If you have any questions concerning this matter, please contact the Community Development Department office at (239) 765-0202.

Sincerely,
Sakshi
Planner
Town of Fort Myers Beach
Community Development Department

10/26/23, 10:00 AM

LDO20230196- Approved job site

Lani Kai permit 1.jpg

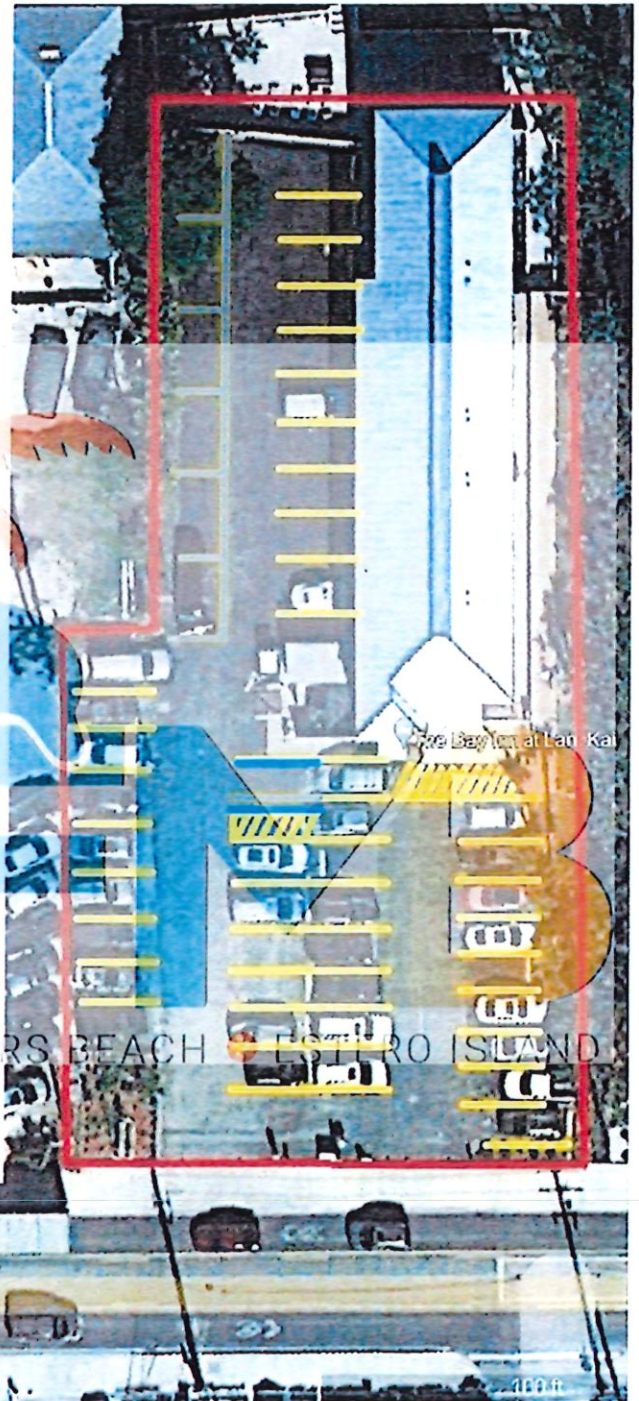
Lani Kai

Address:

1401 Estero Blvd
Fort Myers, FL

Work Description:

- Sealcoat parking lot within the red boundary line. Restripe all existing parking stall lines (yellow) and 6" linear line (yellow).
- No changes to parking lot, strictly sealcoating and restriping only. Each parking stall has the dimensions of 18' x 9'.
- The drive aisle width is 20 feet. There are a total of 43 regular parking spaces and no handicap spaces.
- We are adding zero pole mounted or building mounted lights on site.
- Parallel parking spaces will be removed to accommodate a wide enough drive aisle for the nearby parking.
- One (1) handicap stall will be striped. The dimensions are 18' x 12' with 5' access aisle (ADA compliant).



Property Data

STRAP: 19-46-24-W4-00608.0070 Folio ID: 10477703

Hurricane Ian Tax Roll Value Letter Tax Refund Status

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Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)

LKLB OF FLORIDA INC
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

Site Address

Site Address maintained by 911 Program Addressing

1479 ESTERO BLVD
FORT MYERS BEACH FL 33931

ALTERNATE ADDRESS INFORMATION:

1401 ESTERO BLVD

Property Description

Do not use for legal documents!

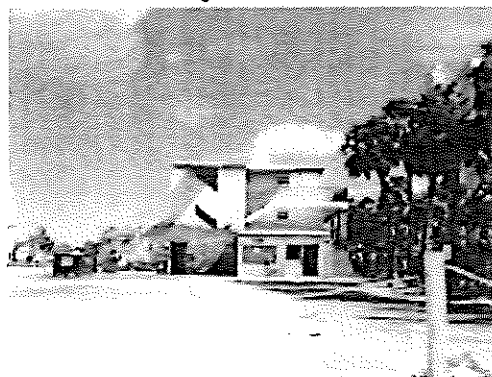
VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 7 + 8 + E 1/2
OF LOT 9 + 28 + 29 + VAC RD RAW OR 553 PG 797

[View Recorded Plat at LeeClick.org](#) - Use this link to do an Official
Records search on the Lee County Clerk of Courts website, using 6 and
70 for the book and page numbers

Attributes and Location Details

Total Bedrooms / Bathrooms 0 / 2.0
Gross Building Area 11,128
1st Year Building on Tax Roll 1984
Historic Designation No

Image of Structure



< Photo Date March of 2023 > ☐ View other photos

Township 46 Range 24E Section 19 Block 00608 Lot 0070
Municipality Latitude Longitude
Town of Fort Myers Beach 26.45166 -81.95067

Last Inspection Date: 01/30/2024

[View Parcel on Google Maps](#)

Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
	Current	3,365,424	2,422,703	3,335,424	1,766,318	0	0	1,766,318
2023 Values / Additional Info	2023	2,422,713	2,422,703	2,422,713	1,523,925	0	0	1,023,925
2022 Values / Additional Info	2022	1,931,798	1,247,740	1,931,798	1,476,235	0	0	1,476,235
2021 Values / Additional Info	2021	1,430,932	968,123	1,430,932	1,342,066	0	0	1,342,066
2020 Values / Additional Info	2020	1,418,708	633,430	1,418,708	1,220,076	0	0	1,220,076
2019 Values / Additional Info	2019	1,192,733	632,550	1,192,733	1,109,182	0	0	1,109,182
2018 Values / Additional Info	2018	1,149,876	650,705	1,149,876	1,008,329	0	0	1,008,329
2017 Values / Additional Info	2017	1,232,621	697,531	1,232,621	916,663	0	0	916,663

2016 Values	2016	1,232,461	696,837	1,232,461	833,330	0	0	833,330
2015 Values	2015	1,159,494	533,520	1,159,494	757,573	0	0	757,573
2014 Values	2014	996,101	531,765	996,101	688,703	0	0	688,703
2013 Values	2013	1,098,712	650,000	1,098,712	628,094	0	0	628,094
2012 Values	2012	569,176	303,852	569,176	569,176	0	0	569,176
2011 Values	2011	521,836	278,579	521,836	521,836	0	0	521,836
2010 Values	2010	777,189	550,285	777,189	675,532	0	0	675,532
	2009	893,360	681,490	893,360	893,360	0	0	893,360
	2008	1,090,900	860,910	1,090,900	1,090,900	0	0	1,090,900
	2007	1,418,620	1,115,680	1,418,620	1,418,620	0	0	1,418,620
	2006	1,747,370	1,369,520	1,747,370	1,747,370	0	0	1,747,370
	2005	1,632,800	1,455,440	1,632,800	1,632,800	0	0	1,632,800
	2004	991,690	885,670	991,690	991,690	0	0	991,690
	2003	988,290	885,250	988,290	988,290	0	0	988,290

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard (F.S. 193.011). For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment (F.S. 193.451 (6)(a)).

The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption* (i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for *Homestead* properties OR 10% for non-*Homestead* properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead*, etc.) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes (i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	36753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
DOCK - BOAT - WOODEN	1984	1,000

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1986

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
POF - FAIR OFFICE	Y	247

FCP - FINISHED OPEN PORCH	N	1,277
FCP - FINISHED OPEN PORCH	N	1,317
FCP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,527
FUS - FINISHED UPPER STORY	Y	3,527
STP - STOOP	N	301
UST - UNFINISHED UTILITY	N	176

Building Front Photo

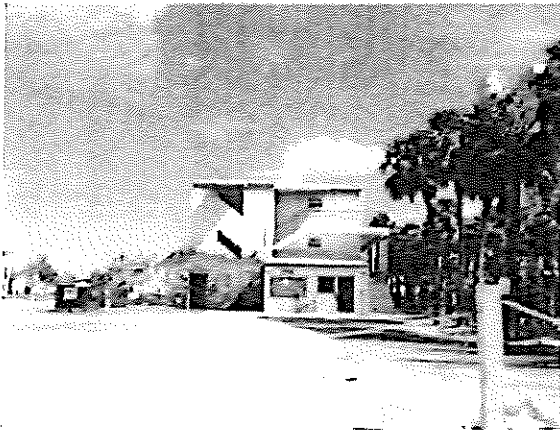
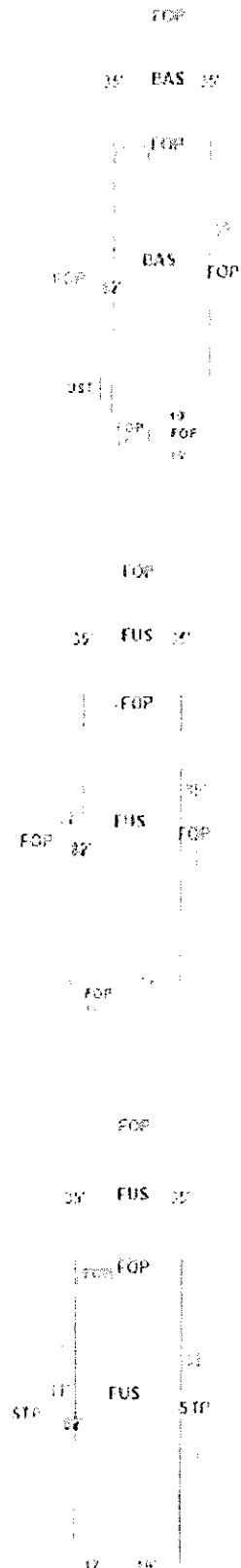


Photo Date: March of 2023

Building Footprint



Property Details (2023 Tax Roll)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	30753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
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Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bathrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1985

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
FOF - FAIR OFFICE	Y	247
FOP - FINISHED OPEN PORCH	N	1,277
FOP - FINISHED OPEN PORCH	N	1,317
FOP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,627
FUS - FINISHED UPPER STORY	Y	3,627
STP - STOOP	N	801
UST - UNFINISHED UTILITY	N	176

Building Front Photo

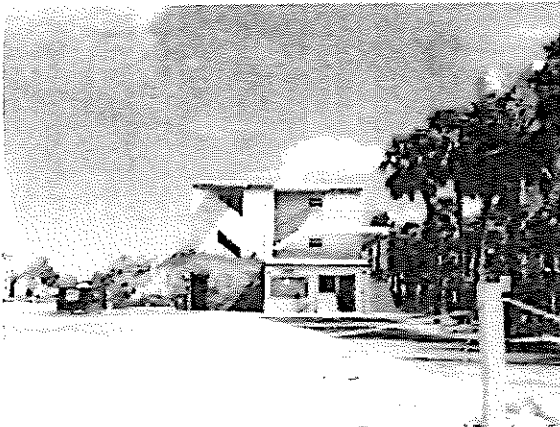
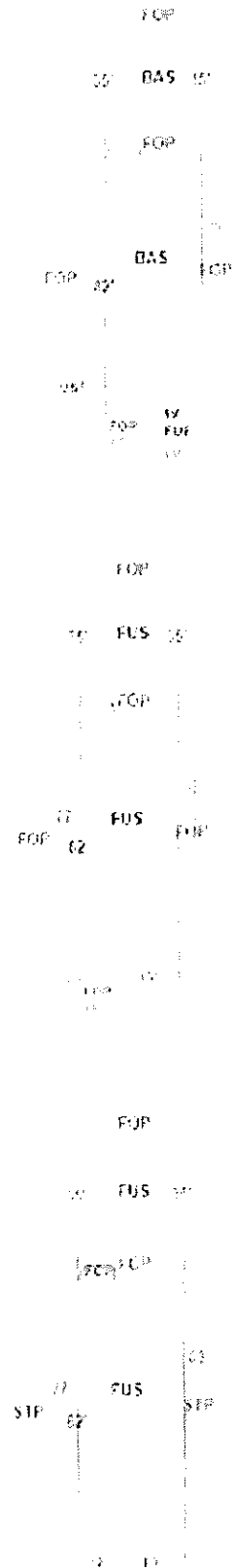


Photo Date: March of 2023

Building Footprint



Taxing Authorities

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TOWN OF FM BCH / FM BCH DOWNTOWN REDEV / 277

Item / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 188 MOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2817 FORT MYERS BEACH FL 33932-2817
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2480
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3302 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 309	Water District	SFWMD 3331 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

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Sale Price	Date	Clerk File Number	Type	Notes	Variant Improved
618,400.00	08/22/2002	<u>3711/181</u>	03		I
100.00	07/01/1953	<u>1679/972</u>	04		I

View Recorded Plat at LeeClerk.org

Use the above link to do a search on the Lee County Clerk of Records website using 553 and 70 for the book and page numbers and
Official Records for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free Property Fraud Alert.

Building / Construction Permit Data

Generated on 5/17/2024 3:44 PM

Permit Number	Permit Type	Date
<u>231223</u>	AC New / Change out	02/10/2023
<u>224606</u>	Electric	12/06/2022
<u>221248</u>	Electric	09/05/2022
<u>RGF17-0048</u>	Roof	06/07/2017
<u>SCN15-0023</u>	Building Miscellaneous	09/09/2015

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the appropriate permit issuing agency.

Parcel Numbering History

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Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
19-46-24-W4-0060A.0290	<u>10177752</u>	Split (From another Parcel)	05/09/2003
19-46-24-W4-03600.2040	<u>10228544</u>	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W3-03500.2050	<u>N/A</u>	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W4-03600.1010	<u>10228543</u>	Combined (With another parcel-Delete Occurs)	05/09/2003

Solid Waste (Garbage) Roll Data

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Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	C - Commercial Category	D	11855	1,243.75
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

Flood and Storm Information

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Flood Insurance Find my flood zone					Evacuation Zone
Community	Panel	Version	Date		
071C	0554	G	11/17/2022		A

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SECTION 18, TOWNSHIP 40 SOUTH, RANGE 24 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

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JAN 10 1968

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the People of the South (CLPS) in the United States. The Commission is therefore unable to determine whether the CLPS is a legitimate organization or a subversive group. The Commission is therefore unable to determine whether the CLPS is a legitimate organization or a subversive group.

[illegible]

RECEIVED BY THE DIRECTOR, FBI, MAY 11 1964

NOTES: 1. The above information is for informational purposes only. It is not intended to be used for any other purpose. The information is not to be used for any other purpose. The information is not to be used for any other purpose.

THE UNIVERSITY OF MICHIGAN LIBRARY

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1950-1951

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WCM & Capoeira
3 days class,
\$100 per person.

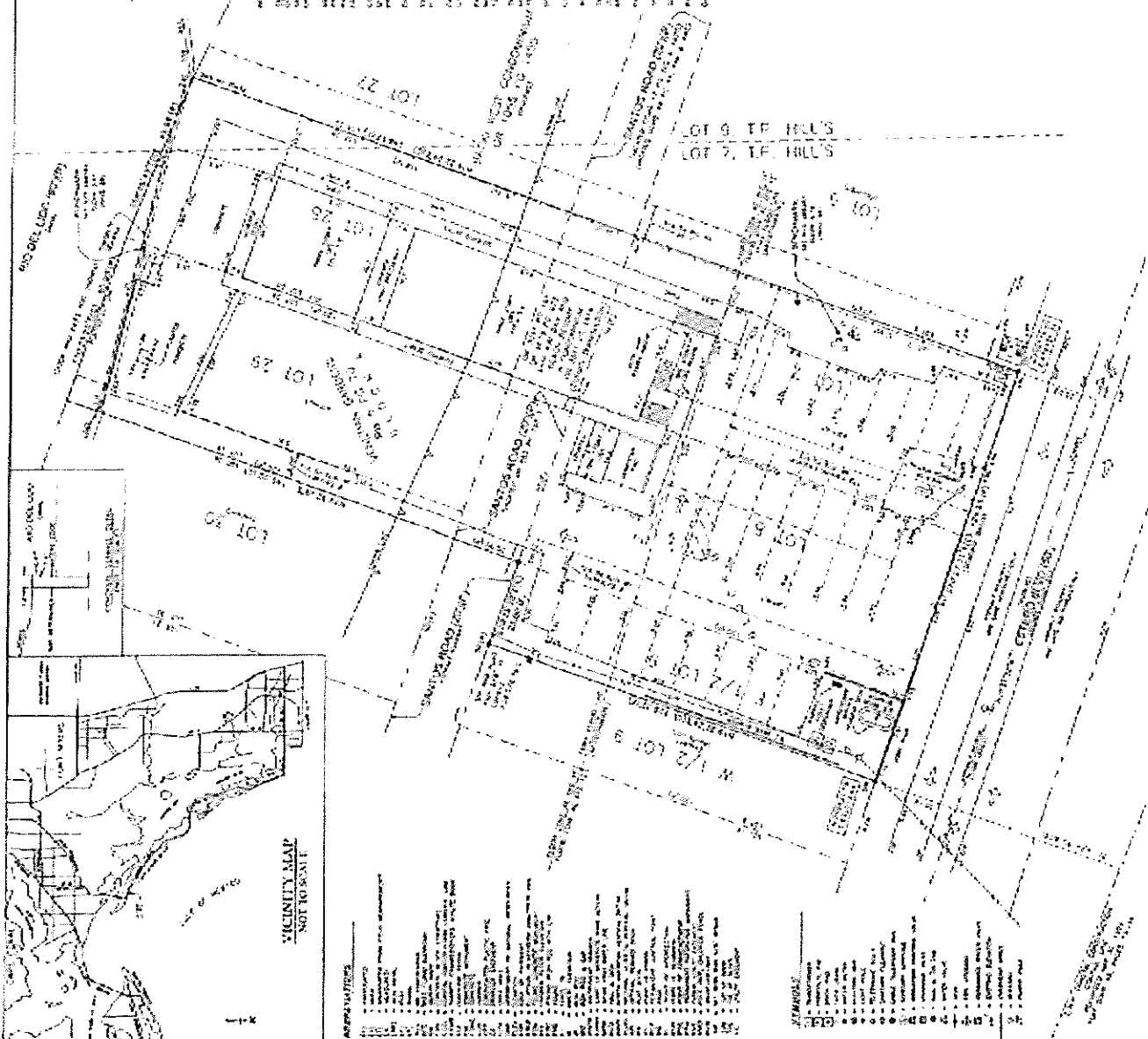
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© 1994 by the American Psychological Association, 0893-3200/94/\$04.00
DOI: 10.1037/0893-3200.10.4.471

HALEY WARD

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Proj.	Amount in	Comm. pt.	Rate	Est. No.
27-20-28	3144.00	1.00	20	100



LANI KAI AND BEACH RESORT • BOUNDARY SURVEY

HAILEY WARD

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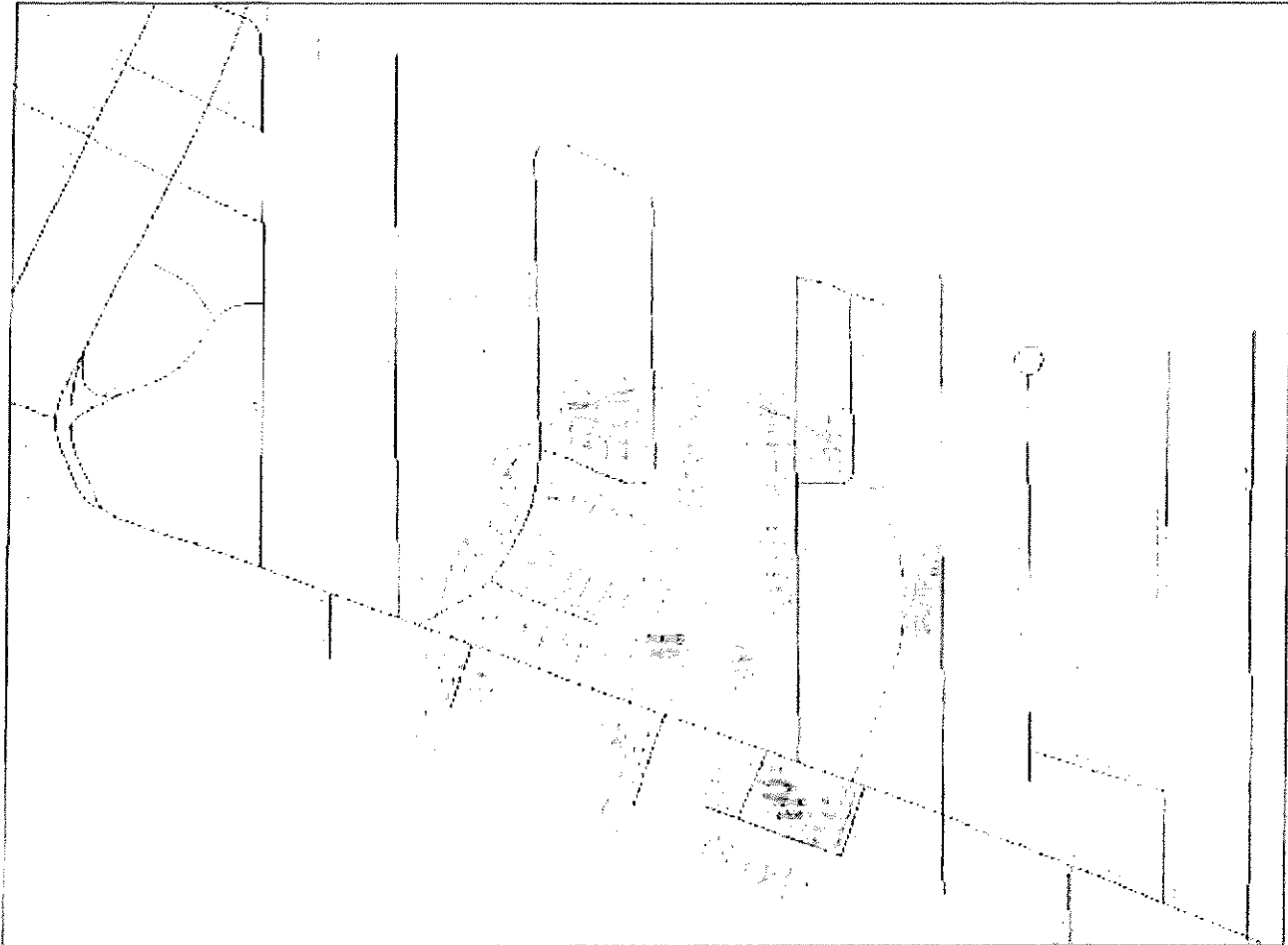
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Architectural drawing of a building with multiple wings and a central tower. The drawing includes a north arrow pointing towards the top right. The building is labeled 'Bayside Motel' in the upper right corner. The drawing is a detailed floor plan showing various rooms, corridors, and structural elements. The text 'Bayside Motel' is written in a stylized font in the upper right corner of the drawing area.

Bayside Motel





Date of Report: June 04, 2024

Buffer Distance: 500 feet
[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

Parcels Affected: 165

Subject Parcel: 19-46-24-W4-0060B.0070

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.01CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 RIO DEL LIDO CANAL	1
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.02CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 CANAL GRANDE CANAL	2
KEY ESTERO SHOPS LLC 3220 PINE CONE CT MILFORD NJ 08831	19-46-24-W4-00402.0010 1661 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 DESC OR 1468 PG 1697 LESS N 275 FT	3
REALBOOK LLC 12 SEQUOIA DR DAYTON NJ 08810	19-46-24-W4-00402.001A 200 CAROLINA AVE FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 N 275 FT OF OR 1468 PG 1697	4
GIBB CAPITAL LLC 1700 MEDICAL LN #101 FORT MYERS FL 33907	19-46-24-W4-00402.0030 211 OSTEBO DR FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BUK J LOT 13 1ST EDITION VENETIAN GARDENS	5
AMBERJACK PROPERTIES LLC PO BOX 446	19-46-24-W4-00402.0050 210 OSTEBO DR	HILLS T P SUBD PB 3 PG 84 PT LOT 11	6

OTTOVILLE OH 45876	FORT MYERS BEACH FL 33931	DESC IN OR 1351 PG 1680	
PIEC DANIEL J & JOYCE A TR 230 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-00402.0120 230 CAROLINA AVE FORT MYERS BEACH FL 33931	HILL STP SURD PB 3 PG 84 PT LOT 11 DESC OR 1365 PG 760	7
MOORE ERIK & SUSAN + 8136 KRONLOKKEN LANE LA FAYETTE IN 47909	19-46-24-W4-00402.0200 231 OSTEGO DR FORT MYERS BEACH FL 33931	PARLIN S 1/4 AS DESC IN OR 1361 PG 1551 AKA BLK J LOT 15 VENETIAN GARDENS	8
EE44 LLC 1951 PINE RIDGE DR JENISON MI 49428	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	9
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0110 259 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 11	10
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0120 257 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 12	11
RATISBONA INC 3665 BONITA BEACH RD SW #1-3 BONITA SPRINGS FL 34134	19-46-24-W4-0060A.0130 251/255 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 13	12
ZIEGLER MICHAEL W & NANCY A 437 AUBURN ST ALLEN TOWN PA 18102	19-46-24-W4-0060A.0140 249 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 14	13
CANTRELL JASON ALAN & DEBRA 620 GREENFORD TRAIL W CARMEL IN 46032	19-46-24-W4-0060A.0150 245 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 15	14
PETERSON DAVID CHARLES 85 LAKEVIEW AVE EXCELSIOR MN 55331	19-46-24-W4-0060A.0160 239 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 16	15
WIDMEIER INVESTMENTS LLC 4390 DODGE ST DUBUQUE IA 52003	19-46-24-W4-0060A.0170 237 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 17	16
MALONEY JAMES P TR 235 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0180 233/235 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 18 + N 25 FT LOT 19	17
ESH ANDREW CHARLES + 15833 SUNSET RD MINNETONKA MN 55345	19-46-24-W4-0060A.0200 223 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 20 + S 1/2 OF LOT 19	18
SZYPSKI KEITH P 219 CAROLINA AV FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0210 219 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 21	19
LANI KAI LP 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0300 1403 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 30 31 LESS W 12 FT	20
LANI KAI LP 1400 ESTERO RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0320 1401 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 32 + W 12 FT LOT 31	21
AULLS PATRICIA E D/E 7241 BERGAMO WAY UNIT 101 FORT MYERS FL 33966	19-46-24-W4-0060A.0330 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	22
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0340 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 34	23
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	24
CONNER CHARLES R & GAIL D 53 POMPANO ST FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70	25

		LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0370 1331 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 37	26
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0100 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 - 11	27
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0120 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	28
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	29
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	30
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	31
7-ELEVEN INC CORP INCOME TAX DEPT 3200 HYACKBERRY RD IRVING TX 75063	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	32
455 PALERMO CIRCLE LLC 1421 EAST LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0100 455 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 10	33
VAN FAM PROPERTIES LLC 7325 INDIGO RIDGE SW BYRON CENTER MI 49315	19-46-24-W4-0060D.0110 459 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 11	34
DAR LAND HOLDINGS LLC 3487 COUNTY LINE RD LUXEMBURG WI 53217	19-46-24-W4-0060D.0120 461 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 12	35
463 PALERMO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0130 463 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 13 + N 1/2 OF LOT 14	36
499 PALERMO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0150 499 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 PT LOT 15 + S 1/2 LOT 14 DESC IN OR BK 3404 PG 4545	37
MILLER JONATHAN T PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0060E.0010 501 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 1 + 2 + PT LOT 15 + 20 FT STRIP N OF AND ADJ TO LOTS 1 - 2 DESC IN OR BK 3404 PG 4545	38
TEZAK HELEN C TR 50 CHAPEL ST APT 4 FORT MYERS BEACH FL 33931	19-46-24-W4-0060E.0030 505 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 3 + 4	39
R & D ENTERPRISES OF 3436 CHURCH ST STEVENS POINT WI 54481	19-46-24-W4-0060E.0050 551 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 5	40
WEIGERT ANTIJE & MARTIN 415 CAPE CORAL PKWY W	19-46-24-W4-0060E.0060 561 PALERMO CIR	VENETIAN GARDENS BLK E PB 6 PG 70	41

CAPE CORAL FL 33914	FORT MYERS BEACH FL 33931	LOT 6	
JAMES R BRATLEY & JOAN E BRATLEY 15120 W ILIFF PL LAKEWOOD CO 80228	19-46-24-W4-0060E.0070 571 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 7	42
GNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HOEHE 61348 GERMANY	19-46-24-W4-0060E.0080 581 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 8 + LOT PT 9	43
STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLLINS CO 80528	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	44
HENNESSEY PATRICIA J & 460 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060E.0010 460 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 1	45
NORTH KEY INC 7150 RED LION FIVE POINTS RD SPRINGBORO OH 45066	19-46-24-W4-0060E.0020 552 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 2	46
DONNA M BYRD TRUST + 5701 BLUNK KNOB RD ELIZABETH IN 47117	19-46-24-W4-0060E.0030 580 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 3	47
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.0040 584/586 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 4	48
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.0050 588/590 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 5	49
DEL BUSTO GEORGE & 2212 EVEREST PKWY CAPE CORAL FL 33904	19-46-24-W4-0060E.0060 456 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 6	50
450 PALERMO LLC 1421 E LAKE STR SPRINGFIELD IL 62712	19-46-24-W4-0060E.0070 450 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 7	51
LUSSIER TARA CORBISHLEY & 745 BIMINI LN PUNTA GORDA FL 33950	19-46-24-W4-0060E.0280 312 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	52
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060E.028A ACCESS UNDETERMINED FORT MYERS BEACH FL	VENETIAN GARDENS BLK F PB 6 PG 70 REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	53
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	54
LUMP THOMAS F & ANN C 145 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 18	55
SLOMSKI STEVEN A & PO BOX 2428 PMB 25382 PENSACOLA FL 32513	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	56
ARLINGTON GREEN HOMES LLC LARRY SMITH 434 SPINNAKER DR MARCO ISLAND FL 34145	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 27	57
KALIDINDI RAMA USHA + 44354 APACHE CIR ASHBURN VA 20147	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	58
1249 ESTERO ADVENTURES LLC 290 BAHIA VIA	19-46-24-W4-0060H.0300 1249 ESTERO BLVD	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31-32	59

PORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	+ PT LT 29 OR 2414-2433	
NAUTICAL MARKETING LLC	19-46-24-W4-0070B.001A	CRESCENT BEACH BLK B	60
189 SABAL DR	1698 ESTERO BLVD	PB 4 PG 45 E 1/2 OF LT 1	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	+ N 1/2 OF E 1/2 OF LT 4	
MOFFA ROBERT H	19-46-24-W4-0070B.001B	CRESCENT BEACH	61
37728 LOIS DR	1660 ESTERO BLVD	BLK B PB 4 PG 45	
STERLING HEIGHTS MI 48316	FORT MYERS BEACH FL 33931	W 1/2 LOTS 1 + 4	
WEIT MARTIN & DAWN +	19-46-24-W4-0070B.004A	CRESCENT BEACH BLK B PB 4	62
275 TROPICAL SHORES WAY	71 AVENUE E	PG 45 S 1/2 OF E 1/2 OF LOT 4 + E	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	1/2 OF LOT 5	
BLODHAHL LEASING LLC	19-46-24-W4-0070B.005A	CRESCENT BEACH	63
1538 TIMBER RIDGE TRAIL	1667 1 ST	BLK B PB 4 PG 45	
CEDAR RAPIDS IA 52411	FORT MYERS BEACH FL 33931	W 1/2 OF LOT 5	
CROWLEY THERESA M	19-46-24-W4-0070B.0070	CRESCENT BEACH	64
60 ALVA DR	60 ALVA DR	BLK B PB 4 PG 45	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	LOT 7	
BERTSCHINGER INVESTMENTS LLC	19-46-24-W4-0070B.0080	CRESCENT BEACH	65
SEEBLICK 13	1662 1 ST	BLK B PB 4 PG 45	
WOLLERAU 8832	FORT MYERS BEACH FL 33931	LOT 8	
SWITZERLAND			
BERTSCHINGER INVESTMENTS LLC	19-46-24-W4-0070B.0090	CRESCENT BEACH	66
SEEBLICK 13	1664 1 ST	BLK B PB 4 PG 45	
8832 WOLLERAU	FORT MYERS BEACH FL 33931	LOT 9 + LOT PT 10	
SWITZERLAND			
CGRT LLC +	19-46-24-W4-0070B.010B	CRESCENT BEACH	67
573 LONGWOOD AVE	1666 1 ST	BLK B PB 4 PG 45	
GLENCOE IL 60022	FORT MYERS BEACH FL 33931	LOT PT 10	
MAUHI ENTERPRISES INC	19-46-24-W4-0070C.0010	CRESCENT BEACH	68
44 W CLEVELAND AV	1560 ESTERO BLVD	BLK C PB 4 PG 45	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	LOTS 1 + 4	
SMART PARK OF FMB LLC	19-46-24-W4-0070C.0020	CRESCENT BEACH	69
11330 LONG WATER CHASE COURT	1510 ESTERO BLVD	BLK C PB 4 PG 45	
FORT MYERS FL 33908	FORT MYERS BEACH FL 33931	LOTS 2 3 6	
WATERFRONT PROPERTIES LLC	19-46-24-W4-0070C.0050	CRESCENT BEACH	70
4411 CLEVELAND AVE	7173 ALVA DR	BLK C PB 4 PG 45	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	LOT 5	
HASSELHOFF LLC	19-46-24-W4-0070C.0070	CRESCENT BEACH	71
414 MARKET ST	60/64 AVENUE C	BLK C PB 4 PG 45	
IOWA CITY IA 52245	FORT MYERS BEACH FL 33931	LOTS 7 + PT LOT 8 W 1/2 OF	
1560 I STREET 62 LLC	19-46-24-W4-0070C.0090	CRESCENT BEACH	72
4795 LELAND DR	1560 1 ST #62	BLK C PB 4 PG 45	
CUMMING GA 30041	FORT MYERS BEACH FL 33931	LT 9 + E 1/2 LT 8 + VAC ALLEY	
UNDERWOOD LLC	19-46-24-W4-0070C.0100	CRESCENT BEACH	73
414 MARKET ST	1550 1 ST	BLK C PB 4 PG 45	
IOWA CITY IA 52245	FORT MYERS BEACH FL 33931	LOT 10	
HOY MARSHA L/E	19-46-24-W4-0070C.0110	CRESCENT BEACH	74
61 ALVA DR	61 ALVA DR	BLK C PB 4 PG 45	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	LOT 11	
GANIM GEORGE W & JOSEPHINE TR	19-46-24-W4-0070D.001A	CRESCENT BEACH	75
4666 MAIN ST	1478 ESTERO BLVD	BLK D PB 4 PG 45	
BRIDGEPORT CT 06606	FORT MYERS BEACH FL 33931	LOTS 1 + 4 LESS WLY 43 FT	
GANIM GEORGE W & JOSEPHINE TR	19-46-24-W4-0070D.001B	CRESCENT BEACH	76
4666 MAIN ST	1450 ESTERO BLVD	BLK D PB 4 PG 45	
BRIDGEPORT CT 06606	FORT MYERS BEACH FL 33931	WLY 43 FT LOTS 1 + 4	
LANI KAI LP	19-46-24-W4-0070D.0020	CRESCENT BEACH PB 4 PG 45	77
ROBERT G CONIDARIS	1400 ESTERO BLVD	BLKS D + E + VAC R/W DESC	
1400 ESTERO BLVD	FORT MYERS BEACH FL 33931	OR 1293 PG 1208	
FORT MYERS BEACH FL 33931			

STEPNEY LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0050 71 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 5	78
GANIM GEORGE W SR & 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0100 1450 1 ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 10	79
ATWATER LLC WALTER RAY SIMMONS 12711 CHATHAM DR FORT MYERS FL 33908	19-46-24-W4-0070D.0110 6165 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 11	80
RIGHT CHOICE INVESTMENTS LLC 13500 TELEGRAPH RD TAYLOR MI 48180	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 - ESTRY 2.5 FT LT 3 - CRESCENT BEACH LTS 1-5 BLK F LESS ESTRCLY 45FT OF NRTHLY 2.7 LT 3	81
OUR BEACH SAND LLC 12483 SUMMERWOOD DR FORT MYERS FL 33908	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	82
PE RENTALS LLC 1107 KANE ST LA CROSSE WI 54603	19-46-24-W4-0080B.0080 157 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 8	83
BARKER JOHN + 5262 OLYMPIA DR INDIANAPOLIS IN 46228	19-46-24-W4-0080B.0090 159 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 9	84
VALAZQUEZ TIMOTHY + 163 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0100 163 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 10	85
RUSK CHRISTOPHER J & 193 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0110 193 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 11	86
KOSTER RODNEY A & THERESA A 880 3RD ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0120 201 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 12	87
BATIKI WEST CONDO ASSN INC SUITOR MIDDLETON COX + ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	19-46-24-W4-02200.00CE BATIKI WEST CONDO C/E FORT MYERS BEACH FL 33931	BATIKI WEST CONDO DESC OR BK 1055 PG 1455 COMMON ELEMENTS POOL/DOCK	88
TROPICAL CENTER CONDO ASSOC 1300 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02300.00CE TROPICAL CENTER C/E FORT MYERS BEACH FL 33931	CONDO IN SW 1/4 SEC 19 TWP 46 R 24 RECORDED IN OR 1123 P 323 THRU 364 COMMON ELEMENTS	89
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL 33931	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445 COMMON ELEMENTS	90
PARKER HARRY W & BEVERLY J 17838 US HIGHWAY 61 SIKESTON MO 63801	19-46-24-W4-02200.2000 1511 ESTERO BLVD #200 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 200	91
PETRICH PAUL E & GAY G TR 860 HENN HYDE RD WARREN OH 44484	19-46-24-W4-02200.2010 1511 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 201	91
WILLIAM L & JOYCE J HENDREN T 28033 N 1850 EAST RD GRIDLEY IL 61744	19-46-24-W4-02200.2020 1511 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 202	91
WILLIAMS JEANNE L TR 1511 ESTERO BLVD # PHH FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2030 1511 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 203	91
HANY JOHN A TR 3405 STEPHANIE RD	19-46-24-W4-02200.2040 1511 ESTERO BLVD #204	BATIKI WEST CONDO OR 1055 PG 1455	91

BLOOMINGTON IL 61704	FORT MYERS BEACH FL 33931	UNIT 204	
BUTLER JAMES H & TERESA A 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2050 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 205	91
LAY DANIEL F TR 7583 N 1300 E ROAD SHIRLEY IL 61772	19-46-24-W4-02200.2060 1511 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 206	91
FRANKLIN JAY STAHAN TRUST 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2070 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 207	91
FILM CAROLYN A 64 CARROLLS GROVE RD TROY NY 12180	19-46-24-W4-02200.2080 1511 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 208	91
BROWN JOANNE M TR PO BOX 96 OMEN MI 49674	19-46-24-W4-02200.2090 1511 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 209	91
JONES MALINDA ETZLER 2445 S FILLMORE ST DENVER CO 80210	19-46-24-W4-02200.3000 1511 ESTERO BLVD #300 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 300	91
PENN CYNTHIA TR 14248 FOUNTAIN HILLS CT NE PRIOR LAKE MN 55372	19-46-24-W4-02200.3010 1511 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 301	91
FRANA THERESA L 2789 TRAILWOOD LN LEXINGTON KY 40511	19-46-24-W4-02200.3020 1511 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 302	91
1511 ESTERO 303 LLC MICHELLE YOUNKHANA 495 THOMAS DR NORTH BARRINGTON IL 60010	19-46-24-W4-02200.3030 1511 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 303	91
OBRIEN CAROL & WINSTON 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3040 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 304	91
DANIELSON BRIAN 1300 WILD ROSE TRAIL EDMOND OK 73034	19-46-24-W4-02200.3050 1511 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 305	91
KARBLER LARRY L L/E 6558 OHENRY CIR NORTH RIDGEVILLE OH 44039	19-46-24-W4-02200.3060 1511 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 306	91
JOHNSTON DALE MICHAEL & 118 MEADOW CREEK CT LEXINGTON IL 61753	19-46-24-W4-02200.3070 1511 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 307	91
SEXTON MICHAEL ZEPH & 1511 ESTERO BLVD # 308 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3080 1511 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 308	91
RAPP DALE A & RUTH ANN 104 PRAIRIE DR LEXINGTON IL 61753	19-46-24-W4-02200.3090 1511 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 309	91
LAW MICHAEL M & SHEILA K PO BOX 584 HEYWORTH IL 61745	19-46-24-W4-02200.4000 1511 ESTERO BLVD #400 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 400	91
MEZERA CHRISTINA M TR 5229 W 62ND ST EDINA MN 55436	19-46-24-W4-02200.4010 1511 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 401	91
QUARTELLO BETTY A TR 1511 ESTERO BLVD # 402 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4020 1511 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 402	91
SUNSET VIEWS LLC PO BOX 70	19-46-24-W4-02200.4030 1511 ESTERO BLVD #403	BATIKI WEST CONDO OR 1055 PG 1455	91

AUBURN IN 46706	FORT MYERS BEACH FL 33931	UNIT 403	
DARIANO KELLER TR 79 SUNNY LN TIEFFIN OH 44883	19-46-24-W4-02200.4040 1511 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 404	91
MOORE ROBERT J & CYNTHIA S 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4050 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 405	91
STRIBLING MARK TR PO BOX 408 ASHLAND IL 62612	19-46-24-W4-02200.4060 1511 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 406	91
STOCKER REBECCA L & JAMES A APT 407 1511 ESTERO BLVD JACKSONVILLE IL 62650	19-46-24-W4-02200.4070 1511 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 407	91
SMITH GARY B & RONY R 3734 WESLEY CHAPEL RD ZANESVILLE OH 43701	19-46-24-W4-02200.4080 1511 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 408	91
HOLZAPFEL CHARLES JOHN & 301 S 4TH CIR BRANDON SD 57005	19-46-24-W4-02200.4090 1511 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 409	91
GREEN BURLEY & TAMMY PO BOX 44 OWENSVILLE MO 65066	19-46-24-W4-02200.5000 1511 ESTERO BLVD #500 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 500	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.5010 1511 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 501	91
CHARLES DANNY TR 9751 EASTERN AVE BYRON CENTER MI 49315	19-46-24-W4-02200.5020 1511 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 502	91
DOUGLAS RAYMOND & JENNIFER 3 PELHAM RD BARGATE GRIMSBY LINCOLNSHIRE DN34 4SU UNITED KINGDOM	19-46-24-W4-02200.5030 1511 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 503	91
41 DEVOE STREET CORP 26 UPLAND RD GREAT NECK NY 11020	19-46-24-W4-02200.5040 1511 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 504	91
GLACKIN BARBARA Q TR 1673 MOUNT EVEREST LN TOMS RIVER NJ 08753	19-46-24-W4-02200.5050 1511 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 505	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5060 1511 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 506	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5070 1511 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 507	91
GUILES JON R TR PO BOX 2706 FORT MYERS BEACH FL 33932	19-46-24-W4-02200.5080 1511 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 508	91
STERNER RACHEL V TR 2303 KINGS CROSSING DR # 321 KINGWOOD TX 77345	19-46-24-W4-02200.5090 1511 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 509	91
WOOD SAMUEL L PO BOX 342 PETERSBURG IL 62675	19-46-24-W4-02200.6000 1511 ESTERO BLVD #600 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 600	91
SMITH BRIAN I - PO BOX 235 HEYWORTH IL 61745	19-46-24-W4-02200.6010 1511 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 601	91
WOOD SAMUEL L - PO BOX 342	19-46-24-W4-02200.6020 1511 ESTERO BLVD #602	BATIKI WEST CONDO OR 1055 PG 1455	91

PETERSBURG IL 62675	FORT MYERS BEACH FL 33931	UNIT 602	
HANSEN LOUISE E TR 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6030 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 603	91
RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOW RD CAPE MAY COURT HOUSE NJ 08210	19-46-24-W4-02200.6040 1511 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 604	91
NELSON BRADLEY A TR 803 IRONWOOD CC DR NORMAL IL 61761	19-46-24-W4-02200.6050 1511 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 605	91
FOUR P INVESTMENTS LTD 1511 ESTERO BLVD APT 606 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6060 1511 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 606	91
WOLOS MICHAEL C & SHAREN A PO BOX 381 FLUSHING MI 48433	19-46-24-W4-02200.6070 1511 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 607	91
TMS INVESTMENTS 185 HIGH ST NE WARREN OH 44481	19-46-24-W4-02200.6080 1511 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 608	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.6090 1511 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 609	91
SMITH JULIA V TR 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00A0 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE A	92
CALHAN FLP 189 SADDLEBROOK DR OAK BROOK IL 60523	19-46-24-W4-022PHI.00B0 1511 ESTERO BLVD #PHB FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE B	92
CALHAN LEO D & JOAN C 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00C0 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE C	92
LADWIG MARY TR 16019 ISOLA WAY MIROMAR LAKES FL 33913	19-46-24-W4-022PHI.00D0 1511 ESTERO BLVD #PHD FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE D	92
MALAGOTTA PROPERTIES LLC ANTHONY MIRAGLIOTTA 31 JOHN ALDEN ST CLIFTON NJ 07013	19-46-24-W4-022PHI.00E0 1511 ESTERO BLVD #PHE FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE E	92
LONI RODGER J - 2054 N NORDICA AVE CHICAGO IL 60707	19-46-24-W4-022PHI.00F0 1511 ESTERO BLVD #PHF FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE F	92
RICCIO NICHOLAS J & 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00G0 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE G	92
WILLIAMS JEFFREY M TR 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	19-46-24-W4-022PHI.00H0 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE H	92
LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND PARK IL 60462	19-46-24-W4-022PHI.00I0 1511 ESTERO BLVD #PHI FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE I	92
BUTLER WILLIAM PATRICK 732 GKUMA DR CHESTER VA 23836	19-46-24-W4-022PHI.00J00 1511 ESTERO BLVD #PHJ FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE J	92
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230A.0000 1600 ESTERO BLVD #A FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT A	93
MAUHI ENTERPRISES INC 4411 CLEVELAND AV	19-46-24-W4-0230B.0000 1600 ESTERO BLVD #B	TROPICAL CENTER COND OR 1123 PG 323	94

FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT B	
MAUHI ENTERPRISES INC	19-46-24-W4-0230C.0000	TROPICAL CENTER CONDO	95
4411 CLEVELAND AV	1600 ESTERO BLVD #C	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT C	
MAUHI ENTERPRISES INC	19-46-24-W4-0230D.0000	TROPICAL CENTER CONDO	96
4411 CLEVELAND AV	1600 ESTERO BLVD #D	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT D	
MAUHI ENTERPRISES INC	19-46-24-W4-0230E.0000	TROPICAL CENTER CONDO	97
4411 CLEVELAND AV	1600 ESTERO BLVD #E	OR 1123 PG 323	
FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT E	
1300 ESTERO BLVD LLC	19-46-24-W4-02600.1010	CRESCENT SHORE CONDO	98
32 BAYVIEW BLVD	1300 ESTERO BLVD #101	OR 1464 PG 445	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNITS 101 102 + 103	
BEYER TAMMY E TR	19-46-24-W4-02600.1040	CRESCENT SHORE CONDO	98
9656 HALYARDS CT # 24	1300 ESTERO BLVD #104	OR 1464 PG 445	
FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	UNIT 104	
ANDRESEN EDWIN TR	19-46-24-W4-02600.1050	CRESCENT SHORE CONDO	98
7960 PRESERVATION DR	1300 ESTERO BLVD #105	OR 1464 PG 445	
INDIANAPOLIS IN 46278	FORT MYERS BEACH FL 33931	UNIT 105	
BACCCELLA SALVATORE	19-46-24-W4-02600.1060	CRESCENT SHORE CONDO	98
4 POINT VIEW CT	1300 ESTERO BLVD #106	OR 1464 PG 445	
SICKLERVILLE NJ 08081	FORT MYERS BEACH FL 33931	UNIT 106	
JOHNSON NANCY ANN L/E	19-46-24-W4-02600.2010	CRESCENT SHORE CONDO	98
9 NANCY LN	1300 ESTERO BLVD #201	OR 1464 PG 445	
FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNIT 201	
HECK LLC	19-46-24-W4-02600.2020	CRESCENT SHORE CONDO	98
15561 CATALPA COVE DR	1300 ESTERO BLVD #202	OR 1464 PG 445	
FORT MYERS FL 33908	FORT MYERS BEACH FL 33931	UNIT 202	
CONANT DONNA TR	19-46-24-W4-02600.2030	CRESCENT SHORE CONDO	98
8122 S FOREST HILL CIR	1300 ESTERO BLVD #203	OR 1464 PG 445	
FRANKLIN WI 53132	FORT MYERS BEACH FL 33931	UNIT 203	
DENNIS R - CYNTHIA L LOKEN TRU	19-46-24-W4-02600.2040	CRESCENT SHORE CONDO	98
106 ICHABOD LN	1300 ESTERO BLVD #204	OR 1464 PG 445	
MANKATO MN 56001	FORT MYERS BEACH FL 33931	UNIT 204	
LANDOLFI STEVEN J	19-46-24-W4-02600.2050	CRESCENT SHORE CONDO	98
22 VETO ST	1300 ESTERO BLVD #205	OR 1464 PG 445	
PROVIDENCE RI 02908	FORT MYERS BEACH FL 33931	UNIT 205	
NIEMEIER RYAN & SUMMER	19-46-24-W4-02600.2060	CRESCENT SHORE CONDO	98
106 S WALNUT ST	1300 ESTERO BLVD #206	OR 1464 PG 445	
LA CRESCENT MN 55947	FORT MYERS BEACH FL 33931	UNIT 206	

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

KEY ESTERO SHOPS LLC
3220 PINE CONE CT
MILFORD MI 48381

REALBOOK LLC
12 SEQUOIA DR
DAYTON NJ 08810

GHARR CAPITAL LLC
1700 MEDICAL LN #101
FORT MYERS FL 33907

AMBERJACK PROPERTIES LLC
PO BOX 446
OFTOVBILLE OH 45876

PIEC DANIEL J & JOYCE A TR
230 CAROLINA AVE
FORT MYERS BEACH FL 33931

MOORE ERIK & SUSAN +
8116 KRONLOKKEN LANE
LAFAYETTE IN 47909

EE44 LLC
1931 PINE RIDGE DR
JENISON MI 49428

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

KATIBONA INC
3655 BONITA BEACH RD SW #1-3
BONITA SPRINGS FL 34134

ZIEGLER MICHAEL W & NANCY A
437 AUBURN ST
ALLENTOWN PA 18103

CANTRELL JASON ALAN & DEBRA
620 GREENFORD TRAIL W
CARMEL IN 46032

PETERSON DAVID CHARLES
85 LAKEVIEW AVE
EXCELSIOR MN 55331

WIDMEIER INVESTMENTS LLC
4350 DODGE ST
DUBUQUE IA 52003

MALONEY JAMES P TR
235 CAROLINA AVE
FORT MYERS BEACH FL 33931

ESH ANDREW CHARLES +
15833 SUNSET RD
MINNETONKA MN 55345

SZYPERSKI KEITH P
219 CAROLINA AV
FORT MYERS BEACH FL 33931

LANKA LP
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO RD
FORT MYERS BEACH FL 33931

AULIS PATRICIA ELAE
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33946

WILCOX LANCE
1335 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
55 POMPANO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

455 PALERMO CIRCLE LLC
1421 EAST LAKE SHORE DR
SPRINGFIELD IL 62712

VAN FAM PROPERTIES LLC
7323 INDIGO RIDGE SW
BYRON CENTER MI 49315

DAR LAND HOLDINGS LLC
3457 COUNTY LINE RD
LUXEMBURG WI 54217

455 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

455 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

MILLER JONATHAN T
PO BOX 80190
FORT WAYNE IN 46898

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

R & D ENTERPRISES OF
3436 CHURCH ST
STEVENS POINT WI 54481

WEIGERT ANTE & MARTIN
415 CAPE CORAL PKWY W
CAPE CORAL FL 33914

JAMES R BRATLEY & JOANNE BRADY
15120 WILF PL
LAKEWOOD CO 80228

GNIRCK RAPHAEL -
AMMUEHLBERG 29A
BAD HOMBURG VD HOEHE 41148
GERMANY

STRECK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

HENNESSEY PATRICIA J &
460 PALERMO CIR
FORT MYERS BEACH FL 33931

NORTH KEY INC
7150 RED LION FIVE POINTS RD
SPRINGBORO OH 45066

DONNA M BYRD TRUST -
5701 BLUNK KNOB RD
ELIZABETH IN 47017

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DEL BUSTO GEORGE &
2212 EVEREST PKWY
CAPE CORAL FL 33904

450 PALERMO LLC
1421 E LAKE SHR
SPRINGFIELD IL 62712

LUSSIER TARA CORBISHEEY &
745 BIMINI LN
PUNTA GORDA FL 33950

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2628 PMB 25382
PENSACOLA FL 32513

ARLINGTON GREEN HOMES LLC
LARRY SMITH
434 SPINNAKER DR
MARCO ISLAND FL 34145

KATHINDIRAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

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

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH FL 33931

MOFFA ROBERT H
37728 LOIS DR
STERLING HEIGHTS MI 48310

WEIT MARTIN & DAWN +
275 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

BLOCHDAHL LEASING LLC
3558 TIMBER RIDGE TRAIL
CEDAR RAPIDS IA 52411

CROWLEY THERESA M
60 ALVA DR
FORT MYERS BEACH FL 33931

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
WOLLERAU 8832
SWITZERLAND

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
8832 WOLLERAU
SWITZERLAND

CORT LLC +
573 LONGWOOD AVE
GLENCOE IL 60022

MACHI ENTERPRISES INC
1411 CLEVELAND AV
FORT MYERS FL 33901

SMART PARK OF FMB LLC
11150 LONG WATER CHASE COURT
FORT MYERS FL 33908

WATERFRONT PROPERTIES LLC
1411 CLEVELAND AVE
FORT MYERS FL 33901

HASSELHOFF LLC
414 MARKET ST
IOWA CITY IA 52245

1560 I STREET 62 LLC
4705 LELAND DR
CUMMING GA 30041

UNDERWOOD LLC
414 MARKET ST
IOWA CITY IA 52245

HOY MARSHALL F
61 ALVA DR
FORT MYERS BEACH FL 33931

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

STEPNEY LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W SR &
4666 MAIN ST
BRIDGEPORT CT 06606

ATWATER LLC
WALTER RAY SIMMONS
12711 CHATHAM DR
FORT MYERS FL 33908

RIGHT CHOICE INVESTMENTS LLC
13500 TELEGRAPH RD
TAYLOR MI 48180

OUR BEACH SAND LLC
12481 SUMMERWOOD DR
FORT MYERS FL 33908

PE RENTALS LLC
1107 KANE ST
LA CROSSE WI 54603

BARKER JOHN +
5262 OLYMPIA DR
INDIANAPOLIS IN 46228

VALAZQUEZ TIMOTHY +
163 MIRAMAR ST
FORT MYERS BEACH FL 33931

RUSK CHRISTOPHER J &
193 MIRAMAR ST
FORT MYERS BEACH FL 33931

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

BANKI WEST CONDO ASSN INC
SUITOR MIDDLETON COX + ASSOC
15731 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

TROPICAL CENTER CONDO ASSOC
1330 ESTERO BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

PARKER HARRY W & BEVERLY J
17858 US HIGHWAY 61
SIKESTON MO 63801

PETRICH PAUL E & GAY G TR
860 HENN HYDE RD
WARREN OH 44181

WILLIAM L & JOYCE J HENDRENT
28033 N 1850 EAST RD
GRIDLEY IL 61744

WILLIAMS JEANNE L TR
1511 ESTERO BLVD # PHH
FORT MYERS BEACH FL 33931

HANY JOHN A TR
3405 STEPHANIE RD
BLOOMINGTON IL 61704

BUTLER JAMES H & TERESA A
1511 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

LAY DANIEL F TR
7583 N 1300 E ROAD
SHERLEY IL 61772

FRANKLIN JAY STAHAN TRUST
1511 ESTERO BLVD #207
FORT MYERS BEACH FL 33931

FILM CAROLYN A
61 CARROLLS GROVE RD
TROY NY 12180

BROWN JOANNE M TR
PO BOX 96
OMENA MI 49674

JONES MALINDA ETZLER
2445 S FILLMORE ST
DENVER CO 80210

FENN CYNTHIA TR
14248 FOUNTAIN HILLS CT NE
PRIOR LAKE MN 55372

FRANA THERESA I
2789 TRAILWOOD LN
LEXINGTON KY 40511

1511 ESTERO 303 LLC
MICHELLE YOUKHANA
493 THOMAS DR
NORTH BARRINGTON IL 60010

OBRIEN CAROL & WINSTON
1511 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

DANIELSON BRIAN
1300 WILD ROSE TRAIL
EDMOND OK 73134

KARBLER LARRY L DE
6554 OHENRY CIR
NORTH RIDGEVILLE OH 44039

JOHNSTON DALE MICHAEL &
118 MEADOW CREEK CT
LEXINGTON IL 61753

SEXTON MICHAEL ZEPH &
1511 ESTERO BLVD # 308
FORT MYERS BEACH FL 33931

RAPP DALE A & RUTH ANN
104 PRAIRIE DR
LEXINGTON IL 61753

LAW MICHAEL M & SHEILA K
PO BOX 584
HEYWORTH IL 61745

MEZERA CHRISTINA M TR
5229 W 62ND ST
EDINA MN 55436

QUARIELLO BETTY A TR
1511 ESTERO BLVD # 402
FORT MYERS BEACH FL 33931

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

DARIANO KELLER TR
79 SUNNY LN
TIFFIN OH 44883

MOORE ROBERT J & CYNTHIA S
1511 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

STRIBLING MARK TR
PO BOX 408
ASHLAND IL 62612

STOCKER REBECCA L & JAMES A
APT 407
1511 ESTERO BLVD
JACKSONVILLE IL 62650

SMITH GARY B & ROXY R
3734 WESLEY CHAPEL RD
ZANESVILLE OH 43701

HOLZAPFEL CHARLES JOHN &
801 S 4TH CIR
BRANDON SD 57005

GREEN BURLEY & TAMMY
PO BOX 44
OWENSVILLE MO 65066

CHARLES DANNY TR
9751 EASTERN AVE
BYRON CENTER MI 49315

41 DEVON STREET CORP
26 UPLAND RD
GREAT NECK NY 11020

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46781

GUILLES JON R TR
PO BOX 2706
FORT MYERS BEACH FL 33932

WOOD SAMUEL L
PO BOX 342
PETERSBURG IL 62675

WOOD SAMUEL L -
PO BOX 342
PETERSBURG IL 62675

RICCIO JOSEPH MICHAEL
24 SECLUDED HOLLOW RD
CAPE MAY COURT HOUSE NJ 08210

FOUR P INVESTMENTS LTD
1511 ESTERO BLVD APT 606
FORT MYERS BEACH FL 33931

TMS INVESTMENTS
185 HIGH ST NE
WARREN OH 44481

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

DOUGLAS RAYMOND & JENNIFER
3 PELHAM RD BARGATE GRIMSBY
LINCOLNSHIRE DN34 4SU
UNITED KINGDOM

GLACKIN BARBARA Q TR
1675 MOUNT EVEREST LN
TOMES RIVER NJ 08753

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46781

STERNER RACHEL V TR
2803 KINGS CROSSING DR # 321
KINGWOOD TX 77345

SMITH BRIAN T -
PO BOX 235
HEYWORTH IL 61745

HANSEN LOUISE E TR
1511 ESTERO BLVD #603
FORT MYERS BEACH FL 33931

NELSON BRADLEY A TR
803 IRONWOOD CC DR
NORMAL IL 61761

WOLOS MICHAEL C & SHAREN A
PO BOX 381
FLUSHING MI 48433

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

SMITH JULIA V TR
1511 ESTERO BLVD #PH1A
FORT MYERS BEACH FL 33931

CALHAN FLP
189 SADDLEBROOK DR
OAK BROOK IL 60521

CALHAN LEO D & JOAN C
1511 ESTERO BLVD #PHC
FORT MYERS BEACH FL 33931

LADWIG MARY TR
10019 ISOLA WAY
MIROMAR LAKES FL 33913

MALAGOTTA PROPERTIES LLC
ANTHONY MIRAGLIOTTA
31 JOHN ALDEN ST
CLIFTON NJ 07013

LONI ROGER J +
2054 N NORDICA AVE
CHICAGO IL 60707

RICCIO NICHOLAS J &
1511 ESTERO BLVD #PHG
FORT MYERS BEACH FL 33931

WILLIAMS JEFFREY M TR
1511 ESTERO BLVD #PHH
FORT MYERS BEACH FL 33931

LOIZZO DIANE L TR
8453 ROY ROY DR
ORLAND PARK IL 60462

BUTLER WILLIAM PATRICK
732 OKUMA DR
CHESTER VA 23836

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

1500 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08581

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

DENNIS R + CYNTHIA L LOREN TRU
106 ICHABOD LN
MANKATO MN 56001

LAMBOLE STEVEN J
22 VETO ST
PROVIDENCE RI 02908

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

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0	TRUE	10477703	19-46-24-V	LKLB OF FLORIDA INC	1400 ESTERO BLVD	FORT MYER FL	33931				1479
1	FALSE	10617008	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL	33931				
2	FALSE	10617009	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL	33931				
3	FALSE	10227974	19-46-24-V	KEY ESTERO SHOPS LL	3220 PINE CONE CT	MILFORD MI	48381				1661
4	FALSE	10227975	19-46-24-V	REALBOOK LLC	12 SEQUOIA DR	DAYTON NJ	8810				200
5	FALSE	10227976	19-46-24-V	GH3 RR CAPITAL LLC	1700 MEDICAL LN #10	FORT MYER FL	33907				211
6	FALSE	10227978	19-46-24-V	AMBER JACK PROPERTY	PO BOX 446	OTTOVILLE OH	45876				210
7	FALSE	10227985	19-46-24-V	PIEC DANIEL J & JOYCE	230 CAROLINA AVE	FORT MYER FL	33931				230
8	FALSE	10227993	19-46-24-V	MOORE ERIK & SUSAN	8136 KRONLOKKEN LA	LAFAYETTE IN	47909				231
9	FALSE	10228046	19-46-24-V	EE44 LLC	1951 PINE RIDGE DR	JENISON MI	49428				125/127
10	FALSE	10626630	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL	33919				259
11	FALSE	10626631	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL	33919				257
12	FALSE	10228054	19-46-24-V	RATISBONA INC	3665 BONITA BEACH R	BONITA SPI FL	34134				251/255
13	FALSE	10228055	19-46-24-V	ZIEGLER MICHAEL W &	437 AUBURN ST	ALLEN TOW PA	18103				249
14	FALSE	10228056	19-46-24-V	CANTRELL JASON ALAN	620 GREENFORD TRAIL	CARMEL IN	46032				245
15	FALSE	10228057	19-46-24-V	PETERSON DAVID CHA	85 LAKEVIEW AVE	EXCELSIOR MN	55331				239
16	FALSE	10228058	19-46-24-V	WIDMEIER INVESTMEN	4390 DODGE ST	DURBUQUE IA	52003				237
17	FALSE	10228059	19-46-24-V	MALONEY JAMES P TR	235 CAROLINA AVE	FORT MYER FL	33931				233/235
18	FALSE	10228060	19-46-24-V	ANDREW CHARLE	13833 SUNSET RD	MINNETON MN	55345				223
19	FALSE	10228061	19-46-24-V	SZYBERSKI KEITH P	219 CAROLINA AV	FORT MYER FL	33931				219
20	FALSE	10228062	19-46-24-V	LANI KAI LP	1400 ESTERO BLVD	FORT MYER FL	33931				1403
21	FALSE	10228063	19-46-24-V	LANI KAI LP	1400 ESTERO RD	FORT MYER FL	33931				1401
22	FALSE	10228064	19-46-24-V	AULLS PATRICIA E L/E	7241 BERGAMO WAY U	FORT MYER FL	33966				1351
23	FALSE	10228065	19-46-24-V	WILCOX LANCE	1339 SANTOS RD	FORT MYER FL	33931				1339
24	FALSE	10228066	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL	33931				1335
25	FALSE	10228067	19-46-24-V	CONNER CHARLES R &	53 POMPANO ST	FORT MYER FL	33931				126
26	FALSE	10228068	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL	33931				1321
27	FALSE	10228069	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL	33629				1397
28	FALSE	10228070	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL	33629				1365/1375
29	FALSE	10228071	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931				1345
30	FALSE	10228072	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931				1331

31	FALSE	10228073	19-46-24-V LANI KAI LP ROBERT G (1400 ESTERO BLVD	FORT MYER FL	33931	1325
32	FALSE	10228074	19-46-24-V 7-ELEVEN (CORP INC 3200 HYACKBERRY RD IRVING	TX	75053	1301
33	FALSE	10228080	19-46-24-V 455 PALERMO CIRCLE 1421 EAST LAKE SHORISPRINGFIELD		62712	455
34	FALSE	10463011	19-46-24-V VAN FAM PROPERTIES 7323 INDICOR CORP SVYRON CEM		49315	459
35	FALSE	10228090	19-46-24-V DAR LAND HOLDINGS 13487 COUNTY LINE RD LUXEMBUR WI		54217	461
36	FALSE	10469864	19-46-24-V 463 PALERMO LLC 1421 E LAKE SHORE OF SPRINGFIELD		62712	463
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38	FALSE	10228092	19-46-24-V MILLER JONATHAN I PO BOX 80490	FORT WAY IN	46898	501
39	FALSE	10228093	19-46-24-V TEZAK HELEN C TR 50 CHAPEL ST APT 4	FORT MYER FL	33931	505
40	FALSE	10228094	19-46-24-V R & D ENTERPRISES OF 3436 CHURCH ST	STEVENS P WI	54481	551
41	FALSE	10558854	19-46-24-V WEIGERT ANTJE & MAR 415 CAPE CORAL PKW CAPE COR FL		33914	551
42	FALSE	10228095	19-46-24-V JAMES R BRATLEY & JO 15120 WILF PL	LAKEWOOD CO	80228	571
43	FALSE	10228096	19-46-24-V CNIRCK RAPHAEL + AM MUEHLBERG 39A	BAD HOMBURG VD HO	61348	581
44	FALSE	10228097	19-46-24-V STRICK RICHARD A & 5804 PARK RIDGE CT	FORT COLL CO	80528	130
45	FALSE	10228098	19-46-24-V HENNESSEY PATRICIA 460 PALERMO CIR	FORT MYER FL	33931	460
46	FALSE	10228099	19-46-24-V NORTH KEY INC 7150 RED LION FIVE PC SPRINGBO OH		45066	552
47	FALSE	10228100	19-46-24-V DONNA M BYRD TRUST 5701 BLUNK KNOB RD ELIZABETH IN		47117	580
48	FALSE	10228101	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA		90755	584/586
49	FALSE	10228102	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA		90755	588/590
50	FALSE	10228103	19-46-24-V DEL BUSTO GEORGE & 2212 EVEREST PKWY	CAPE COR FL	33904	456
51	FALSE	10228104	19-46-24-V 450 PALERMO LLC 1421 E LAKE SHR	SPRINGFIELD	62712	450
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53	FALSE	10599454	19-46-24-V RELAAAX LLC 2201 E WILLOW ST STE SIGNAL HIL CA		90755	155
54	FALSE	10228136	19-46-24-V DAY BILLY WAYNE 3708 SHANNON RUN T LOUISVILLE KY		40299	145
55	FALSE	10228137	19-46-24-V LUMP THOMAS F & ANN 145 PALERMO CIR	FORT MYER FL	33931	139
56	FALSE	10228138	19-46-24-V SLOMSKI STEVEN A & PO BOX 241 PMB 25382 PENSACOL FL		32513	121
57	FALSE	10228164	19-46-24-V ARLINGTON LARRY SM III 434 SPINNAKER DR	MARCO ISL FL	34145	117
58	FALSE	10228165	19-46-24-V KALINDI RAMA USHA 44354 APACHE CIR	ASHBURN VA	20147	1249
59	FALSE	10228167	19-46-24-V 1245 ESTERO ADVENT 290 BAHIA VIA	FORT MYER FL	33931	1698
60	FALSE	10228174	19-46-24-V NAUTICAL MARKETING 189 SABAL DR	FORT MYER FL	33931	1660
61	FALSE	10228175	19-46-24-V MOFFA ROBERT H 37728 LOIS DR	STERLING MI	48310	71
62	FALSE	10228176	19-46-24-V WEIT MARTIN & DAWN 275 TROPICAL SHORES FORT MYER FL		33931	1667
63	FALSE	10228177	19-46-24-V BLOCBAHL LEASING LI 3538 TIMBER RIDGE TR CEDAR RA FLA		52411	

64	FALSE	10228178	19-46-24-V CROWLEY THERESA M	60 ALVA DR	FORT MYER FL	33931	60
65	FALSE	10228179	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	WOLLERAU	8832 SWITZERLA	1662
66	FALSE	10228180	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	8832 WOLLERAU	SWITZERLA	1664
67	FALSE	10228181	19-46-24-V CGRT LLC +	573 LONGWOOD AVE	GLENCOE IL	60022	1666
68	FALSE	10228183	19-46-24-V MAUHI ENTERPRISES II	4411 CLEVELAND AV	FORT MYER FL	33901	1560
69	FALSE	10228184	19-46-24-V SMART PARK OF FMB L	11330 LONG WATER C	FORT MYER FL	33908	1510
70	FALSE	10228185	19-46-24-V WATERFRONT PROPER	4411 CLEVELAND AVE	FORT MYER FL	33901	71/73
71	FALSE	10228186	19-46-24-V HASSELHOFF LLC	414 MARKET ST	IOWA CITY IA	52245	60/64
72	FALSE	10228187	19-46-24-V 1560 I STREET 62 LLC	4705 LELAND DR	CUMMING GA	30041	1560
73	FALSE	10228188	19-46-24-V UNDERWOOD LLC	414 MARKET ST	IOWA CITY IA	52245	1550
74	FALSE	10228189	19-46-24-V HOY MARSHALVE	61 ALVA DR	FORT MYER FL	33931	61
75	FALSE	10228190	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1478
76	FALSE	10228191	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1450
77	FALSE	10228192	19-46-24-V LANI KAL P ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931	1400
78	FALSE	10228193	19-46-24-V STEPNEY LLC	4666 MAIN ST	BRIDGEPOICT	6606	71
79	FALSE	10228194	19-46-24-V GANIM GEORGE W SR	4666 MAIN ST	BRIDGEPOICT	6606	1480
80	FALSE	10228195	19-46-24-V ATWATER WALTER H	12711 CHATHAM DR	FORT MYER FL	33908	61/65
81	FALSE	10228196	19-46-24-V RIGHT CHOICE INVEST	13500 TELEGRAPH RD	TAYLOR MI	48180	1250
82	FALSE	10228197	19-46-24-V OUR BEACH SAND LLC	12403 SUMMERWOOD	FORT MYER FL	33908	1270
83	FALSE	10228229	19-46-24-V PE RENTALS LLC	1107 KANE ST	LA CROSSE WI	54603	157
84	FALSE	10228230	19-46-24-V BARKER JOHN +	5262 OLYMPIA DR	INDIANAPC IN	46228	159
85	FALSE	10228231	19-46-24-V VALAZQUEZ TIMOTHY +	163 MIRAMAR ST	FORT MYER FL	33931	163
86	FALSE	10228232	19-46-24-V RUSK CHRISTOPHER J.	193 MIRAMAR ST	FORT MYER FL	33931	193
87	FALSE	10228233	19-46-24-V KOSTER RODNEY A & TI	880 3RD ST	FORT MYER FL	33931	201
88	FALSE	10228395	19-46-24-V BATIKI WESSUITOR MIC	15751 SAN CARLOS BL	FORT MYER FL	33908	
89	FALSE	10462574	19-46-24-V TROPICAL CENTER COI	1300 ESTERO BLVD	FORT MYER FL	33931	
90	FALSE	10462572	19-46-24-V CRESCENT SHORE COI	PO BOX 2990	FORT MYER FL	33932	
91	FALSE	10228396	19-46-24-V PARKER HARRY W & BE	17858 US HIGHWAY 61	SIKESTON MO	63801	1511
91	FALSE	10228397	19-46-24-V PETRICH PAUL E & GAY	8601 IENN HYDE RD	WARREN OH	44484	1511
91	FALSE	10228398	19-46-24-V WILLIAM L & JOYCE J H	28033 N 1850 EAST RD	GRIDLEY IL	61744	1511
91	FALSE	10228399	19-46-24-V WILLIAMS JEANNE L TR	1511 ESTERO BLVD # P	FORT MYER FL	33931	1511
91	FALSE	10228400	19-46-24-V HANY JOHNA TR	3405 STEPHANIE RD	BLOOMING IL	61704	1511
91	FALSE	10228401	19-46-24-V BUTLER JAMES H & TFR	1511 ESTERO BLVD #2	FORT MYER FL	33931	1511

91	FALSE	10228402	19-46-24-V LAY DANIEL F TR	7583 N 1300 E ROAD	SHIRLEY IL	61772	1511
91	FALSE	10228403	19-46-24-V FRANKLIN JAY STAHAN	1511 ESTERO BLVD #21	FORT MYER FL	33931	1511
91	FALSE	10228404	19-46-24-V FILM CAROLYN A	64 CARROLLS GROVE	ITROY NY	12180	1511
91	FALSE	10228405	19-46-24-V BROWN JOANNE M TR	PO BOX 96	OMENA MI	49674	1511
91	FALSE	10228406	19-46-24-V JONES MALINDA ETZIE	2445 S HILLMORE ST	DENVER CO	80210	1511
91	FALSE	10228407	19-46-24-V FENN CYNTHIA TR	14248 FOUNTAIN HILL	PRIOR LAKE MN	55372	1511
91	FALSE	10228408	19-46-24-V FRANA THERESA L	2789 TRAILWOOD LN	LEXINGTON KY	40511	1511
91	FALSE	10228409	19-46-24-V 1511 ESTEL MICHELLE	495 THOMAS DR	NORTH BAY IL	60010	1511
91	FALSE	10228410	19-46-24-V OBRIEN CAROL & WINE	1511 ESTERO BLVD #31	FORT MYER FL	33931	1511
91	FALSE	10228411	19-46-24-V DANIELSON BRIAN	1300 WILD ROSE TRAIL	EDMOND OK	73034	1511
91	FALSE	10228412	19-46-24-V KARBELER LARRY L L/E	6558 OHILNY CIR	NORTH RIDGE OH	44039	1511
91	FALSE	10228413	19-46-24-V JOHNSON DALE MICH	118 MEADOW CREEK C	LEXINGTON IL	61753	1511
91	FALSE	10228414	19-46-24-V SEXTON MICHAEL ZEPI	1511 ESTERO BLVD #3	FORT MYER FL	33931	1511
91	FALSE	10228415	19-46-24-V RAPP DALE A & RUTH A	104 PRAIRIE DR	LEXINGTON IL	61753	1511
91	FALSE	10228416	19-46-24-V LAW MICHAEL M & SHEP	PO BOX 584	HEYWORTH IL	61745	1511
91	FALSE	10228417	19-46-24-V MEZERA CHRISTINA M	5229 W 62ND ST	EDINA MN	55436	1511
91	FALSE	10228418	19-46-24-V QUARIELLO BETTY A TH	1511 ESTERO BLVD #4	FORT MYER FL	33931	1511
91	FALSE	10228419	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228420	19-46-24-V DARIANO KELLER TR	79 SUNNY LN	TIFFIN OH	44883	1511
91	FALSE	10228421	19-46-24-V MOORE ROBERT J & CY	1511 ESTERO BLVD #41	FORT MYER FL	33931	1511
91	FALSE	10228422	19-46-24-V STRIBLING MARK TR	PO BOX 402	ASHLAND IL	62612	1511
91	FALSE	10228423	19-46-24-V STOCKER REBECCA L	APT 407 1511 ESTEL	JACKSONVILLE IL	62650	1511
91	FALSE	10228424	19-46-24-V SMITH GARY B & ROXY	3734 WESLEY CHAPEL	ZANESVILLE OH	43701	1511
91	FALSE	10228425	19-46-24-V HOLZAPFEL CHARLES	1801 S 4TH CIR	BRANDON SD	57005	1511
91	FALSE	10228426	19-46-24-V GREEN BURLEY & TAMM	PO BOX 414	OWENSVILLE MO	65066	1511
91	FALSE	10228427	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228428	19-46-24-V CHARLES DANNY TR	9751 EASTERN AVE	BYRON CENTER MI	49315	1511
91	FALSE	10228429	19-46-24-V DOUGLAS RAYMOND & 3	PELHAM T GRIMSBY	LINCOLNSHIRE	ON34 4SU	UNITED KINGDOM
91	FALSE	10228430	19-46-24-V 41 DEVOL STREET	COR 26 UPLAND RD	GREAT NECK NY	11020	1511
91	FALSE	10228431	19-46-24-V GLACKIN BARBARA Q T	1673 MOUNT EVEREST	TOMS RIVER NJ	8753	1511
91	FALSE	10228432	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228433	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228434	19-46-24-V GUILLES JON R TR	PO BOX 2706	FORT MYER FL	33932	1511

91	FALSE	10228435	19-46-24-V STERNER RACHEL V TR 2803 KINGS CROSSING KINGWOOD TX	77345	1511
91	FALSE	10228436	19-46-24-V WOOD SAMUEL I PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228437	19-46-24-V SMITH BRIANT + PO BOX 235 HEYWORTH IL	61745	1511
91	FALSE	10228438	19-46-24-V WOOD SAMUEL L + PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228439	19-46-24-V HANSEN LOUISE E TR 1511 ESTERO BLVD #61 FORT MYER FL	33931	1511
91	FALSE	10228440	19-46-24-V RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOV CAPE MAY NJ	8210	1511
91	FALSE	10228441	19-46-24-V NELSON BRADLEY A IR803 IRONWOOD CC DE NORMAL IL	61761	1511
91	FALSE	10228442	19-46-24-V FOUR P INVESTMENTS 1511 ESTERO BLVD AF FORT MYER FL	33931	1511
91	FALSE	10228443	19-46-24-V WOLOS MICHAEL C & S PO BOX 381 FLUSHING MI	49433	1511
91	FALSE	10228444	19-46-24-V TMS INVESTMENTS 185 HIGH ST NE WARREN OH	44481	1511
91	FALSE	10228445	19-46-24-V SUNSET VIEWS LLC PO BOX 70 AUBURN IN	46706	1511
92	FALSE	10228446	19-46-24-V SMITH JULIA V TR 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228447	19-46-24-V CALHAN FLIP 189 SADDLEBROOK OF OAK BROOK IL	60523	1511
92	FALSE	10228448	19-46-24-V CALHAN LEO D & JOAN 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228449	19-46-24-V LADWIG MARY TR 10019 ISOLA WAY MIOMAR FL	33913	1511
92	FALSE	10228450	19-46-24-V MALAGOTT ANTHONY F 131 JOHN AIDEN ST CLIFTON NJ	7013	1511
92	FALSE	10228451	19-46-24-V LONI RODGER J + 2054 N NORDICA AVE CHICAGO IL	60707	1511
92	FALSE	10228452	19-46-24-V RICCIO NICHOLAS J & 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228453	19-46-24-V WILLIAMS JEFFREY M TI 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228454	19-46-24-V LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND PA IL	60462	1511
92	FALSE	10228455	19-46-24-V BUTLER WILLIAM PATR 732 OKUMA DR CHESTER VA	23836	1511
93	FALSE	10228457	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
94	FALSE	10228456	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
95	FALSE	10228459	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
96	FALSE	10228460	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
97	FALSE	10228461	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
98	FALSE	10228463	19-46-24-V 1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYER FL	33931	1300
98	FALSE	10228464	19-46-24-V BEYERTAMMY E TR 9656 HALYARDS CT #2 FORT MYER FL	33919	1300
98	FALSE	10228465	19-46-24-V ANDRESEN EDWIN TR 7960 PRESERVATION CINDIAN APC IN	46278	1300
98	FALSE	10228466	19-46-24-V BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE NJ	8081	1300
98	FALSE	10228467	19-46-24-V JOHNSON NANCY ANN 9 NANCY LN FORT MYER FL	33931	1300
98	FALSE	10228468	19-46-24-V HECK LLC 15561 CATALPA COVE FORT MYER FL	33908	1300
98	FALSE	10228469	19-46-24-V CONANT DONNA TR 8122 S FOREST HILL CI FRANKLIN WI	53132	1300

98	FALSE	10228470	19-46-24-V DENNIS R + CYNTHIA L 106 ICHAROD LN	MANKATO MN	56001	1300
98	FALSE	10228471	19-46-24-V LANDOLFI STEVEN J 22 VETO ST	PROVIDENCE RI	2908	1300
98	FALSE	10228472	19-46-24-V NIEMEIER RYAN & SUM 106 S WALNUT ST	LA CRESCEN MN	55947	1300

Site/Street	Site/Unit	Site/City	Site/Zip	Legal
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS <CR>BLK B PB 6 PG 70 <CR>LOTS 7 + 8 + E 1/2 OF LOT 9<CR>+ 28 + 29 +
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>RIO DEL LIDO CANAL
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>CANAL GRANDE CANAL
ESTERO BLVD		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84<CR>PT LT 11 DESC OR 1468<CR>PG 1697 LESS N 275 FT
CAROLINA AVE		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84<CR>PT LT 11 N 275 FT OF<CR>OR 1468 PG 1697
OSTEGO DR		FORT MYER	33931	HILLS TP SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BLK J LOT 13 1ST EDITION VENETIAN GAI
OSTEGO DR		FORT MYER	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC IN OR 1351 PG 1680
CAROLINA AVE		FORT MYER	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC OR 1365 PG 760
OSTEGO DR		FORT MYER	33931	PARL IN S 1/4 AS DESC IN<CR>OR 1361 PG 1551 AKA BLK J<CR>LOT 15 VENETIAN GARDENS
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK Y PB 6 PG 70<CR>ALL BLK Y EXC NLY 11 FT
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 11
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 12
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 13
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 14
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 15
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 16
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 17
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 18 + N 25 FT LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 20 + S 1/2 OF LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 21
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 30 31 LESS W 12 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 32 + W 12 FT LOT 31
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 33
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 34
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 35
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 36 + S 1/2 OF BLK X<CR>LESS THE N 20 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 37
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>W 1/2 LOT 9 LOTS 10 + 11
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 12
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 13
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 14

ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 15
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 16 + 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 10
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 11
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 12
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>LOT 13 + N 1/2 OF LOT 14
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>PT LOT 15 + S 1/2 LOT 14<CR>DESC IN OR BK 3404 PG 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 1 + 2 + PT LOT 15 +<CR>20 FT STRIP N OF AND ADJ
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 3 + 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 8 + LOT PT 9
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS PB 6/70<CR>BLK E S 1/2 OF LOT 9 +<CR>ALL OF BLK X LESS S 20 FT
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 1
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 3
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>PORTION OF LOT 28 DESC IN INSTRUMENT 20200001154
ACCESS UNDETERMIN	FORT MYERS BEACH	VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 18
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 19 ONLY 11 FT BLK Y
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK H PB 6 PG 70<CR>LOT 27
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK H PB 6 PG 70<CR>LOT 28 + PT LOTS 26 + 29
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS BLK H<CR>PB 6 PG 70 LOTS 30 31+32<CR>+ PT LT 29 OR 24 14/2433
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK B<CR>PB 4 PG 45 E 1/2 OF LT 1<CR>+ N 1/2 OF E 1/2 OF LT 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 LOTS 1 + 4
AVENUE F	FORT MYER	33931 CRESCENT BEACH BLK B PB 4 PG 45 S 1/2 OF E 1/2 OF LOT 4 + E 1/2 OF LOT 5
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 OF LOT 5

ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 7
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 8
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 9 + LOT PT 10
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT PT 10
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 2 3 6
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 5
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 7 + PT LOT 8 W 1/2 OF
1ST	62 FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LT 9 + E 1/2 LT 8 + VAC ALLEY
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 10
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOTS 1 + 4 LESS WLY 43 FT
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>WLY 43 FT LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D + E + VAC RAW DESC<CR>OR 1293 PG 1208
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 5
1ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 10
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT PARK LOTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LOTS 1-5 BLK F LESS ESTRLY 45 FT OF NF
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK F<CR>PB 4 PG 45 PT LOTS 1 2 & 3<CR>DESC IN OR 1319 PG 1459
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 8
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 9
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 10
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 11
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 12
BATIKI WEST CONDO C	FORT MYER	33931 BATIKI WEST CONDO<CR>DESC OR BK 1055 PG 1455<CR>COMMON ELEMENTS POOL/DOCK
TROPICAL CENTER C/E	FORT MYER	33931 CONDO IN SW 1/4 SEC 19<CR>TWP 46 R 24 RECORDED IN<CR>OR 1123 P 323 THRU 364<CR>COMMON
CRESCENT SHORE C/E	FORT MYER	33931 A CONDO LOCATED IN SEC 19<CR>TWP 46 RGE 24 AS DESC IN<CR>OR 1464 PG 445<CR>COMMON ELEI
ESTERO BL	200 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 200
ESTERO BL	201 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 201
ESTERO BL	202 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 202
ESTERO BL	203 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 203
ESTERO BL	204 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 204
ESTERO BL	205 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 205

ESTERO BL	206 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 206
ESTERO BL	207 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 207	
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ESTERO BL	209 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 209
ESTERO BL	300 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 300	
ESTERO BL	301 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 301
ESTERO BL	302 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 302
ESTERO BL	303 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 303	
ESTERO BL	304 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 304
ESTERO BL	305 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 305
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ESTERO BL	307 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 307	
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ESTERO BL	400 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 400	
ESTERO BL	401 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 401	
ESTERO BL	402 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 402
ESTERO BL	403 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 403
ESTERO BL	404 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 404
ESTERO BL	405 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 405
ESTERO BL	406 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 406	
ESTERO BL	407 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 407
ESTERO BL	408 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 408
ESTERO BL	409 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 409	
ESTERO BL	500 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 500	
ESTERO BL	501 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 501
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ESTERO BL	503 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 503
ESTERO BL	504 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 504
ESTERO BL	505 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 505
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ESTERO BL	507 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 507
ESTERO BL	508 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 508	

ESTERO BL	509 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 509
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ESTERO BL	602 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 602
ESTERO BL	603 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 603
ESTERO BL	604 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 604
ESTERO BL	605 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 605
ESTERO BL	606 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 606
ESTERO BL	607 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 607
ESTERO BL	608 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 608
ESTERO BL	609 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 609
ESTERO BL PHA	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE A
ESTERO BL PHB	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE B
ESTERO BL PHC	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE C
ESTERO BL PHD	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE D
ESTERO BL PHE	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE E
ESTERO BL PHF	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE F
ESTERO BL PHG	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE G
ESTERO BL PHH	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE H
ESTERO BL PHI	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE I
ESTERO BL PHJ	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE J
ESTERO BL A	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT A
ESTERO BL B	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT B
ESTERO BL C	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT C
ESTERO BL D	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT D
ESTERO BL E	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT E
ESTERO BL	101 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNITS 101 102 + 103
ESTERO BL	104 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 104
ESTERO BL	105 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 105
ESTERO BL	106 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 106
ESTERO BL	201 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 201
ESTERO BL	202 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 202
ESTERO BL	203 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 203

ESTERO BL	204 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 204
ESTERO BL	205 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 205
ESTERO BL	206 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 206

<CR>VAC RD R/W OR 553 PG 797

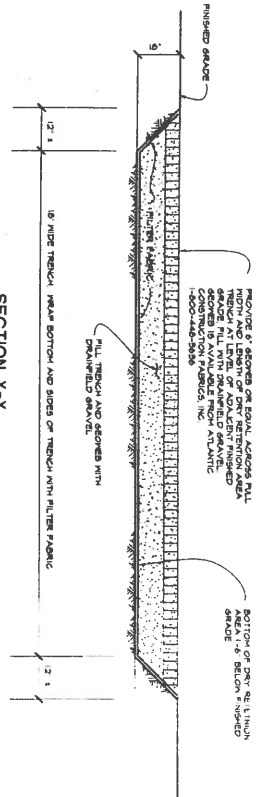
RDENS

545
TO LTS 1 + 2 < CR > DESC IN OR BK 3404 PG 4545

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ELEMENTS
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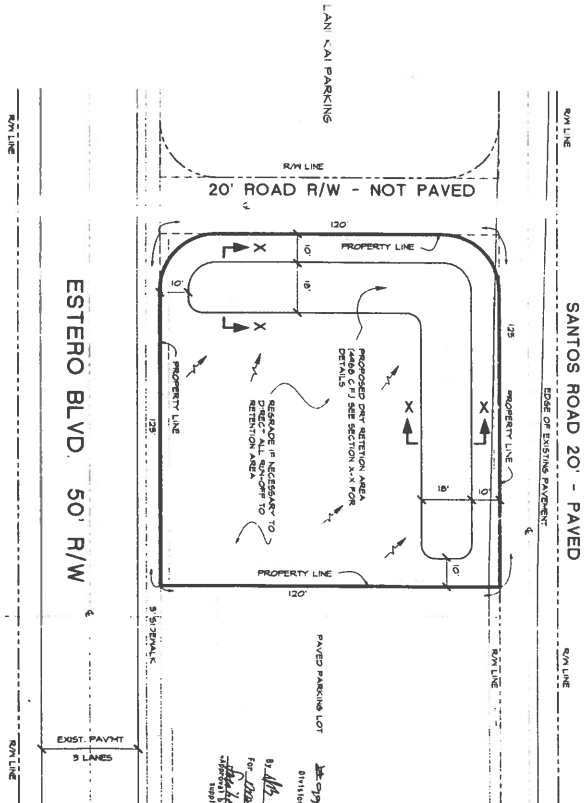
PROPOSED DRY RETENTION AREA
NOT TO SCALE

SECTION X-X

STORMWATER MANAGEMENT CALCULATIONS

AREA OF PAVED LOT: 14,028 SF
RETENTION VOLUME:
WITH FACTOR OF 1.5 TO MEET CDM criteria
3,912 SF x 1.5 CDM criteria = 5,868 SF
14,028 SF x 0.25% x 0.33 (SLOPE) FOR DRY RETENTION = 281 CF
3,912 SF x 0.25% x 0.33 (SLOPE) FOR DRY RETENTION = 281 CF
281 CF x 2.7 (CONV) = 484 CU FT DRY RETENTION REQUIRED
AREA OF RETENTION AREA = 3912 SF
3912 SF x 1.5 FT DEPTH = 484 CU FT
TOTAL DRY RETENTION VOLUME PROVIDED = 484 CU FT

LEGAL DESCRIPTION
LOTS 10 AND 11 AND THE WEST HALF OF LOT 4, BLOCK
"B", VICTORIA GARDENS, A SUBDIVISION IN SECTION 16,
TOWNSHIP 26 SOUTH, RANGE 24 EAST, AS RECORDED IN
DEED BOOK 10, PAGE 10, PUBLIC RECORDS OF THE
COUNTY OF FLORIDA
STRAP # 161-46-24-14-006080100



SITE PLAN
SCALE: 1" = 20'

SRZ 2003-00028

RECEIVED
AUG 17 2003
PRELIMINARY

PROJECT 0100 DATE: AUG 1999 SCALE: 1" = 20'	SHEET 1
TEMPORARY PARKING LOT PROPOSED DRY RETENTION AREA NORMAN L. PRIMEAU 950 SAN CARLOS COURT FORT MYERS BEACH, FL 33931	

SPECTRUM AUG 23 1999	
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QTY.	PLANT NAME	PLANT SIZE
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13	5009 LIT CHRYSLER 1400	26" H./approx 3 gal. min. residential @ 25 min.
20	DAVEY BATHROOM CONCRETE'S DUCTUS	24" H./approx 1 gal. min. residential @ 25 min.
	CHRYSLER 1400	

Zoning = DOWNTOWN
Land Use = LOW TURNOVER PARKING
Total Site = 15,358 sq. (0.35 ACRES)

[illegible]

2003-00028

SEZ 2003-00028

PLANTING DETAIL

11-12-03

1-1

SHEET DESCRIPTION:
CODE
LANDSCAPE

DATE: 10-30-03

1096

NOI
COD

NORM'S BEACH PARKING

TOWN OF FORT MYERS BEACH, FLORIDA

CODE COMPLIANCE LANDSCAPE PLAN

1. **Request:**

Meeting Date: March 3, 2025

(CONTINUED FROM JANUARY 8, 2025 PUBLIC HEARING-LANI KAI PARKING)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The applicant must receive approval from Town Council to engage in commercial parking on their site

What the action accomplishes:

Allows the Lani Kai to charge visitors for beach parking

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jason Smalley, Senior Planner

5. **Background:**

Following a Town code compliance case, the applicant requested to formalize approval for paid parking on their parcel on the Bay side of Estero Blvd. The applicant states that they have been engaged in commercial parking for many years.

At its December 10th, 2024 meeting, the LPA voted 6-1 to approve with conditions this Special Exception application. However, this application was to be considered concurrently with a Variance application that would permit the applicant to maintain the current site conditions and parking plan. The LPA voted to "continue to a date uncertain" the review of that request. Staff is presenting the Variance application to the LPA again on January 9th, 2025. Approval of the Special Exception application must be conditioned on the approval of the Variances.

Attachments:

1. Resolution 25-28; SEZ20240186, 1479 Estero, Lani Kai (2)ns
2. TC Staff Report
3. Exhibit A: (Historical) Response for LDO Application #20200045
4. Exhibit B: SEZ Application
5. Exhibit C: SEZ20240186- 1479 Estero Blvd- Insufficiency letter
6. Exhibit D: Applicant Response to Insufficiency Letter
7. Lighting Plan
8. Planting Plan

Financial Impact:

N/A

6. **Alternative Action**

Approve with conditions

7. **Management Recommendations:**

N/A

8. **Recommended Approval:**

Jason Smalley, Senior Planner
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/19/2025
Approved - 2/20/2025
Approved - 2/24/2025
Approved - 2/24/2025
Final Approval - 2/24/2025

RESOLUTION NUMBER 25-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE 43 COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

WHEREAS, Applicant Robert Burandt on behalf of LKLB of Florida Inc. is requesting use of an existing lot to provide 43 commercial parking spaces in the Downtown zoning district per Sections 34-2011(2)(a) and 34-2019(a) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0060B.0100; and

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

WHEREAS, the Property is located in the “Downtown” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was noticed and held before the Local Planning Agency (LPA) on December 10, 2024, and at the hearing the LPA gave full and complete consideration to the request of the Applicant recommendations of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted 5 to 2 recommending approval with conditions of the Special Exception; and

WHEREAS, on the 3rd day of February 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request for a Special Exception.

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

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

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the Special Exception to allow reconstruction of a major accessory structure in the EC zoning district per section 6-366.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

Section 4. If the Town Council approves/denies the requested Special Exception and the following conditions of approval are imposed on the Applicant and the subject property:

1. A new special exception must be applied for each time an LDO/ DO is applied for, or any structures are developed/ reconstructed.
2. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

3. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
4. Any violation of the conditions of approval shall render the special exception null and void.
5. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
6. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
7. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
8. The applicant shall provide a parking plan for all four of the applicant's sites (1325-1345, 1400, 1479 Estero and 1403 Santos Rd) which must be approved by the head of Planning and Zoning.

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

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

ADOPTED this ____ day of _____, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: SPECIAL EXCEPTION -- PARKING

CASE NUMBER: SEZ20240186

CASE NAME: Special Exception for use of an existing lot to provide 43 commercial parking spaces in the Downtown zoning district.

LPA HEARING DATE: December 10th 2024, at 9:00 AM

TOWN COUNCIL HEARING DATE: January 21st, 2025 at 9:00 AM
(Continued from Jan. 8th, 2025)

STAFF RECOMMENDATION: Denial/Approval with Conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Robert Burandt, Esq./ LKLB Of Florida Inc.

Requests: Special exception to allow for the use of 43 parking spaces in an existing parking lot located within the Downtown zoning district.

Physical Address: 1479 Estero Blvd

STRAP #: 19-46-24-W4-0060B.0100

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North: CANAL

South: DOWNTOWN
Commercial Parking Lot

East: DOWNTOWN
Multi-Family Condominium

West: DOWNTOWN
Commercial Parking Lot

II. BACKGROUND AND ANALYSIS

Background:

The applicant is proposing to allow all 43 parking spaces currently located at 1479 Estero Blvd ("Lani Kai") to be utilized for commercial parking purposes. The lot exists in the Downtown zoning district and is adjacent to other complimentary uses, including at least three parking lots, two of which are known to be used exclusively for commercial parking purposes, including a parking lot approximately 200-feet west of the subject property and owned by "Lani Kai LP."

The applicant has stated in their submission that the lot has been used for commercial parking for many years, even prior to the Town's incorporation. Staff cannot verify this claim since the Town has no approved Special Exceptions or prior approvals for seasonal parking lots in its records. The Land Development Code (LDC) allows for the use of 13 of the existing space for a commercial parking lot, although a Special Exception is required. The LDC requires the remaining 30 spaces be dedicated to supporting the 25 hotel/ motel units which exist in the building at 1479 Estero Blvd.

At its December 10th, 2024 meeting, the LPA voted 6-1 to approve the Special Exception application with the conditions listed in this staff report. Staff and attorney have included an additional condition, #1 The approval is conditioned on obtaining several variances to allow the applicant to maintain the current site conditions and parking plan, which does not currently comply with the LDC. The LPA voted to "continue to a date uncertain" the review of that request. Staff will be presenting the Variance application to the LPA again on January 9th, 2025. If the Town Council votes to approve the Special Exception application, it must be subject to obtaining the needed variances.

Analysis:

The hotel/ motel structure at 1479 Estero Blvd was built on or around 1984, per the publicly available LEEPA records. Per the applicant there are 25 units in the building on this lot, the provided 43 parking spaces serve that use. The hotel/motel use requires 30 parking spaces and leaves 13 parking spaces available for commercial parking. The applicant has concurrently requested four variances (VAR20240233)

under a separate application. The requested variances need to be approved to allow the applicant to dedicate the 13 spaces to a commercial use.

The LDC Sec. 34-2011(2)(a) and 34-2019(a) allow for an applicant to propose commercial parking on a site where they have at least 10 parking spaces, through the Special Exception process.

Neighborhood Compatibility:

The subject property is within the Downtown zoning district and is generally surrounded by other parking lots, hotels, condominiums and residential uses. It does not seem that approval of the Special Exception would measurably change the character or intensity of the neighborhood. It should be noted that the adjacent lot (1397 Estero Blvd.; “Norm’s Lot”) has been granted a Special Exception to operate a similar commercial parking lot. The requirements of that approval included a stormwater retention area and landscaping buffers.

Findings and Conclusions:

Special Exception Findings

LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

- 1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The applicant claims that they have been utilizing the subject property for commercial parking for years, staff cannot confirm this assertion but if approved they would continue much as they had prior to the storm. Staff does not assess that approval would change the conditions that existed prior to Hurricane Ian.

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

Policy 1-A-2 states: The town should develop a sidewalk and streetscape plan for all of Estero Boulevard that builds on the design theme of the 1997 improvements from Times Square and to the Lani Kai. This plan should recreate the historic “Avenue of Palms” concept by adding appropriate palm trees such as coconuts on both sides between the sidewalk and new curbs. This plan should also address related needs such as parking and trolley pull-offs, and should be sufficiently detailed to estimate costs and suggest potential phases

of construction. The applicant is proposing to remove LDC requirements which would support “streetscaping” adjacent to the property or landscape improvements to the property itself.

LDC Sec. 34-2019(a) states that a special exception may be approved for “Parking spaces that are not in daily use and are located in parking lots having ten or more parking spaces and meeting the other requirements of this division may be rented to the general public during peak periods.” The subject parcel existed pre-Hurricane Ian and contains more than 10 parking spaces.

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

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

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

The request will maintain what was previously constructed on this property. It will not have an additional negative impact.

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

There is no anticipated additional negative impact or injury to surrounding properties.

- 6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The applicant is requesting 4 variances through a separate Variance application (VAR20240233) to waive minimum parking count requirements, drainage compliance, landscaping and internal circulation design standards. If both the Special Exception and Variances are approved this plan would not be in compliance with Town’s LDC.

III. RECOMMENDATION

Staff finds that the special exception to approve the use of 43 parking spaces for commercial parking is not in compliance with item 6 of Sec. 34-88(b) or the Comprehensive Plan’s for “streetscaping” on Estero Blvd. Therefore, staff

recommends **DENIAL** of **SEZ20240186** for the approval of the lot to be used for commercial parking activities. Should the Town Council desire to approve the Special Exception, it must be subject to the conditions which follow below.

IV. CONDITIONS OF APPROVAL

1. The Special Exception shall not be valid without the approval of necessary variances (as stated in VAR 20240233) from landscape and parking lot design requirements.
2. Applicant shall create a parking plan for all three of their parking areas with the size/square footage and number of lodging uses of the associated uses identified per LDC sec. 34-2018
3. A new special exception must be applied for each time an LDO/ DO is applied for, or any structures are developed/ reconstructed.
4. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
5. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.
6. Any violation of the conditions of approval shall render the special exception null and void.
7. Property owners shall develop a plan to engage with customers of the commercial lot no less than 40-feet into the property to allow for stacking that approximates requirements for lots which are developing gates within 100-feet of Estero Blvd.
8. Two-way drive aisles must meet minimum Fire Department widths, this will be assessed during an LDO/ DO as required by the LDC.
9. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.

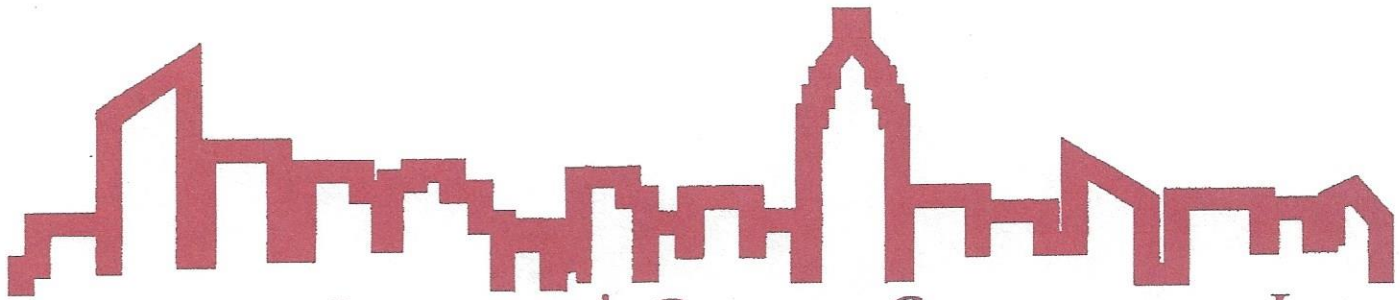
Staff Report Exhibits:

Exhibit A - Previously Approved LDO/Site Plan

Exhibit B- Public Hearing Application

Exhibit C – Insufficiency Letter

Exhibit D – Applicant Response to Insufficiency Letter



CONIDARIS BUILDERS & GENERAL CONTRACTORS, INC.

St. Lic. #CGC 059201 CUC 046019
15645 Pine Ridge Road • Fort Myers, FL 33908
Phone: 239-415-7671 • Fax: 239-415-2886
ConidarisBuilder@aol.com

Town of Fort Myers Beach
Building Department
Attention: Kelly Bhutada
August 12, 2020
Ref: Application for Limited Development Order #20200045
1479 Estero Blvd. Fort Myers Beach, FL 33931

In response to your letter dated 07-29-2020, listed below is the additional information provided please see attached revised site plan.

Zoning:

1. Total number of parking spaces: There is a total of 51 parking spots. (2 Handicap spots plus 49 parking spots)
2. Please see site plan showing signage and marking details.
3. (Part 1) All Parking spots will be delineated with all-weather paint not less than 4" in width. Additional Handicap spots will be outlined with blue paint with a posted above grade sign per code.

(Part 2) The existing storm water drainage water system on this property will not be affected by this job.
4. How many uses does this parking lot serve? One, it is for Lani Kai Guests parking only.
5. This project does not include additional impervious surface.

Building Comments:

1. Please provide ADA Space with FBC Accessibility. (Please see site plan)

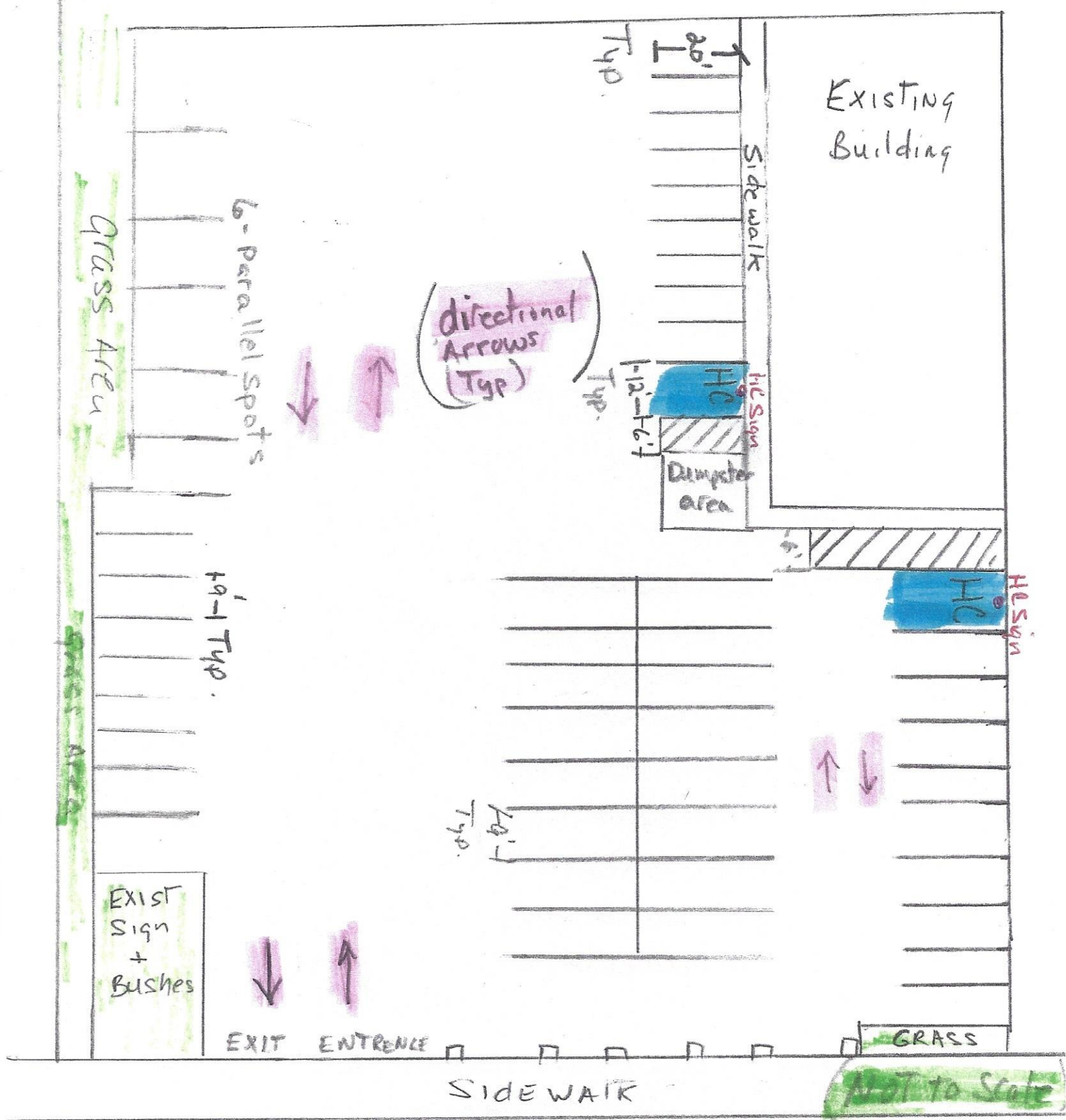
If you have any questions or concerns please feel free to contact us at 239-415-7671.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Conidaris", with a stylized, cursive script.

Michael Conidaris

43 parking Spots
 6 parallel Spots
 2 H/C spots



1479 ESTERO Blvd.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 1479 Estero Blvd, Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-0060B.0070

Applicant: LKLB of Florida Inc. Phone: 239-463-3111

Contact Name: Robert B. Burandt, Esq. Phone: 239-542-4733

Email: robert@capecoralattorney.com Fax: 239-542-9203

Current Zoning District: Hotel/Motel

Future Land Use Map (FLUM) Category: Mixed Use

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

☒ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: LKLB of Florida Inc., Robert B. Burandt, Esq. Phone: 239-542-4733

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

Applicant Mailing Address: 1714 Cape Coral Parkway East, Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: 239.542.9203

Contact Name: Robert B. Burandt Phone: 239-542-4733



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Robert B. Burandt, Esq. Phone: 239-542-4733
Address: 1714 Cape Coral Parkway East, Cape Coral, FL 33904
Email: robert@capecoralattorney.com Fax: 239.542.9203

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: Special Exception to allow paid public parking.
- _____
- _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

- ☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Robert B. Burandt, Esq. swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Robert Burandt

Printed Name

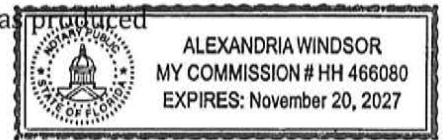
STATE OF FLORIDA COUNTY OF Lee

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

presence OR _____ online notarization, this 5 day of June, 2024, by

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

Robert Conidaris

100%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Robert B. Burandt, Esq. (name), as Attorney (title) of LKLB of Florida Inc. (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

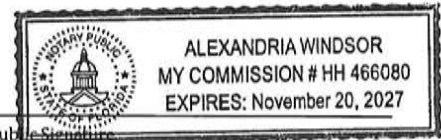
LKLB of Florida Inc.
Name of Entity (corporation, partnership, LLP, LLC, etc)
[Signature]
Signature
Robert B. Burandt, Esq.
Typed or Printed Name
Attorney
Title
6/5/24
Date

STATE OF FLORIDA COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 5 day of June, 2024, by [Signature] ☒ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public



PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0060B.0070

Property Address: 1479 Estero Blvd., Fort Myers Beach, FL 33931

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

☒ Yes. Property identified in subdivision: Venetian Gardens

Book: 6 Page: 70 Unit: _____ Block: B Lot(s): 7+8+E 1/2

of Lot 9+28+29+ VAC RD R/W OR 553 PG 797

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) Front 125' Back 100' feet

Depth (please provide an average width if irregular in shape) 270 feet

Frontage on street: 125 feet. Frontage on waterbody: _____ feet

Total land area: 30,725 ☐ acres ☒ square feet

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

Go over the bridge and turn left, go down 1/6 of a mile on your left-hand side.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

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

☐ Low Density

☒ Mixed Residential

☐ Boulevard

☐ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

☐ Platted Overlay



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name: Lani Kai Bay Front
Authorized Applicant: Robert B. Burandt, Esq.
LEEPA STRAP Number(s): 19-46-24-W4-0060B.0070

Current Property Status:			
Current Zoning: Hotel/Motel			
Future Land Use Map (FLUM) Category: Proposed mixed use			
Platted Overlay?	☐ yes	☐ no	FLUM Density Range:

Requested Action:

☐	Use of premises in the EC (Environmentally Critical) zoning district for:
☒	Use of premises in the _____ zoning district for:
The Property is a 25-unit Motel with 43 parking spaces which are 18 x 9 feet. The drive aisle width is 20 feet with one handicapped parking space see Exhibit #1 attached hereto and incorporated herein.	

PART I

Narrative Statements

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

Applicant is requesting to continue to use the parking lot for the Bayside Hotel for public paid parking,
without modifications to the parking lot, landscaping or other requirements.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:

This property has been used for public paid parking since before the town was incorporated and will have no adverse effect on the surrounding property on their use.

The Times Square area of the Beach needs more public parking. Traffic is very congested because visitors have no place to park.



There is a canal to the right of the property and a Condominium to the South. This property has continually been used as public parking since the late 80s early 90s.

Page 580 of 862

10/26/23, 10:00 AM

LDO20230196- Approved job site

Lani Kai permit 1.jpg

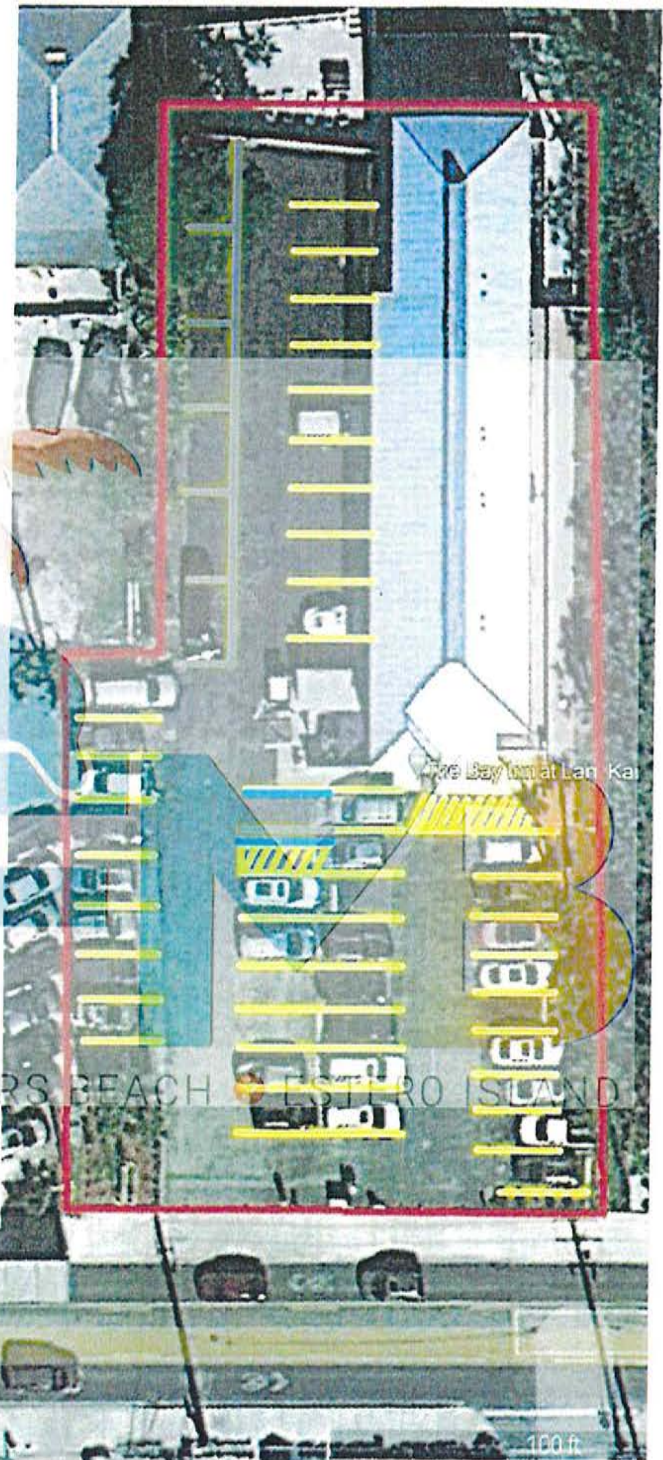
Lani Kai

Address:

1401 Estero Blvd
Fort Myers, FL

Work Description:

- Sealcoat parking lot within the red boundary line. Restripe all existing parking stall lines (yellow) and 6" linear line (yellow).
- No changes to parking lot, strictly sealcoating and restriping only. Each parking stall has the dimensions of 18' x 9'.
- The drive aisle width is 20 feet. There are a total of 43 regular parking spaces and no handicap spaces.
- We are adding zero pole mounted or building mounted lights on site.
- Parallel parking spaces will be removed to accommodate a wide enough drive aisle for the nearby parking.
- One (1) handicap stall will be striped. The dimensions are 18' x 12' with 5' access aisle (ADA compliant).





Simon Holmes

November 10, 2023

RE: 1479 Estero Blvd, Fort Myers Beach
Strap # 19-46-24-W4-0060B.0070
LDO Application 20230196- Type 8- Resub 2

Dear Mr. Holmes,

Your application for a Limited Development Order has been **approved** by the Town of Ft. Myers Beach for the modifications proposed on the property located at 1479 Estero Blvd.

Request: request to reseal/ restripe of the parking lot and add 1 handicap stall will be striped.

THIS LIMITED DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF UP TO THREE (3) YEARS AND IS SCHEDULED TO EXPIRE ON 11/10/2026.

Please contact the Town's Planning Department to schedule a final inspection once the job is complete by emailing zoningpermits@fmbgov.com.

This approval does not relieve the development from the responsibility to obtain all necessary Federal, State and Local permits. If you have any questions concerning this matter, please contact the Community Development Department office at (239) 765-0202.

Sincerely,
Sakshi
Planner
Town of Fort Myers Beach
Community Development Department



Property Data

STRAP: 19-46-24-W4-0060B.0070 Folio ID: 10477703

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

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Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)

LKLB OF FLORIDA INC
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931



[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

Site Address

Site Address maintained by [E911 Program Addressing](#)

1479 ESTERO BLVD
FORT MYERS BEACH FL 33931

ALTERNATE ADDRESS INFORMATION:

1401 ESTERO BLVD

Property Description

Do not use for legal documents!

VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 7 + 8 + E 1/2
OF LOT 9 + 28 + 29 + VAC RD R/W OR 553 PG 797

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official
Records search on the Lee County Clerk of Courts website, using 6 and
70 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	0 / 24.0
Gross Building Area	11,128
1st Year Building on Tax Roll	1984
Historic Designation	No

Township	Range	Section	Block	Lot
46	24E	19	0060B	0070
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.45186	-81.95067		

Image of Structure



◀ Photo Date March of 2023 ▶ ☐ View other photos

Last Inspection Date: 01/30/2024

[View Parcel on Google Maps](#)

Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
	Current	3,385,424	2,422,703	3,385,424	1,786,318	0	0	1,786,318
2023 Values / Additional Info	2023	2,422,713	2,422,703	2,422,713	1,623,925	0	0	1,623,925
2022 Values / Additional Info	2022	1,931,798	1,247,740	1,931,798	1,476,295	0	0	1,476,295
2021 Values / Additional Info	2021	1,430,992	968,123	1,430,992	1,342,086	0	0	1,342,086
2020 Values / Additional Info	2020	1,418,708	803,480	1,418,708	1,220,078	0	0	1,220,078
2019 Values / Additional Info	2019	1,192,733	632,550	1,192,733	1,109,162	0	0	1,109,162
2018 Values / Additional Info	2018	1,149,876	650,705	1,149,876	1,008,329	0	0	1,008,329
2017 Values / Additional Info	2017	1,232,621	697,531	1,232,621	916,663	0	0	916,663

2016 Values	2016	1,232,461	696,837	1,232,461	833,330	0	0	833,330
2015 Values	2015	1,159,494	533,520	1,159,494	757,573	0	0	757,573
2014 Values	2014	996,101	531,765	996,101	688,703	0	0	688,703
2013 Values	2013	1,096,712	650,000	1,096,712	626,094	0	0	626,094
2012 Values	2012	569,176	303,852	569,176	569,176	0	0	569,176
2011 Values	2011	521,836	278,579	521,836	521,836	0	0	521,836
2010 Values	2010	777,169	550,285	777,169	675,532	0	0	675,532
	2009	893,360	681,490	893,360	893,360	0	0	893,360
	2008	1,090,900	860,910	1,090,900	1,090,900	0	0	1,090,900
	2007	1,418,620	1,115,680	1,418,620	1,418,620	0	0	1,418,620
	2006	1,747,370	1,369,520	1,747,370	1,747,370	0	0	1,747,370
	2005	1,632,800	1,465,440	1,632,800	1,632,800	0	0	1,632,800
	2004	991,690	885,670	991,690	991,690	0	0	991,690
	2003	988,290	885,250	988,290	988,290	0	0	988,290

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)). For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\) \(a\)](#)).

The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.

(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	30753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
DOCK - BOAT - WOODEN	1984	1,000

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1986

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
FOF - FAIR OFFICE	Y	247

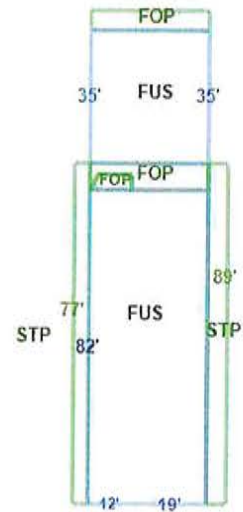
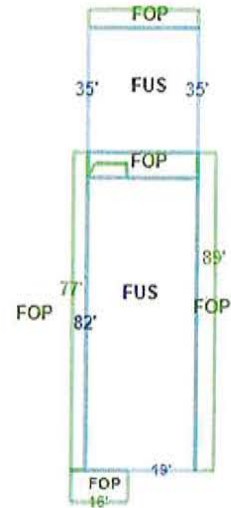
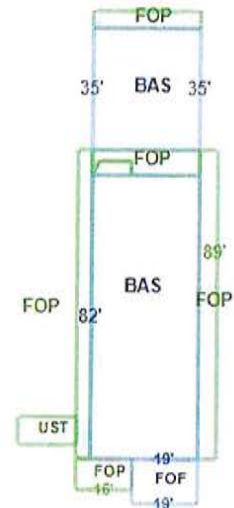
FOP - FINISHED OPEN PORCH	N	1,277
FOP - FINISHED OPEN PORCH	N	1,317
FOP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,627
FUS - FINISHED UPPER STORY	Y	3,627
STP - STOOP	N	801
UST - UNFINISHED UTILITY	N	176

Building Front Photo



Photo Date: March of 2023

Building Footprint





Property Details (2023 Tax Roll)



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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
3900	Motel	30753.00	Square Feet
2016	Boat Units - B	4.00	Units

Land Features

Description	Year Added	Units
SEAWALL - CONCRETE	1984	100
BLACK TOP - IMPROVED	1984	10,200
DOCK - BOAT - WOODEN	1984	1,000

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
47 - Hotel/Motel - High Rise	7 - APT/HOTEL/CLUBS	3.0	0
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	24.0	1984	1986

Building Subareas

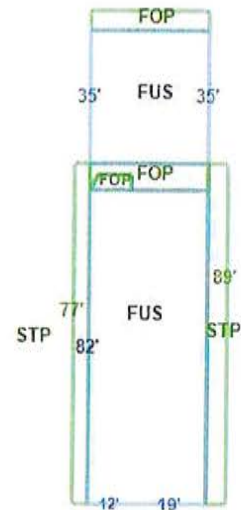
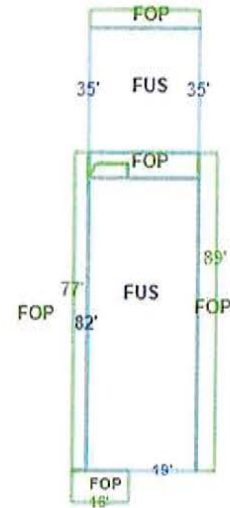
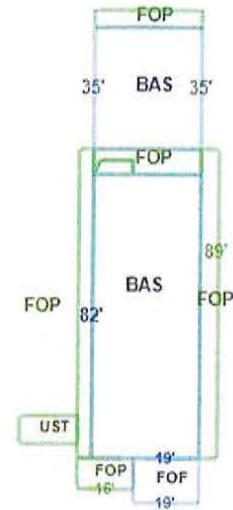
Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	3,627
FOF - FAIR OFFICE	Y	247
FOP - FINISHED OPEN PORCH	N	1,277
FOP - FINISHED OPEN PORCH	N	1,317
FOP - FINISHED OPEN PORCH	N	372
FUS - FINISHED UPPER STORY	Y	3,627
FUS - FINISHED UPPER STORY	Y	3,627
STP - STOOP	N	801
UST - UNFINISHED UTILITY	N	176

Building Front Photo



Photo Date: March of 2023

Building Footprint



Taxing Authorities

Generated on 5/17/2024 3:44 PM

TOWN OF FM BCH / FM BCH DOWNTOWN REDEV / 277

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions ⓘ

Generated on 5/17/2024 3:44 PM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
618,400.00	08/22/2002	3711/181	03		I
100.00	07/01/1983	1679/972	04		I

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **553** and **70** for the book and page numbers and **Official Records** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 5/17/2024 3:44 PM

Permit Number	Permit Type	Date
231283	AC New / Change out	02/10/2023
224696	Electric	12/06/2022
221248	Electric	08/05/2022
ROF17-0048	Roof	06/07/2017
SGN15-0023	Building Miscellaneous	09/09/2015

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History

Generated on 5/17/2024 3:44 PM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
19-46-24-W4-0060A.0280	10477702	Split (From another Parcel)	05/09/2003
19-46-24-W4-03600.2040	10228544	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W3-03600.2050	N/A	Combined (With another parcel-Delete Occurs)	05/09/2003
19-46-24-W4-03600.1010	10228543	Combined (With another parcel-Delete Occurs)	05/09/2003

Solid Waste (Garbage) Roll Data

Generated on 5/17/2024 3:44 PM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	C - Commercial Category	D	11855	1,248.75
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

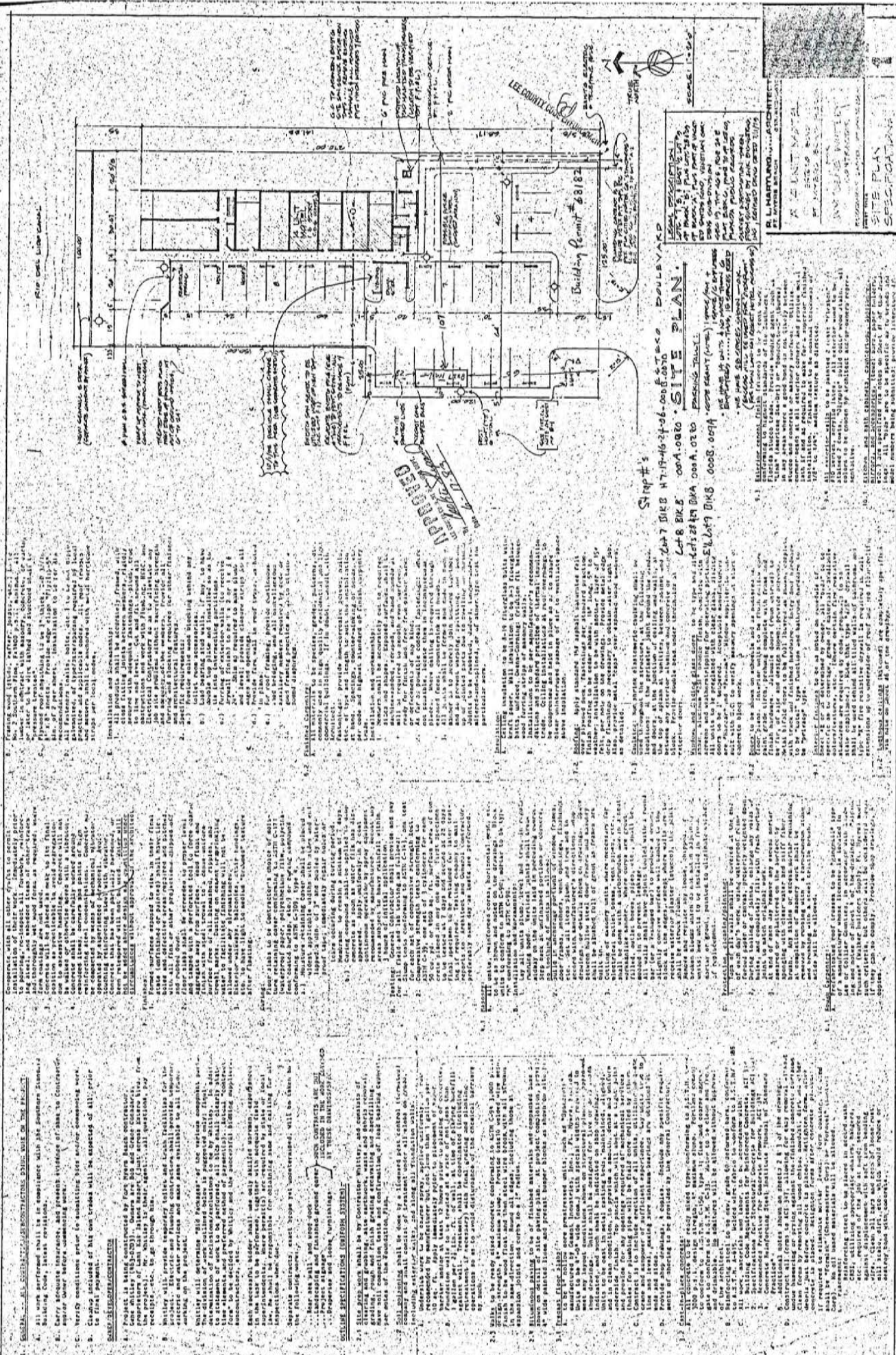
Flood and Storm Information

Generated on 5/17/2024 3:44 PM

Flood Insurance Find my flood zone					Evacuation Zone
Community	Panel	Version	Date		
071C	0554	G	11/17/2022		A

Generated on 5/17/2024 3:44 PM

Bayside Motel



1. All work performed shall be in compliance with the applicable codes, ordinances, laws, rules and regulations of the City of New York, State of New York, and Federal Government, and shall conform to the requirements of the Building Code, latest revisions.

2. Early accurate location, and precise knowledge of site to Contractor, prior to construction, shall be the responsibility of the Architect.

3. No work shall be commenced until the Contractor has received written approval from the Architect for the proposed work.

4. The Contractor shall be responsible for obtaining all necessary permits, licenses, and approvals from the appropriate authorities.

5. The Contractor shall be responsible for the safety of all workers and the public during the construction process.

6. The Contractor shall be responsible for the protection of all existing structures, utilities, and landscaping on the site.

7. The Contractor shall be responsible for the removal and disposal of all debris and waste materials from the site.

8. The Contractor shall be responsible for the maintenance of all access roads and parking areas throughout the construction process.

9. The Contractor shall be responsible for the completion of all work within the specified time frame.

10. The Contractor shall be responsible for the final inspection and certification of the completed work.





Date of Report: June 04, 2024

Buffer Distance: 500 feet

Parcels Affected: 165

Subject Parcel: 19-46-24-W4-0060B.0070

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.01CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 RIO DEL LIDO CANAL	1
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.02CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 CANAL GRANDE CANAL	2
KEY ESTERO SHOPS LLC 3220 PINE CONE CT MILFORD MI 48381	19-46-24-W4-00402.0010 1661 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 DESC OR 1468 PG 1697 LESS N 275 FT	3
REALBOOK LLC 12 SEQUOIA DR DAYTON NJ 08810	19-46-24-W4-00402.001A 200 CAROLINA AVE FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LT 11 N 275 FT OF OR 1468 PG 1697	4
GH3 RB CAPITAL LLC 1700 MEDICAL LN #101 FORT MYERS FL 33907	19-46-24-W4-00402.0030 211 OSTEGO DR FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BLK J LOT 13 1ST EDITION VENETIAM GARDENS	5
AMBERJACK PROPERTIES LLC PO BOX 446	19-46-24-W4-00402.0050 210 OSTEGO DR	HILLS T P SUBD PB 3 PG 84 PT LOT 11	6

OTTOVILLE OH 45876	FORT MYERS BEACH FL 33931	DESC IN OR 1351 PG 1680	
PIEC DANIEL J & JOYCE A TR 230 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-00402.0120 230 CAROLINA AVE FORT MYERS BEACH FL 33931	HILLS TP SUBD PB 3 PG 84 PT LOT 11 DESC OR 1365 PG 760	7
MOORE ERIK & SUSAN + 8136 KRONLOKKEN LANE LAFAYETTE IN 47909	19-46-24-W4-00402.0200 231 OSTEGO DR FORT MYERS BEACH FL 33931	PARL IN S 1/4 AS DESC IN OR 1361 PG 1551 AKA BLK J LOT 15 VENETIAN GARDENS	8
EE44 LLC 1951 PINE RIDGE DR JENISON MI 49428	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	9
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0110 259 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 11	10
COLLIN JAMES GROUP LLC 15 CARROTWOOD CT FORT MYERS FL 33919	19-46-24-W4-0060A.0120 257 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 12	11
RATISBONA INC 3665 BONITA BEACH RD SW #1-3 BONITA SPRINGS FL 34134	19-46-24-W4-0060A.0130 251/255 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 13	12
ZIEGLER MICHAEL W & NANCY A 437 AUBURN ST ALLEN TOWN PA 18103	19-46-24-W4-0060A.0140 249 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 14	13
CANTRELL JASON ALAN & DEBRA 620 GREENFORD TRAIL W CARMEL IN 46032	19-46-24-W4-0060A.0150 245 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 15	14
PETERSON DAVID CHARLES 85 LAKEVIEW AVE EXCELSIOR MN 55331	19-46-24-W4-0060A.0160 239 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 16	15
WIDMEIER INVESTMENTS LLC 4390 DODGE ST DUBUQUE IA 52003	19-46-24-W4-0060A.0170 237 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 17	16
MALONEY JAMES P TR 235 CAROLINA AVE FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0180 233/235 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 18 + N 25 FT LOT 19	17
ESH ANDREW CHARLES + 15833 SUNSET RD MINNETONKA MN 55345	19-46-24-W4-0060A.0200 223 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 20 + S 1/2 OF LOT 19	18
SZYPERSKI KEITH P 219 CAROLINA AV FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0210 219 CAROLINA AVE FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 21	19
LANI KAI LP 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0300 1403 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 30 31 LESS W 12 FT	20
LANI KAI LP 1400 ESTERO RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0320 1401 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOTS 32 + W 12 FT LOT 31	21
AULLS PATRICIA E L/E 7241 BERGAMO WAY UNIT 101 FORT MYERS FL 33966	19-46-24-W4-0060A.0330 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	22
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0340 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 34	23
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	24
CONNER CHARLES R & GAIL D 53 POMPAÑO ST FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70	25

		LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0370 1321 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 37	26
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0100 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 + 11	27
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0120 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	28
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	29
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	30
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	31
7-ELEVEN INC CORP INCOME TAX DEPT 3200 HYACKBERRY RD IRVING TX 75063	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	32
455 PALERMO CIRCLE LLC 1421 EAST LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0100 455 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.D PB 6 PG 70 LOT 10	33
VAN FAM PROPERTIES LLC 7323 INDIGO RIDGE SW BYRON CENTER MI 49315	19-46-24-W4-0060D.0110 459 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 11	34
DAR LAND HOLDINGS LLC 3487 COUNTY LINE RD LUXEMBURG WI 54217	19-46-24-W4-0060D.0120 461 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.D PB 6 PG 70 LOT 12	35
463 PALMERO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0130 463 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 LOT 13 + N 1/2 OF LOT 14	36
499 PALERMO LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	19-46-24-W4-0060D.0150 499 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK D PB 6 PG 70 PT LOT 15 + S 1/2 LOT 14 DESC IN OR BK 3404 PG 4545	37
MILLER JONATHAN T PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0060E.0010 501 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 1 + 2 + PT LOT 15 + 20 FT STRIP N OF AND ADJ TO LTS 1 + 2 DESC IN OR BK 3404 PG 4545	38
TEZAK HELEN C TR 50 CHAPEL ST APT 4 FORT MYERS BEACH FL 33931	19-46-24-W4-0060E.0030 505 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOTS 3 + 4	39
R & D ENTERPRISES OF 3436 CHURCH ST STEVENS POINT WI 54481	19-46-24-W4-0060E.0050 551 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 5	40
WEIGERT ANTJE & MARTIN 415 CAPE CORAL PKWY W	19-46-24-W4-0060E.0060 561 PALERMO CIR	VENETIAN GARDENS BLK E PB 6 PG 70	41

CAPE CORAL FL 33914	FORT MYERS BEACH FL 33931	LOT 6	
JAMES R BRATLEY & JOAN E BRATL 15120 W ILIFF PL LAKEWOOD CO 80228	19-46-24-W4-0060E.0070 571 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK E PB 6 PG 70 LOT 7	42
GNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HOEHE 61348 GERMANY	19-46-24-W4-0060E.0080 581 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.E PB 6 PG 70 LOT 8 + LOT PT 9	43
STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLLINS CO 80528	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	44
HENNESSEY PATRICIA J & 460 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060F.0010 460 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.F PB 6 PG 70 LOT 1	45
NORTH KEY INC 7150 RED LION FIVE POINTS RD SPRINGBORO OH 45066	19-46-24-W4-0060F.0020 552 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.F PB 6 PG 70 LOT 2	46
DONNA M BYRD TRUST + 5701 BLUNK KNOB RD ELIZABETH IN 47117	19-46-24-W4-0060F.0030 580 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.F PB 6 PG 70 LOT 3	47
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060F.0040 584/586 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 4	48
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060F.0050 588/590 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 5	49
DEL BUSTO GEORGE & 2212 EVEREST PKWY CAPE CORAL FL 33904	19-46-24-W4-0060F.0060 456 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.F PB 6 PG 70 LOT 6	50
450 PALERMO LLC 1421 E LAKE SHR SPRINGFIELD IL 62712	19-46-24-W4-0060F.0070 450 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 LOT 7	51
LUSSIER TARA CORBISHLEY & 745 BIMINI LN PUNTA GORDA FL 33950	19-46-24-W4-0060F.0280 212 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK F PB 6 PG 70 PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	52
RELAAX LLC 2201 E WILLOW ST STE D 363 SIGNAL HILL CA 90755	19-46-24-W4-0060F.028A ACCESS UNDETERMINED FORT MYERS BEACH FL	VENETIAN GARDENS BLK F PB 6 PG 70 REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115871	53
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	54
LUMP THOMAS F & ANN C 145 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	55
SLOMSKI STEVEN A & PO BOX 2428 PMB 25382 PENSACOLA FL 32513	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	56
ARLINGTON GREEN HOMES LLC LARRY SMITH 434 SPINNAKER DR MARCO ISLAND FL 34145	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	57
KALIDINDI RAMA USHA + 44354 APACHE CIR ASHBURN VA 20147	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	58
1249 ESTERO ADVENTURES LLC 290 BAHIA VIA	19-46-24-W4-0060H.0300 1249 ESTERO BLVD	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32	59

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	+ PT LT 29 OR2414/2433	
NAUTICAL MARKETING LLC 189 SABAL DR FORT MYERS BEACH FL 33931	19-46-24-W4-0070B.001A 1698 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 E 1/2 OF LT 1 + N 1/2 OF E 1/2 OF LT 4	60
MOFFA ROBERT H 37728 LOIS DR STERLING HEIGHTS MI 48310	19-46-24-W4-0070B.001B 1660 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 W 1/2 LOTS 1 + 4	61
WEIT MARTIN & DAWN + 275 TROPICAL SHORES WAY FORT MYERS BEACH FL 33931	19-46-24-W4-0070B.004A 71 AVENUE E FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 S 1/2 OF E 1/2 OF LOT 4 + E 1/2 OF LOT 5	62
BLODHAHL LEASING LLC 3538 TIMBER RIDGE TRAIL CEDAR RAPIDS IA 52411	19-46-24-W4-0070B.005A 1667 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 W 1/2 OF LOT 5	63
CROWLEY THERESA M 60 ALVA DR FORT MYERS BEACH FL 33931	19-46-24-W4-0070B.0070 60 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.B PB 4 PG 45 LOT 7	64
BERTSCHINGER INVESTMENTS LLC SEEBLICK 13 WOLLERAU 8832 SWITZERLAND	19-46-24-W4-0070B.0080 1662 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 LOT 8	65
BERTSCHINGER INVESTMENTS LLC SEEBLICK 13 8832 WOLLERAU SWITZERLAND	19-46-24-W4-0070B.0090 1664 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 LOT 9 + LOT PT 10	66
CGRT LLC + 573 LONGWOOD AVE GLENCOE IL 60022	19-46-24-W4-0070B.010B 1666 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK B PB 4 PG 45 LOT PT 10	67
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0070C.0010 1560 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.C PB 4 PG 45 LOTS 1 + 4	68
SMART PARK OF FMB LLC 11330 LONG WATER CHASE COURT FORT MYERS FL 33908	19-46-24-W4-0070C.0020 1510 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOTS 2 3 6	69
WATERFRONT PROPERTIES LLC 4411 CLEVELAND AVE FORT MYERS FL 33901	19-46-24-W4-0070C.0050 71/73 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOT 5	70
HASSELHOFF LLC 414 MARKET ST IOWA CITY IA 52245	19-46-24-W4-0070C.0070 60/64 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOTS 7 + PT LOT 8 W 1/2 OF	71
1560 I STREET 62 LLC 4705 LELAND DR CUMMING GA 30041	19-46-24-W4-0070C.0090 1560 I ST #62 FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LT9 + E1/2 LT 8+ VAC ALLEY	72
UNDERWOOD LLC 414 MARKET ST IOWA CITY IA 52245	19-46-24-W4-0070C.0100 1550 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOT 10	73
HOY MARSHA L/E 61 ALVA DR FORT MYERS BEACH FL 33931	19-46-24-W4-0070C.0110 61 ALVA DR FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK C PB 4 PG 45 LOT 11	74
GANIM GEORGE W & JOSEPHINE TR 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.001A 1478 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOTS 1 + 4 LESS WLY 43 FT	75
GANIM GEORGE W & JOSEPHINE TR 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.001B 1450 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 WLY 43 FT LOTS 1 + 4	76
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0070D.0020 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC R/W DESC OR 1293 PG 1208	77

STEPNEY LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0050 71 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 LOT 5	78
GANIM GEORGE W SR & 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0070D.0100 1480 I ST FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK.D PB 4 PG 45 LOT 10	79
ATWATTER LLC WALTER RAY SIMMONS 12711 CHATHAM DR FORT MYERS FL 33908	19-46-24-W4-0070D.0110 61/65 AVENUE C FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK D PB 4 PG 45 LOT 11	80
RIGHT CHOICE INVESTMENTS LLC 13500 TELEGRAPH RD TAYLOR MI 48180	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	81
OUR BEACH SAND LLC 12483 SUMMERWOOD DR FORT MYERS FL 33908	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	82
PE RENTALS LLC 1107 KANE ST LA CROSSE WI 54603	19-46-24-W4-0080B.0080 157 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 8	83
BARKER JOHN + 5262 OLYMPIA DR INDIANAPOLIS IN 46228	19-46-24-W4-0080B.0090 159 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 9	84
VALAZQUEZ TIMOTHY + 163 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0100 163 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK.B PB 6 PG 31 LOT 10	85
RUSK CHRISTOPHER J & 193 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0110 193 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 11	86
KOSTER RODNEY A & THERESE A 880 3RD ST FORT MYERS BEACH FL 33931	19-46-24-W4-0080B.0120 201 MIRAMAR ST FORT MYERS BEACH FL 33931	MIRAMAR BLK B PB 6 PG 31 LOT 12	87
BATIKI WEST CONDO ASSN INC SUITOR MIDDLETON COX + ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	19-46-24-W4-02200.00CE BATIKI WEST CONDO C/E FORT MYERS BEACH FL 33931	BATIKI WEST CONDO DESC OR BK 1055 PG 1455 COMMON ELEMENTS POOL/DOCK	88
TROPICAL CENTER CONDO ASSOC 1300 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02300.00CE TROPICAL CENTER C/E FORT MYERS BEACH FL 33931	CONDO IN SW 1/4 SEC 19 TWP 46 R 24 RECORDED IN OR 1123 P 323 THRU 364 COMMON ELEMENTS	89
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL 33931	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445 COMMON ELEMENTS	90
PARKER HARRY W & BEVERLY J 17858 US HIGHWAY 61 SIKESTON MO 63801	19-46-24-W4-02200.2000 1511 ESTERO BLVD #200 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 200	91
PETRICH PAUL E & GAY G TR 860 HENN HYDE RD WARREN OH 44484	19-46-24-W4-02200.2010 1511 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 201	91
WILLIAM L & JOYCE J HENDREN T 28033 N 1850 EAST RD GRIDLEY IL 61744	19-46-24-W4-02200.2020 1511 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 202	91
WILLIAMS JEANNE L TR 1511 ESTERO BLVD # PHH FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2030 1511 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 203	91
HANY JOHN A TR 3405 STEPHANIE RD	19-46-24-W4-02200.2040 1511 ESTERO BLVD #204	BATIKI WEST CONDO OR 1055 PG 1455	91

BLOOMINGTON IL 61704	FORT MYERS BEACH FL 33931	UNIT 204	
BUTLER JAMES H & TERESA A 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2050 1511 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 205	91
LAY DANIEL F TR 7583 N 1300 E ROAD SHIRLEY IL 61772	19-46-24-W4-02200.2060 1511 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 206	91
FRANKLIN JAY STAHAN TRUST 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.2070 1511 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 207	91
FILM CAROLYN A 64 CARROLLS GROVE RD TROY NY 12180	19-46-24-W4-02200.2080 1511 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 208	91
BROWN JOANNE M TR PO BOX 96 OMENA MI 49674	19-46-24-W4-02200.2090 1511 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 209	91
JONES MALINDA ETZLER 2445 S FILLMORE ST DENVER CO 80210	19-46-24-W4-02200.3000 1511 ESTERO BLVD #300 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 300	91
FENN CYNTHIA TR 14248 FOUNTAIN HILLS CT NE PRIOR LAKE MN 55372	19-46-24-W4-02200.3010 1511 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 301	91
FRANA THERESA L 2789 TRAILWOOD LN LEXINGTON KY 40511	19-46-24-W4-02200.3020 1511 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 302	91
1511 ESTERO 303 LLC MICHELLE YOUKHANA 495 THOMAS DR NORTH BARRINGTON IL 60010	19-46-24-W4-02200.3030 1511 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 303	91
OBRIEN CAROL & WINSTON 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3040 1511 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 304	91
DANIELSON BRIAN 1300 WILD ROSE TRAIL EDMOND OK 73034	19-46-24-W4-02200.3050 1511 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 305	91
KARBLER LARRY L L/E 6558 OHENRY CIR NORTH RIDGEVILLE OH 44039	19-46-24-W4-02200.3060 1511 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 306	91
JOHNSTON DALE MICHAEL & 118 MEADOW CREEK CT LEXINGTON IL 61753	19-46-24-W4-02200.3070 1511 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 307	91
SEXTON MICHAEL ZEPH & 1511 ESTERO BLVD # 308 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.3080 1511 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	BARIKI WEST CONDO OR 1055 PG 1055 UNIT 308	91
RAPP DALE A & RUTH ANN 104 PRAIRIE DR LEXINGTON IL 61753	19-46-24-W4-02200.3090 1511 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 309	91
LAW MICHAEL M & SHEILA K PO BOX 584 HEYWORTH IL 61745	19-46-24-W4-02200.4000 1511 ESTERO BLVD #400 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 400	91
MEZERA CHRISTINA M TR 5229 W 62ND ST EDINA MN 55436	19-46-24-W4-02200.4010 1511 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 401	91
QUARTELLO BETTY A TR 1511 ESTERO BLVD # 402 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4020 1511 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 402	91
SUNSET VIEWS LLC PO BOX 70	19-46-24-W4-02200.4030 1511 ESTERO BLVD #403	BATIKI WEST CONDO OR 1055 PG 1455	91

AUBURN IN 46706	FORT MYERS BEACH FL 33931	UNIT 403	
DARIANO KELLI R TR 79 SUNNY LN TIFFIN OH 44883	19-46-24-W4-02200.4040 1511 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 404	91
MOORE ROBERT J & CYNTHIA S 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.4050 1511 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 405	91
STRIBLING MARK TR PO BOX 408 ASHLAND IL 62612	19-46-24-W4-02200.4060 1511 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 406	91
STOCKER REBECCA L & JAMES A APT 407 1511 ESTERO BLVD JACKSONVILLE IL 62650	19-46-24-W4-02200.4070 1511 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 407	91
SMITH GARY B & ROXY R 3734 WESLEY CHAPEL RD ZANESVILLE OH 43701	19-46-24-W4-02200.4080 1511 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 408	91
HOLZAPFEL CHARLES JOHN & 801 S 4TH CIR BRANDON SD 57005	19-46-24-W4-02200.4090 1511 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 409	91
GREEN BURLEY & TAMMY PO BOX 44 OWENSVILLE MO 65066	19-46-24-W4-02200.5000 1511 ESTERO BLVD #500 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 500	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.5010 1511 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 501	91
CHARLES DANNY TR 9751 EASTERN AVE BYRON CENTER MI 49315	19-46-24-W4-02200.5020 1511 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 502	91
DOUGLAS RAYMOND & JENNIFER 3 PELHAM RD BARGATE GRIMSBY LINCOLNSHIRE DN34 4SU UNITED KINGDOM	19-46-24-W4-02200.5030 1511 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 503	91
41 DEVOE STREET CORP 26 UPLAND RD GREAT NECK NY 11020	19-46-24-W4-02200.5040 1511 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 504	91
GLACKIN BARBARA Q TR 1673 MOUNT EVEREST LN TOMS RIVER NJ 08753	19-46-24-W4-02200.5050 1511 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 505	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5060 1511 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 506	91
SPIDEL LYNN R & DEANNA J TR 700 LAKESIDE DR ROME CITY IN 46784	19-46-24-W4-02200.5070 1511 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 507	91
GUILES JON R TR PO BOX 2706 FORT MYERS BEACH FL 33932	19-46-24-W4-02200.5080 1511 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 508	91
STERNER RACHEL V TR 2803 KINGS CROSSING DR # 321 KINGWOOD TX 77345	19-46-24-W4-02200.5090 1511 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 509	91
WOOD SAMUEL L PO BOX 342 PETERSBURG IL 62675	19-46-24-W4-02200.6000 1511 ESTERO BLVD #600 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 600	91
SMITH BRIAN T + PO BOX 235 HEY WORTH IL 61745	19-46-24-W4-02200.6010 1511 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 601	91
WOOD SAMUEL L + PO BOX 342	19-46-24-W4-02200.6020 1511 ESTERO BLVD #602	BATIKI WEST CONDO OR 1055 PG 1455	91

PETERSBURG IL 62675	FORT MYERS BEACH FL 33931	UNIT 602	
HANSEN LOUISE E TR 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6030 1511 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 603	91
RICCIO JOSEPH MICHAEL 26 SECLUDED HOLLOW RD CAPE MAY COURT HOUSE NJ 08210	19-46-24-W4-02200.6040 1511 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 604	91
NELSON BRADLEY A TR 803 IRONWOOD CC DR NORMAL IL 61761	19-46-24-W4-02200.6050 1511 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 605	91
FOUR P INVESTMENTS LTD 1511 ESTERO BLVD APT 606 FORT MYERS BEACH FL 33931	19-46-24-W4-02200.6060 1511 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 606	91
WOLOS MICHAEL C & SHAREN A PO BOX 381 FLUSHING MI 48433	19-46-24-W4-02200.6070 1511 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 607	91
TMS INVESTMENTS 185 HIGH ST NE WARREN OH 44481	19-46-24-W4-02200.6080 1511 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 608	91
SUNSET VIEWS LLC PO BOX 70 AUBURN IN 46706	19-46-24-W4-02200.6090 1511 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT 609	91
SMITH JULIA V TR 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	19-46-24-W4-022PH.00A0 1511 ESTERO BLVD #PHA FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE A	92
CALHAN FLP 189 SADDLEBROOK DR OAK BROOK IL 60523	19-46-24-W4-022PH.00B0 1511 ESTERO BLVD #PHB FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE B	92
CALHAN LEO D & JOAN C 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	19-46-24-W4-022PH.00C0 1511 ESTERO BLVD #PHC FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE C	92
LADWIG MARY TR 10019 ISOLA WAY MIROMAR LAKES FL 33913	19-46-24-W4-022PH.00D0 1511 ESTERO BLVD #PHD FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE D	92
MALAGOTTA PROPERTIES LLC ANTHONY MIRAGLIOTTA 31 JOHN ALDEN ST CLIFTON NJ 07013	19-46-24-W4-022PH.00E0 1511 ESTERO BLVD #PHE FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE E	92
LONI RODGER J + 2054 N NORDICA AVE CHICAGO IL 60707	19-46-24-W4-022PH.00F0 1511 ESTERO BLVD #PHF FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE F	92
RICCIO NICHOLAS J & 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	19-46-24-W4-022PH.00G0 1511 ESTERO BLVD #PHG FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE G	92
WILLIAMS JEFFREY M TR 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	19-46-24-W4-022PH.00H0 1511 ESTERO BLVD #PHH FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE H	92
LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND PARK IL 60462	19-46-24-W4-022PH.00I0 1511 ESTERO BLVD #PHI FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE I	92
BUTLER WILLIAM PATRICK 732 OKUMA DR CHESTER VA 23836	19-46-24-W4-022PH.0J00 1511 ESTERO BLVD #PHJ FORT MYERS BEACH FL 33931	BATIKI WEST CONDO OR 1055 PG 1455 UNIT PENTHOUSE J	92
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230A.0000 1600 ESTERO BLVD #A FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT A	93
MAUHI ENTERPRISES INC 4411 CLEVELAND AV	19-46-24-W4-0230B.0000 1600 ESTERO BLVD #B	TROPICAL CENTER COND OR 1123 PG 323	94

FORT MYERS FL 33901	FORT MYERS BEACH FL 33931	UNIT B	
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230C.0000 1600 ESTERO BLVD #C FORT MYERS BEACH FL 33931	TROPICAL CENTER CONDO OR 1123 PG 323 UNIT C	95
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230D.0000 1600 ESTERO BLVD #D FORT MYERS BEACH FL 33931	TROPICAL CENTER COND OR 1123 PG 323 UNIT D	96
MAUHI ENTERPRISES INC 4411 CLEVELAND AV FORT MYERS FL 33901	19-46-24-W4-0230E.0000 1600 ESTERO BLVD #E FORT MYERS BEACH FL 33931	TROPICAL CENTER CONDO OR 1123 PG 323 UNIT E	97
1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02600.1010 1300 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNITS 101 102 + 103	98
BEYER TAMMY E TR 9656 HALYARDS CT # 24 FORT MYERS FL 33919	19-46-24-W4-02600.1040 1300 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 104	98
ANDRESEN EDWIN TR 7960 PRESERVATION DR INDIANAPOLIS IN 46278	19-46-24-W4-02600.1050 1300 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 105	98
BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE NJ 08081	19-46-24-W4-02600.1060 1300 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 106	98
JOHNSON NANCY ANN L/E 9 NANCY LN FORT MYERS BEACH FL 33931	19-46-24-W4-02600.2010 1300 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 201	98
HECK LLC 15561 CATALPA COVE DR FORT MYERS FL 33908	19-46-24-W4-02600.2020 1300 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 202	98
CONANT DONNA TR 8122 S FOREST HILL CIR FRANKLIN WI 53132	19-46-24-W4-02600.2030 1300 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 203	98
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO MN 56001	19-46-24-W4-02600.2040 1300 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 204	98
LANDOLFI STEVEN J 22 VETO ST PROVIDENCE RI 02908	19-46-24-W4-02600.2050 1300 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 205	98
NIEMEIER RYAN & SUMMER 106 S WALNUT ST LA CRESCENT MN 55947	19-46-24-W4-02600.2060 1300 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 206	98

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

KEY ESTERO SHOPS LLC
3220 PINE CONE CT
MILFORD MI 48381

REALBOOK LLC
12 SEQUOIA DR
DAYTON NJ 08810

GH3 RB CAPITAL LLC
1700 MEDICAL LN #101
FORT MYERS FL 33907

AMBERJACK PROPERTIES LLC
PO BOX 446
OTTOVILLE OH 45876

PIEC DANIEL J & JOYCE A TR
230 CAROLINA AVE
FORT MYERS BEACH FL 33931

MOORE ERIK & SUSAN +
8136 KRONLOKKEN LANE
LAFAYETTE IN 47909

EE44 LLC
1951 PINE RIDGE DR
JENISON MI 49428

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

COLLIN JAMES GROUP LLC
15 CARROTWOOD CT
FORT MYERS FL 33919

RATISBONA INC
3665 BONITA BEACH RD SW #1-3
BONITA SPRINGS FL 34134

ZIEGLER MICHAEL W & NANCY A
437 AUBURN ST
ALLENTOWN PA 18103

CANTRELL JASON ALAN & DEBRA
620 GREENFORD TRAIL W
CARMEL IN 46032

PETERSON DAVID CHARLES
85 LAKEVIEW AVE
EXCELSIOR MN 55331

WIDMEIER INVESTMENTS LLC
4390 DODGE ST
DUBUQUE IA 52003

MALONEY JAMES P TR
235 CAROLINA AVE
FORT MYERS BEACH FL 33931

ESH ANDREW CHARLES +
15833 SUNSET RD
MINNETONKA MN 55345

SZYPERSKI KEITH P
219 CAROLINA AV
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
1400 ESTERO RD
FORT MYERS BEACH FL 33931

AULLS PATRICIA E L/E
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

455 PALERMO CIRCLE LLC
1421 EAST LAKE SHORE DR
SPRINGFIELD IL 62712

VAN FAM PROPERTIES LLC
7323 INDIGO RIDGE SW
BYRON CENTER MI 49315

DAR LAND HOLDINGS LLC
3487 COUNTY LINE RD
LUXEMBURG WI 54217

463 PALMERO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

499 PALERMO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

MILLER JONATHAN T
PO BOX 80490
FORT WAYNE IN 46898

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

R & D ENTERPRISES OF
3436 CHURCH ST
STEVENS POINT WI 54481

WEIGERT ANTJE & MARTIN
415 CAPE CORAL PKWY W
CAPE CORAL FL 33914

JAMES R BRATLEY & JOAN E BRATL
15120 W ILIFF PL
LAKEWOOD CO 80228

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

HENNESSEY PATRICIA J &
460 PALERMO CIR
FORT MYERS BEACH FL 33931

NORTH KEY INC
7150 RED LION FIVE POINTS RD
SPRINGBORO OH 45066

DONNA M BYRD TRUST +
5701 BLUNK KNOB RD
ELIZABETH IN 47117

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DEL BUSTO GEORGE &
2212 EVEREST PKWY
CAPE CORAL FL 33904

450 PALERMO LLC
1421 E LAKE SHR
SPRINGFIELD IL 62712

LUSSIER TARA CORBISHLEY &
745 BIMINI LN
PUNTA GORDA FL 33950

RELAAX LLC
2201 E WILLOW ST STE D 363
SIGNAL HILL CA 90755

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

ARLINGTON GREEN HOMES LLC
LARRY SMITH
434 SPINNAKER DR
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

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

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH FL 33931

MOFFA ROBERT H
37728 LOIS DR
STERLING HEIGHTS MI 48310

WEIT MARTIN & DAWN +
275 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

BLOCD AHL LEASING LLC
3538 TIMBER RIDGE TRAIL
CEDAR RAPIDS IA 52411

CROWLEY THERESA M
60 ALVA DR
FORT MYERS BEACH FL 33931

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
WOLLERAU 8832
SWITZERLAND

BERTSCHINGER INVESTMENTS LLC
SEEBLICK 13
8832 WOLLERAU
SWITZERLAND

CGRT LLC +
573 LONGWOOD AVE
GLENCOE IL 60022

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

SMART PARK OF FMB LLC
11330 LONG WATER CHASE COURT
FORT MYERS FL 33908

WATERFRONT PROPERTIES LLC
4411 CLEVELAND AVE
FORT MYERS FL 33901

HASSELHOFF LLC
414 MARKET ST
IOWA CITY IA 52245

1560 I STREET 62 LLC
4705 LELAND DR
CUMMING GA 30041

UNDERWOOD LLC
414 MARKET ST
IOWA CITY IA 52245

HOY MARSHA L/E
61 ALVA DR
FORT MYERS BEACH FL 33931

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W & JOSEPHINE TR
4666 MAIN ST
BRIDGEPORT CT 06606

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

STEPNEY LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM GEORGE W SR &
4666 MAIN ST
BRIDGEPORT CT 06606

ATWATER LLC
WALTER RAY SIMMONS
12711 CHATHAM DR
FORT MYERS FL 33908

RIGHT CHOICE INVESTMENTS LLC
13500 TELEGRAPH RD
TAYLOR MI 48180

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

PE RENTALS LLC
1107 KANE ST
LA CROSSE WI 54603

BARKER JOHN +
5262 OLYMPIA DR
INDIANAPOLIS IN 46228

VALAZQUEZ TIMOTHY +
163 MIRAMAR ST
FORT MYERS BEACH FL 33931

RUSK CHRISTOPHER J &
193 MIRAMAR ST
FORT MYERS BEACH FL 33931

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

BATIKI WEST CONDO ASSN INC
SUITOR MIDDLETON COX + ASSOC
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

TROPICAL CENTER CONDO ASSOC
1300 ESTERO BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

PARKER HARRY W & BEVERLY J
17858 US HIGHWAY 61
SIKESTON MO 63801

PETRICH PAUL E & GAY G TR
860 HENN HYDE RD
WARREN OH 44484

WILLIAM L & JOYCE J HENDREN T
28033 N 1850 EAST RD
GRIDLEY IL 61744

WILLIAMS JEANNE L TR
1511 ESTERO BLVD # PHH
FORT MYERS BEACH FL 33931

HANY JOHN A TR
3405 STEPHANIE RD
BLOOMINGTON IL 61704

BUTLER JAMES H & TERESA A
1511 ESTERO BLVD #205
FORT MYERS BEACH FL 33931

LAY DANIEL F TR
7583 N 1300 E ROAD
SHIRLEY IL 61772

FRANKLIN JAY STAHAN TRUST
1511 ESTERO BLVD #207
FORT MYERS BEACH FL 33931

FILM CAROLYN A
64 CARROLLS GROVE RD
TROY NY 12180

BROWN JOANNE M TR
PO BOX 96
OMENA MI 49674

JONES MALINDA ETZLER
2445 S FILLMORE ST
DENVER CO 80210

FENN CYNTHIA TR
14248 FOUNTAIN HILLS CT NE
PRIOR LAKE MN 55372

FRANA THERESA L
2789 TRAILWOOD LN
LEXINGTON KY 40511

1511 ESTERO 303 LLC
MICHELLE YOUKHANA
495 THOMAS DR
NORTH BARRINGTON IL 60010

OBRIEN CAROL & WINSTON
1511 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

DANIELSON BRIAN
1300 WILD ROSE TRAIL
EDMOND OK 73034

KARBLER LARRY L L/E
6558 OHENRY CIR
NORTH RIDGEVILLE OH 44039

JOHNSTON DALE MICHAEL &
118 MEADOW CREEK CT
LEXINGTON IL 61753

SEXTON MICHAEL ZEPH &
1511 ESTERO BLVD # 308
FORT MYERS BEACH FL 33931

RAPP DALE A & RUTH ANN
104 PRAIRIE DR
LEXINGTON IL 61753

LAW MICHAEL M & SHEILA K
PO BOX 584
HEYWORTH IL 61745

MEZERA CHRISTINA M TR
5229 W 62ND ST
EDINA MN 55436

QUARTELLO BETTY A TR
1511 ESTERO BLVD # 402
FORT MYERS BEACH FL 33931

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

DARIANO KELLI R TR
79 SUNNY LN
TIFFIN OH 44883

MOORE ROBERT J & CYNTHIA S
1511 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

STRIBLING MARK TR
PO BOX 408
ASHLAND IL 62612

STOCKER REBECCA L & JAMES A
APT 407
1511 ESTERO BLVD
JACKSONVILLE IL 62650

SMITH GARY B & ROXY R
3734 WESLEY CHAPEL RD
ZANESVILLE OH 43701

HOLZAPFEL CHARLES JOHN &
801 S 4TH CIR
BRANDON SD 57005

GREEN BURLEY & TAMMY
PO BOX 44
OWENSVILLE MO 65066

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

CHARLES DANNY TR
9751 EASTERN AVE
BYRON CENTER MI 49315

DOUGLAS RAYMOND & JENNIFER
3 PELHAM RD BARGATE GRIMSBY
LINCOLNSHIRE DN34 4SU
UNITED KINGDOM

41 DEVOE STREET CORP
26 UPLAND RD
GREAT NECK NY 11020

GLACKIN BARBARA Q TR
1673 MOUNT EVEREST LN
TOMS RIVER NJ 08753

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46784

SPIDEL LYNN R & DEANNA J TR
700 LAKESIDE DR
ROME CITY IN 46784

GUILES JON R TR
PO BOX 2706
FORT MYERS BEACH FL 33932

STERNER RACHEL V TR
2803 KINGS CROSSING DR # 321
KINGWOOD TX 77345

WOOD SAMUEL L
PO BOX 342
PETERSBURG IL 62675

SMITH BRIAN T +
PO BOX 235
HEYWORTH IL 61745

WOOD SAMUEL L +
PO BOX 342
PETERSBURG IL 62675

HANSEN LOUISE E TR
1511 ESTERO BLVD #603
FORT MYERS BEACH FL 33931

RICCIO JOSEPH MICHAEL
26 SECLUDED HOLLOW RD
CAPE MAY COURT HOUSE NJ 08210

NELSON BRADLEY A TR
803 IRONWOOD CC DR
NORMAL IL 61761

FOUR P INVESTMENTS LTD
1511 ESTERO BLVD APT 606
FORT MYERS BEACH FL 33931

WOLOS MICHAEL C & SHAREN A
PO BOX 381
FLUSHING MI 48433

TMS INVESTMENTS
185 HIGH ST NE
WARREN OH 44481

SUNSET VIEWS LLC
PO BOX 70
AUBURN IN 46706

SMITH JULIA V TR
1511 ESTERO BLVD #PHA
FORT MYERS BEACH FL 33931

CALHAN FLP
189 SADDLEBROOK DR
OAK BROOK IL 60523

CALHAN LEO D & JOAN C
1511 ESTERO BLVD #PHC
FORT MYERS BEACH FL 33931

LADWIG MARY TR
10019 ISOLA WAY
MIROMAR LAKES FL 33913

MALAGOTTA PROPERTIES LLC
ANTHONY MIRAGLIOTTA
31 JOHN ALDEN ST
CLIFTON NJ 07013

LONI RODGER J+
2054 N NORDICA AVE
CHICAGO IL 60707

RICCIO NICHOLAS J &
1511 ESTERO BLVD #PHG
FORT MYERS BEACH FL 33931

WILLIAMS JEFFREY M TR
1511 ESTERO BLVD #PHH
FORT MYERS BEACH FL 33931

LOIZZO DIANE L TR
8453 ROB ROY DR
ORLAND PARK IL 60462

BUTLER WILLIAM PATRICK
732 OKUMA DR
CHESTER VA 23836

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

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4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

MAUHI ENTERPRISES INC
4411 CLEVELAND AV
FORT MYERS FL 33901

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

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0	TRUE	10477703	19-46-24-V	LKLB OF FLORIDA INC	1400 ESTERO BLVD	FORT MYER FL				33931		1479
1	FALSE	10617008	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL				33931		
2	FALSE	10617009	19-46-24-V	VENETIAN GARDENS C	PALERMO CIR	FORT MYER FL				33931		
3	FALSE	10227974	19-46-24-V	KEY ESTERO SHOPS LL	3220 PINE CONE CT	MILFORD MI				48381		1661
4	FALSE	10227975	19-46-24-V	REALBOOK LLC	12 SEQUOIA DR	DAYTON NJ				8810		200
5	FALSE	10227976	19-46-24-V	GH3 RB CAPITAL LLC	1700 MEDICAL LN #10	FORT MYER FL				33907		211
6	FALSE	10227978	19-46-24-V	AMBERJACK PROPERTI	PO BOX 446	OTTOVILLE OH				45876		210
7	FALSE	10227985	19-46-24-V	PIEC DANIEL J & JOYCE	230 CAROLINA AVE	FORT MYER FL				33931		230
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9	FALSE	10228046	19-46-24-V	EE44 LLC	1951 PINE RIDGE DR	JENISON MI				49428		125/127
10	FALSE	10626630	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL				33919		259
11	FALSE	10626631	19-46-24-V	COLLIN JAMES GROUP	15 CARROTWOOD CT	FORT MYER FL				33919		257
12	FALSE	10228054	19-46-24-V	RATISBONA INC	3665 BONITA BEACH R	BONITA SPI FL				34134		251/255
13	FALSE	10228055	19-46-24-V	ZIEGLER MICHAEL W &	437 AUBURN ST	ALLEN TOW PA				18103		249
14	FALSE	10228056	19-46-24-V	CANTRELL JASON ALAN	620 GREENFORD TRAIL	CARMEL IN				46032		245
15	FALSE	10228057	19-46-24-V	PETERSON DAVID CHA	85 LAKEVIEW AVE	EXCELSIOR MN				55331		239
16	FALSE	10228058	19-46-24-V	WIDMEIER INVESTMEN	4390 DODGE ST	DUBUQUE IA				52003		237
17	FALSE	10228059	19-46-24-V	MALONEY JAMES P TR	235 CAROLINA AVE	FORT MYER FL				33931		233/235
18	FALSE	10228060	19-46-24-V	ESH ANDREW CHARLE	15833 SUNSET RD	MINNETON MN				55345		223
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20	FALSE	10228062	19-46-24-V	LANI KAI LP	1400 ESTERO BLVD	FORT MYER FL				33931		1403
21	FALSE	10228063	19-46-24-V	LANI KAI LP	1400 ESTERO RD	FORT MYER FL				33931		1401
22	FALSE	10228064	19-46-24-V	AULLS PATRICIA E L/E	7241 BERGAMO WAY U	FORT MYER FL				33966		1351
23	FALSE	10228065	19-46-24-V	WILCOX LANCE	1339 SANTOS RD	FORT MYER FL				33931		1339
24	FALSE	10228066	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL				33931		1335
25	FALSE	10228067	19-46-24-V	CONNER CHARLES R &	53 POMPAO ST	FORT MYER FL				33931		126
26	FALSE	10228068	19-46-24-V	PARILLA DAVID R TR	1335 SANTOS RD	FORT MYER FL				33931		1321
27	FALSE	10228069	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL				33629		1397
28	FALSE	10228070	19-46-24-V	KLC SURF L CHRISTOPH	4625 W EUCLID AVE	TAMPA FL				33629		1365/1375
29	FALSE	10228071	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL				33931		1345
30	FALSE	10228072	19-46-24-V	LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL				33931		1331

31	FALSE	10228073	19-46-24-V LANI KAI LP ROBERT G (1400 ESTERO BLVD	FORT MYER FL	33931	1325
32	FALSE	10228074	19-46-24-V 7-ELEVEN I CORP INCC 3200 HYACKBERRY RD IRVING	TX	75063	1301
33	FALSE	10228089	19-46-24-V 455 PALERMO CIRCLE 1421 EAST LAKE SHOR	SPRINGFIELD IL	62712	455
34	FALSE	10463011	19-46-24-V VAN FAM PROPERTIES 17323 INDIGO RIDGE SV BYRON	CEI MI	49315	459
35	FALSE	10228090	19-46-24-V DAR LAND HOLDINGS 13487 COUNTY LINE RD LUXEMBUR	WI	54217	461
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38	FALSE	10228092	19-46-24-V MILLER JONATHAN T PO BOX 80490	FORT WAYN IN	46898	501
39	FALSE	10228093	19-46-24-V TEZAK HELEN C TR 50 CHAPEL ST APT 4	FORT MYER FL	33931	505
40	FALSE	10228094	19-46-24-V R & D ENTERPRISES OF 3436 CHURCH ST	STEVENS P WI	54481	551
41	FALSE	10558864	19-46-24-V WEIGERT ANTJE & MAR 415 CAPE CORAL PKW	CAPE COR FL	33914	561
42	FALSE	10228095	19-46-24-V JAMES R BRATLEY & JO 15120 W ILIFF PL	LAKEWOOD CO	80228	571
43	FALSE	10228096	19-46-24-V GNIRCK RAPHAEL + AM MUEHLBERG 39A	BAD HOMBURG VD HO	61348	GERMANY 581
44	FALSE	10228097	19-46-24-V STRICK RICHARD A & 5804 PARK RIDGE CT	FORT COLL CO	80528	130
45	FALSE	10228098	19-46-24-V HENNESSEY PATRICIA 460 PALERMO CIR	FORT MYER FL	33931	460
46	FALSE	10228099	19-46-24-V NORTH KEY INC 7150 RED LION FIVE PC	SPRINGBO OH	45066	552
47	FALSE	10228100	19-46-24-V DONNA M BYRD TRUST 5701 BLUNK KNOB RD	ELIZABETH IN	47117	580
48	FALSE	10228101	19-46-24-V RELAAX LLC 2201 E WILLOW ST	STE SIGNAL HIL CA	90755	584/586
49	FALSE	10228102	19-46-24-V RELAAX LLC 2201 E WILLOW ST	STE SIGNAL HIL CA	90755	588/590
50	FALSE	10228103	19-46-24-V DEL BUSTO GEORGE & 2212 EVEREST PKWY	CAPE COR FL	33904	456
51	FALSE	10228104	19-46-24-V 450 PALERMO LLC 1421 E LAKE SHR	SPRINGFIELD IL	62712	450
52	FALSE	10599453	19-46-24-V LUSSIER TARA CORBISI 745 BIMINI LN	PUNTA GOI FL	33950	212
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54	FALSE	10228136	19-46-24-V DAY BILLY WAYNE 3708 SHANNON RUN T	LOUISVILLE KY	40299	155
55	FALSE	10228137	19-46-24-V LUMP THOMAS F & ANN 145 PALERMO CIR	FORT MYER FL	33931	145
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57	FALSE	10228164	19-46-24-V ARLINGTON LARRY SMIT 434 SPINNAKER DR	MARCO ISL FL	34145	121
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59	FALSE	10228167	19-46-24-V 1249 ESTERO ADVENTI 290 BAHIA VIA	FORT MYER FL	33931	1249
60	FALSE	10228174	19-46-24-V NAUTICAL MARKETING 189 SABAL DR	FORT MYER FL	33931	1698
61	FALSE	10228175	19-46-24-V MOFFA ROBERT H 37728 LOIS DR	STERLING MI	48310	1660
62	FALSE	10228176	19-46-24-V WEIT MARTIN & DAWN 275 TROPICAL SHORE	FORT MYER FL	33931	71
63	FALSE	10228177	19-46-24-V BLOCD AHL LEASING LI 3538 TIMBER RIDGE TR	CEDAR RA IA	52411	1667

64	FALSE	10228178	19-46-24-V CROWLEY THERESA M	60 ALVA DR	FORT MYER FL	33931	60
65	FALSE	10228179	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	WOLLERAU	8832 SWITZERLA	1662
66	FALSE	10228180	19-46-24-V BERTSCHINGER INVES	SEEBLICK 13	8832 WOLLERAU	SWITZERLA	1664
67	FALSE	10228181	19-46-24-V CGRT LLC +	573 LONGWOOD AVE	GLENCOE IL	60022	1666
68	FALSE	10228183	19-46-24-V MAUHI ENTERPRISES II	4411 CLEVELAND AV	FORT MYER FL	33901	1560
69	FALSE	10228184	19-46-24-V SMART PARK OF FMB LI	11330 LONG WATER C	FORT MYER FL	33908	1510
70	FALSE	10228185	19-46-24-V WATERFRONT PROPER	4411 CLEVELAND AVE	FORT MYER FL	33901	71/73
71	FALSE	10228186	19-46-24-V HASSELHOFF LLC	414 MARKET ST	IOWA CITY IA	52245	60/64
72	FALSE	10228187	19-46-24-V 1560 I STREET 62 LLC	4705 LELAND DR	CUMMING GA	30041	1560
73	FALSE	10228188	19-46-24-V UNDERWOOD LLC	414 MARKET ST	IOWA CITY IA	52245	1550
74	FALSE	10228189	19-46-24-V HOY MARSHA L/E	61 ALVA DR	FORT MYER FL	33931	61
75	FALSE	10228190	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1478
76	FALSE	10228191	19-46-24-V GANIM GEORGE W & JC	4666 MAIN ST	BRIDGEPOICT	6606	1450
77	FALSE	10228192	19-46-24-V LANI KAI LP ROBERT G	1400 ESTERO BLVD	FORT MYER FL	33931	1400
78	FALSE	10228193	19-46-24-V STEPNEY LLC	4666 MAIN ST	BRIDGEPOICT	6606	71
79	FALSE	10228194	19-46-24-V GANIM GEORGE W SR	4666 MAIN ST	BRIDGEPOICT	6606	1480
80	FALSE	10228195	19-46-24-V ATWATTER WALTER RA	12711 CHATHAM DR	FORT MYER FL	33908	61/65
81	FALSE	10228196	19-46-24-V RIGHT CHOICE INVEST	13500 TELEGRAPH RD	TAYLOR MI	48180	1250
82	FALSE	10228197	19-46-24-V OUR BEACH SAND LLC	12483 SUMMERWOOD	FORT MYER FL	33908	1270
83	FALSE	10228229	19-46-24-V PE RENTALS LLC	1107 KANE ST	LA CROSSE WI	54603	157
84	FALSE	10228230	19-46-24-V BARKER JOHN +	5262 OLYMPIA DR	INDIANAPC IN	46228	159
85	FALSE	10228231	19-46-24-V VALAZQUEZ TIMOTHY +	163 MIRAMAR ST	FORT MYER FL	33931	163
86	FALSE	10228232	19-46-24-V RUSK CHRISTOPHER J	193 MIRAMAR ST	FORT MYER FL	33931	193
87	FALSE	10228233	19-46-24-V KOSTER RODNEY A & TI	880 3RD ST	FORT MYER FL	33931	201
88	FALSE	10228395	19-46-24-V BATIKI WESUITOR MII	15751 SAN CARLOS BL	FORT MYER FL	33908	
89	FALSE	10462574	19-46-24-V TROPICAL CENTER COI	1300 ESTERO BLVD	FORT MYER FL	33931	
90	FALSE	10462572	19-46-24-V CRESCENT SHORE COI	PO BOX 2990	FORT MYER FL	33932	
91	FALSE	10228396	19-46-24-V PARKER HARRY W & BE	17858 US HIGHWAY 61	SIKESTON MO	63801	1511
91	FALSE	10228397	19-46-24-V PETRICH PAUL E & GAY	860 HENN HYDE RD	WARREN OH	44484	1511
91	FALSE	10228398	19-46-24-V WILLIAM L & JOYCE J H	28033 N 1850 EAST RD	GRIDLEY IL	61744	1511
91	FALSE	10228399	19-46-24-V WILLIAMS JEANNE L TR	1511 ESTERO BLVD # P	FORT MYER FL	33931	1511
91	FALSE	10228400	19-46-24-V HANY JOHN A TR	3405 STEPHANIE RD	BLOOMING IL	61704	1511
91	FALSE	10228401	19-46-24-V BUTLER JAMES H & TER	1511 ESTERO BLVD #2	FORT MYER FL	33931	1511

91	FALSE	10228402	19-46-24-V LAY DANIEL F TR	7583 N 1300 E ROAD	SHIRLEY IL	61772	1511
91	FALSE	10228403	19-46-24-V FRANKLIN JAY STAHAN	1511 ESTERO BLVD #2	FORT MYER FL	33931	1511
91	FALSE	10228404	19-46-24-V FILM CAROLYN A	64 CARROLLS GROVE	FT TROY NY	12180	1511
91	FALSE	10228405	19-46-24-V BROWN JOANNE M TR	PO BOX 96	OMENA MI	49674	1511
91	FALSE	10228406	19-46-24-V JONES MALINDA ETZLE	2445 S FILLMORE ST	DENVER CO	80210	1511
91	FALSE	10228407	19-46-24-V FENN CYNTHIA TR	14248 FOUNTAIN HILL	PRIOR LAKE MN	55372	1511
91	FALSE	10228408	19-46-24-V FRANA THERESA L	2789 TRAILWOOD LN	LEXINGTON KY	40511	1511
91	FALSE	10228409	19-46-24-V 1511 ESTEF MICHELLE	495 THOMAS DR	NORTH BAF IL	60010	1511
91	FALSE	10228410	19-46-24-V OBRIEN CAROL & WIN	1511 ESTERO BLVD #3	FORT MYER FL	33931	1511
91	FALSE	10228411	19-46-24-V DANIELSON BRIAN	1300 WILD ROSE TRAIL	EDMOND OK	73034	1511
91	FALSE	10228412	19-46-24-V KARBLER LARRY L L/E	6558 OHENRY CIR	NORTH RID OH	44039	1511
91	FALSE	10228413	19-46-24-V JOHNSTON DALE MICH	118 MEADOW CREEK C	LEXINGTON IL	61753	1511
91	FALSE	10228414	19-46-24-V SEXTON MICHAEL ZEP	1511 ESTERO BLVD # 3	FORT MYER FL	33931	1511
91	FALSE	10228415	19-46-24-V RAPP DALE A & RUTH A	104 PRAIRIE DR	LEXINGTON IL	61753	1511
91	FALSE	10228416	19-46-24-V LAW MICHAEL M & SHE	PO BOX 584	HEYWORTH IL	61745	1511
91	FALSE	10228417	19-46-24-V MEZERA CHRISTINA M	5229 W 62ND ST	EDINA MN	55436	1511
91	FALSE	10228418	19-46-24-V QUARTELLO BETTY A TF	1511 ESTERO BLVD # 4	FORT MYER FL	33931	1511
91	FALSE	10228419	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228420	19-46-24-V DARIANO KELLI R TR	79 SUNNY LN	TIFFIN OH	44883	1511
91	FALSE	10228421	19-46-24-V MOORE ROBERT J & CY	1511 ESTERO BLVD #4	FORT MYER FL	33931	1511
91	FALSE	10228422	19-46-24-V STRIBLING MARK TR	PO BOX 408	ASHLAND IL	62612	1511
91	FALSE	10228423	19-46-24-V STOCKER REBECCA L	8 APT 407	1511 ESTEF JACKSONV IL	62650	1511
91	FALSE	10228424	19-46-24-V SMITH GARY B & ROXY	3734 WESLEY CHAPEL	ZANESVILLE OH	43701	1511
91	FALSE	10228425	19-46-24-V HOLZAPFEL CHARLES J	801 S 4TH CIR	BRANDON SD	57005	1511
91	FALSE	10228426	19-46-24-V GREEN BURLEY & TAM	PO BOX 44	OWENSVIL MO	65066	1511
91	FALSE	10228427	19-46-24-V SUNSET VIEWS LLC	PO BOX 70	AUBURN IN	46706	1511
91	FALSE	10228428	19-46-24-V CHARLES DANNY TR	9751 EASTERN AVE	BYRON CE MI	49315	1511
91	FALSE	10228429	19-46-24-V DOUGLAS RAYMOND & 3	PELHAM I GRIMSBY	LINCOLNSHIRE	DN34 4SU	UNITED KIN
91	FALSE	10228430	19-46-24-V 41 DEVOE STREET	COR 26 UPLAND RD	GREAT NEC NY	11020	1511
91	FALSE	10228431	19-46-24-V GLACKIN BARBARA Q T	1673 MOUNT EVEREST	TOMS RIVE NJ	8753	1511
91	FALSE	10228432	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228433	19-46-24-V SPIDEL LYNN R & DEAN	700 LAKESIDE DR	ROME CITY IN	46784	1511
91	FALSE	10228434	19-46-24-V GUILLES JON R TR	PO BOX 2706	FORT MYER FL	33932	1511

91	FALSE	10228435	19-46-24-V STERNER RACHEL V TR 2803 KINGS CROSSING KINGWOOD TX	77345	1511
91	FALSE	10228436	19-46-24-V WOOD SAMUEL L PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228437	19-46-24-V SMITH BRIAN T + PO BOX 235 HEYWORTH IL	61745	1511
91	FALSE	10228438	19-46-24-V WOOD SAMUEL L + PO BOX 342 PETERSBURG IL	62675	1511
91	FALSE	10228439	19-46-24-V HANSEN LOUISE E TR 1511 ESTERO BLVD #6 FORT MYER FL	33931	1511
91	FALSE	10228440	19-46-24-V RICCIO JOSEPH MICHA 26 SECLUDED HOLLOV CAPE MAY NJ	8210	1511
91	FALSE	10228441	19-46-24-V NELSON BRADLEY A TR 803 IRONWOOD CC DF NORMAL IL	61761	1511
91	FALSE	10228442	19-46-24-V FOUR P INVESTMENTS 1511 ESTERO BLVD AP FORT MYER FL	33931	1511
91	FALSE	10228443	19-46-24-V WOLOS MICHAEL C & S PO BOX 381 FLUSHING MI	48433	1511
91	FALSE	10228444	19-46-24-V TMS INVESTMENTS 185 HIGH ST NE WARREN OH	44481	1511
91	FALSE	10228445	19-46-24-V SUNSET VIEWS LLC PO BOX 70 AUBURN IN	46706	1511
92	FALSE	10228446	19-46-24-V SMITH JULIA V TR 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228447	19-46-24-V CALHAN FLP 189 SADDLEBROOK DF OAK BROOK IL	60523	1511
92	FALSE	10228448	19-46-24-V CALHAN LEO D & JOAN 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228449	19-46-24-V LADWIG MARY TR 10019 ISOLA WAY MIOMAR IL FL	33913	1511
92	FALSE	10228450	19-46-24-V MALAGOTT ANTHONY I 31 JOHN ALDEN ST CLIFTON NJ	7013	1511
92	FALSE	10228451	19-46-24-V LONI RODGER J + 2054 N NORDICA AVE CHICAGO IL	60707	1511
92	FALSE	10228452	19-46-24-V RICCIO NICHOLAS J & 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228453	19-46-24-V WILLIAMS JEFFREY M TI 1511 ESTERO BLVD #PI FORT MYER FL	33931	1511
92	FALSE	10228454	19-46-24-V LOIZZO DIANE L TR 8453 ROB ROY DR ORLAND P IL	60462	1511
92	FALSE	10228455	19-46-24-V BUTLER WILLIAM PATRI 732 OKUMA DR CHESTER VA	23836	1511
93	FALSE	10228457	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
94	FALSE	10228458	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
95	FALSE	10228459	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
96	FALSE	10228460	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
97	FALSE	10228461	19-46-24-V MAUHI ENTERPRISES II 4411 CLEVELAND AV FORT MYER FL	33901	1600
98	FALSE	10228463	19-46-24-V 1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYER FL	33931	1300
98	FALSE	10228464	19-46-24-V BEYER TAMMY E TR 9656 HALYARDS CT # 2 FORT MYER FL	33919	1300
98	FALSE	10228465	19-46-24-V ANDRESEN EDWIN TR 7960 PRESERVATION C INDIANAPC IN	46278	1300
98	FALSE	10228466	19-46-24-V BOCCELLA SALVATORE 4 POINT VIEW CT SICKLERVIL NJ	8081	1300
98	FALSE	10228467	19-46-24-V JOHNSON NANCY ANN 9 NANCY LN FORT MYER FL	33931	1300
98	FALSE	10228468	19-46-24-V HECK LLC 15561 CATALPA COVE FORT MYER FL	33908	1300
98	FALSE	10228469	19-46-24-V CONANT DONNA TR 8122 S FOREST HILL CI FRANKLIN WI	53132	1300

98	FALSE	10228470	19-46-24-V DENNIS R + CYNTHIA L 106 ICHABOD LN	MANKATO MN	56001	1300
98	FALSE	10228471	19-46-24-V LANDOLFI STEVEN J 22 VETO ST	PROVIDENCE RI	2908	1300
98	FALSE	10228472	19-46-24-V NIEMEIER RYAN & SUM 106 S WALNUT ST	LA CRESCE MN	55947	1300

SiteStreet	SiteUnit	SiteCity	SiteZip	Legal
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS <CR>BLK B PB 6 PG 70 <CR>LOTS 7 + 8 + E 1/2 OF LOT 9<CR>+ 28 + 29 +
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>RIO DEL LIDO CANAL
SUBMERGED		FORT MYER	33931	VENETIAN GARDENS<CR>PB 6 PG 70<CR>CANAL GRANDE CANAL
ESTERO BLVD		FORT MYER	33931	HILLS T P SUBD PB 3 PG 84<CR>PT LT 11 DESC OR 1468<CR>PG 1697 LESS N 275 FT
CAROLINA AVE		FORT MYER	33931	HILLS T P SUBD PB 3 PG 84<CR>PT LT 11 N 275 FT OF<CR>OR 1468 PG 1697
OSTEGO DR		FORT MYER	33931	HILLS T P SUBD PB 3 PG 84 PT LOT 11 DESC OR 1352 PG 613 AKA BLK J LOT 13 1ST EDITION VENETIAM GAI
OSTEGO DR		FORT MYER	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC IN OR 1351 PG 1680
CAROLINA AVE		FORT MYER	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT LOT 11<CR>DESC OR 1365 PG 760
OSTEGO DR		FORT MYER	33931	PARL IN S 1/4 AS DESC IN<CR>OR 1361 PG 1551 AKA BLK J<CR>LOT 15 VENETIAN GARDENS
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK Y PB 6 PG 70<CR>ALL BLK Y EXC NLY 11 FT
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 11
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 12
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 13
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 14
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 15
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 16
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 17
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 18 + N 25 FT LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 20 + S 1/2 OF LOT 19
CAROLINA AVE		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 21
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 30 31 LESS W 12 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOTS 32 + W 12 FT LOT 31
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 33
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 34
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 35
PALERMO CIR		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 36 + S 1/2 OF BLK X<CR>LESS THEN N 20 FT
SANTOS RD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK A PB 6 PG 70<CR>LOT 37
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>W 1/2 LOT 9 LOTS 10 + 11
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 12
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 13
ESTERO BLVD		FORT MYER	33931	VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOT 14

ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 15
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS<CR>BLK B PB 6 PG 70<CR>LOTS 16 + 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.D PB 6 PG 70<CR>LOT 10
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS <CR>BLK D PB 6 PG 70 <CR>LOT 11
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.D PB 6 PG 70<CR>LOT 12
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS <CR>BLK D PB 6 PG 70 <CR>LOT 13 + N 1/2 OF LOT 14
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK D PB 6 PG 70<CR>PT LOT 15 + S 1/2 LOT 14<CR>DESC IN OR BK 3404 PG 4:
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 1 + 2 + PT LOT 15 +<CR>20 FT STRIP N OF AND ADJ.
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOTS 3 + 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK E PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.E PB 6 PG 70<CR>LOT 8 + LOT PT 9
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS PB 6/70<CR>BLK E S 1/2 OF LOT 9 +<CR>ALL OF BLK X LESS S 20 FT
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.F PB 6 PG 70<CR>LOT 1
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.F PB 6 PG 70<CR>LOT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.F PB 6 PG 70<CR>LOT 3
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 4
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 5
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.F PB 6 PG 70<CR>LOT 6
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>LOT 7
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>PORTION OF LOT 28 DESC IN INSTRUMENT 2020000115
ACCESS UNDETERMINED	FORT MYERS BEACH	VENETIAN GARDENS<CR>BLK F PB 6 PG 70<CR>REMAINING PORTION OF LOT 28 DESC IN INSTRUMENT 2
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 17
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.G PB 6 PG 70<CR>LOT 18
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK G PB 6 PG 70<CR>LOT 19 NLY 11 FT BLKY
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK.H PB 6 PG 70<CR>LOT 27
PALERMO CIR	FORT MYER	33931 VENETIAN GARDENS<CR>BLK H PB 6 PG 70<CR>LOT 28 + PT LOTS 26 + 29
ESTERO BLVD	FORT MYER	33931 VENETIAN GARDENS BLK H<CR>PB 6 PG 70 LOTS 30 31+32<CR>+ PT LT 29 OR 2414/2433
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK B<CR>PB 4 PG 45 E 1/2 OF LT 1<CR>+ N 1/2 OF E 1/2 OF LT 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 LOTS 1 + 4
AVENUE E	FORT MYER	33931 CRESCENT BEACH BLK B PB 4 PG 45 S 1/2 OF E 1/2 OF LOT 4 + E 1/2 OF LOT 5
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>W 1/2 OF LOT 5

ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK.B PB 4 PG 45<CR>LOT 7
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 8
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT 9 + LOT PT 10
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK B PB 4 PG 45<CR>LOT PT 10
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK.C PB 4 PG 45<CR>LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 2 3 6
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 5
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOTS 7 + PT LOT 8 W 1/2 OF
I ST	62 FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LT9 + E1/2 LT 8+ VAC ALLEY
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 10
ALVA DR	FORT MYER	33931 CRESCENT BEACH<CR>BLK C PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOTS 1 + 4 LESS WLY 43 FT
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH<CR>BLK.D PB 4 PG 45<CR>WLY 43 FT LOTS 1 + 4
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH PB 4 PG 45<CR>BLKS D + E + VAC R/W DESC<CR>OR 1293 PG 1208
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK.D PB 4 PG 45<CR>LOT 5
I ST	FORT MYER	33931 CRESCENT BEACH<CR>BLK.D PB 4 PG 45<CR>LOT 10
AVENUE C	FORT MYER	33931 CRESCENT BEACH<CR>BLK D PB 4 PG 45<CR>LOT 11
ESTERO BLVD	FORT MYER	33931 CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NF
ESTERO BLVD	FORT MYER	33931 CRESCENT BEACH BLK F<CR>PB 4 PG 45 PT LOTS 1 2 & 3<CR>DESC IN OR 1319 PG 1459
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 8
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 9
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK.B PB 6 PG 31<CR>LOT 10
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 11
MIRAMAR ST	FORT MYER	33931 MIRAMAR<CR>BLK B PB 6 PG 31<CR>LOT 12
BATIKI WEST CONDO C	FORT MYER	33931 BATIKI WEST CONDO<CR>DESC OR BK 1055 PG 1455<CR>COMMON ELEMENTS POOL/DOCK
TROPICAL CENTER C/E	FORT MYER	33931 CONDO IN SW 1/4 SEC 19<CR>TWP 46 R 24 RECORDED IN<CR>OR 1123 P 323 THRU 364<CR>COMMON
CRESCENT SHORE C/E	FORT MYER	33931 A CONDO LOCATED IN SEC 19<CR>TWP 46 RGE 24 AS DESC IN<CR>OR 1464 PG 445<CR>COMMON ELEI
ESTERO BL'	200 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 200
ESTERO BL'	201 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 201
ESTERO BL'	202 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 202
ESTERO BL'	203 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 203
ESTERO BL'	204 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 204
ESTERO BL'	205 FORT MYER	33931 BATIKI WEST CONDO<CR> OR 1055 PG 1455<CR>UNIT 205

ESTERO BL'	206 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 206
ESTERO BL'	207 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 207	
ESTERO BL'	208 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 208
ESTERO BL'	209 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 209
ESTERO BL'	300 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 300	
ESTERO BL'	301 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 301
ESTERO BL'	302 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 302
ESTERO BL'	303 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 303	
ESTERO BL'	304 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 304
ESTERO BL'	305 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 305
ESTERO BL'	306 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 306
ESTERO BL'	307 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 307	
ESTERO BL'	308 FORT MYER	33931 BARIKI WEST CONDO<CR>	OR 1055 PG 1055<CR>UNIT 308
ESTERO BL'	309 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 309
ESTERO BL'	400 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 400	
ESTERO BL'	401 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 401	
ESTERO BL'	402 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 402
ESTERO BL'	403 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 403
ESTERO BL'	404 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 404
ESTERO BL'	405 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 405
ESTERO BL'	406 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 406	
ESTERO BL'	407 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 407
ESTERO BL'	408 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 408
ESTERO BL'	409 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 409	
ESTERO BL'	500 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 500	
ESTERO BL'	501 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 501
ESTERO BL'	502 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 502
ESTERO BL'	503 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 503
ESTERO BL'	504 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 504
ESTERO BL'	505 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 505
ESTERO BL'	506 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 506
ESTERO BL'	507 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 507
ESTERO BL'	508 FORT MYER	33931 BATIKI WEST CONDO<CR>OR 1055 PG 1455<CR>UNIT 508	

ESTERO BL'	509 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 509
ESTERO BL'	600 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 600
ESTERO BL'	601 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 601
ESTERO BL'	602 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 602
ESTERO BL'	603 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 603
ESTERO BL'	604 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 604
ESTERO BL'	605 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 605
ESTERO BL'	606 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 606
ESTERO BL'	607 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 607
ESTERO BL'	608 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 608
ESTERO BL'	609 FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT 609
ESTERO BL' PHA	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE A
ESTERO BL' PHB	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE B
ESTERO BL' PHC	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE C
ESTERO BL' PHD	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE D
ESTERO BL' PHE	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE E
ESTERO BL' PHF	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE F
ESTERO BL' PHG	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE G
ESTERO BL' PHH	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE H
ESTERO BL' PHI	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE I
ESTERO BL' PHJ	FORT MYER	33931 BATIKI WEST CONDO<CR>	OR 1055 PG 1455<CR>UNIT PENTHOUSE J
ESTERO BL' A	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT A
ESTERO BL' B	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT B
ESTERO BL' C	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT C
ESTERO BL' D	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT D
ESTERO BL' E	FORT MYER	33931 TROPICAL CENTER CONDO<CR>	OR 1123 PG 323<CR>UNIT E
ESTERO BL'	101 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNITS 101 102 + 103
ESTERO BL'	104 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 104
ESTERO BL'	105 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 105
ESTERO BL'	106 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 106
ESTERO BL'	201 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 201
ESTERO BL'	202 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 202
ESTERO BL'	203 FORT MYER	33931 CRESCENT SHORE CONDO<CR>	OR 1464 PG 445<CR>UNIT 203

ESTERO BL'	204 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 204
ESTERO BL'	205 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 205
ESTERO BL'	206 FORT MYER	33931 CRESCENT SHORE CONDO<CR>OR 1464 PG 445<CR>UNIT 206

·<CR>VAC RD R/W OR 553 PG 797

RDENS

545
TO LTS 1 + 2<CR>DESC IN OR BK 3404 PG 4545

371
:020000115871

ETHLY 2.7 LT 3

ELEMENTS
MENTS



July 24, 2024

LKLB of Florida Inc.
1400 Estero Blvd.
Fort Myers Beach, FL 33931

Re: 1479 Estero Blvd, Fort Myers Beach
Strap # 19-46-24-W4-0060.B0070
SEZ20240186- Bayside Parking lot

Dear Applicant,

The Community Development Department has reviewed the submission package for the above-referenced ZVL application. At this time, the application is found insufficient and requires additional information.

Zoning Review: Jason Smalley 7/24/2024

Concerns:

1. It is unclear whether sufficient parking is provided for the 25-unit hotel/motel use at the property. Any commercial parking would be in spaces that are in addition to the minimum required spaces. Please see the formula below for calculating the required minimum spaces for the primary site use. If the hotel/motel use requires 30 parking spaces, then 13 would be available for a commercial parking lot.
2. The parking lot area will need to be redesigned to comply with parking space and drive aisle minimums.
 - a. Parking spaces do not appear to meet minimum standards of 18'x9' with 2' overhand from wheel blocks
 - b. Drive aisles appear deficient in size. Plans call for 20' wide drive aisles, but there is not internal connection to allow for one-way only navigation through the parking lot, unless redesigned the aisle width doesn't provide the minimum 22' width for two-way traffic through the lot.
3. Current code requirements for landscaping, space separation and stormwater draining are not able to be met with the present lot configuration and several variances will be required.

Additional Information Needed:

1. To determine the minimum number of parking spaces required to accommodate the 25 guest units, staff needs to know the unit sizes (<450s.f. = 1.2 spaces per unit; >450s.f. = 1.5 spaces per unit)
2. Provide parking lot configuration plan that complies with spaces and drive aisle minimums.
 - a. On the parking plan, please show the existing light poles, heights and compliance with turtle-lighting standards.
3. A list of variances necessary to accommodate the redesigned parking plan.



Staff recommends that the following could be incorporated into the parking plan

- Improvements to the landscaping along Estero Blvd
- Reduce the entry driveway width from Estero Blvd. There appears to be two large entrances/exits from Estero Blvd. This could be reduced to one.

Please respond to each sufficiency review comment. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. If you have any questions concerning this matter, please contact the Community Development Department office by emailing zoningpermits@fmbgov.com.

Sincerely,
Jason Smalley
Planner
Community Development Services

From: [Sarah Propst](#)
To: [Robert Burandt](#); [Kendra Rosa](#)
Cc: [zoning.permits](#); [Judith Frankel](#)
Subject: RE: SEZ20240186- 1479 Estero Blvd- Insufficiency letter
Date: Tuesday, July 30, 2024 11:33:52 AM
Attachments: [image008.png](#)
[image009.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image002.png](#)

Good morning Mr. Burandt, staff is unable to determine what variances are needed without a dimensioned plan that indicates the aisle width, the parking space sizes, and any landscaping areas. Please provide that plan/information, along with the size of the guest units that the parking lot accommodates (units up to 450 sf. = 1.2 spaces, greater than 450 sf = 1.5 spaces) to help us determine the number of spaces available for public use.

Please reach out if this is unclear or we can assist.



Sarah Propst, AICP, PMP
Sr. Planner/Project Manager
Town of Fort Myers Beach
2731 Oak St
Fort Myers Beach, FL. 33931
Cell: (757) 269-1203



Think Green. Please print this e-mail only if necessary.

Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: Robert Burandt <robert@capecoralattorney.com>
Sent: Monday, July 29, 2024 11:12 AM
To: Kendra Rosa <Kendra@fmbgov.com>
Cc: zoning.permits@fmbgov.com; Sarah Propst <sarah.propst@fmbgov.com>;
Judith Frankel <jfrankel@fmbgov.com>
Subject: RE: SEZ20240186- 1479 Estero Blvd- Insufficiency letter

Thank you for your letter of insufficiency, this lot has been used for parking for over 40 years and we are trying to come into compliance as requested by town officials even though we believe we are currently compliant with existing codes. Please advise what additional

variances will be required if we decide to continue with our existing application.

Thank you and have a nice day.

Robert B. Burandt, Esq.
BURANDT, ADAMSKI, FEICHTHALER, & SANCHEZ, PLLC
1714 Cape Coral Parkway East
Cape Coral, Florida 33904

Phone: (239) 542-4733

Fax: (239) 542-9203

Email: Robert@capecoralattorney.com

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This Communication Is From A Debt Collector- Unless you dispute the validity of this debt within thirty days of your receipt of this notice, we will assume that the debt is valid. If you notify us in writing within the thirty day period that the debt is disputed, we will take the steps necessary to obtain verification of the debt from the creditor and forward the same to you. Pursuant to the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) we are required to state that this information is an attempt to collect a debt and any information obtained will be used for that purpose.

From: Kendra Rosa <Kendra@fmbgov.com>

Sent: Wednesday, July 24, 2024 3:17 PM

To: Robert Burandt <robert@capecoralattorney.com>

Cc: zoning.permits <zoningpermits@fmbgov.com>; Sarah Propst <sarah.propst@fmbgov.com>;
Judith Frankel <jfrankel@fmbgov.com>

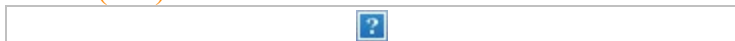
Subject: SEZ20240186- 1479 Estero Blvd- Insufficiency letter

Good afternoon,

Please find the attached insufficiency letter for 1479 Estero Blvd.

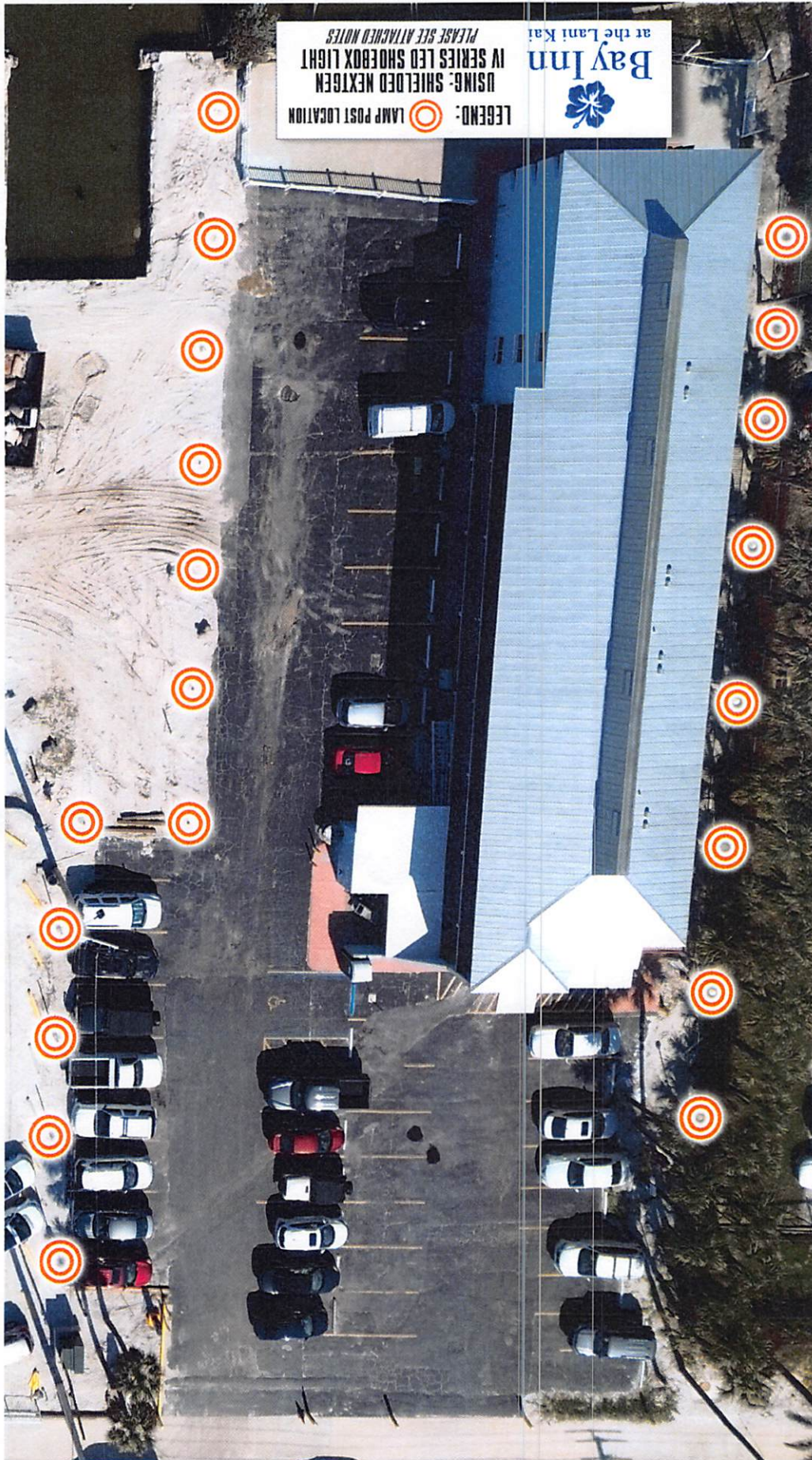
Kendra Rosa

*Zoning Coordinator,
Community Development
Town of Fort Myers Beach
2731 Oak St
Fort Myers Beach, FL 33931
Phone: (239) 765-0202*



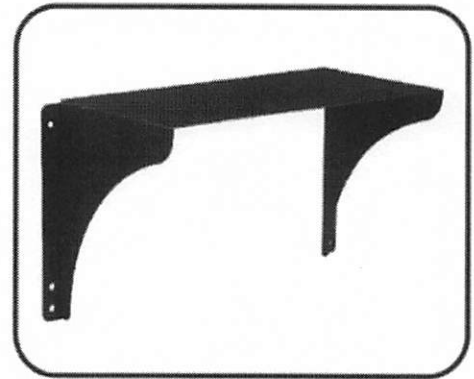
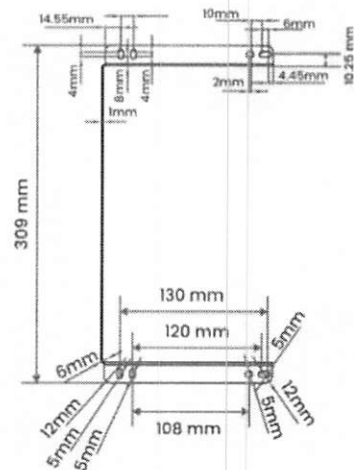
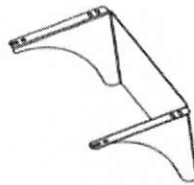
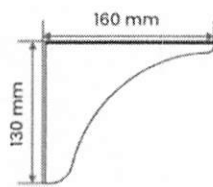
Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

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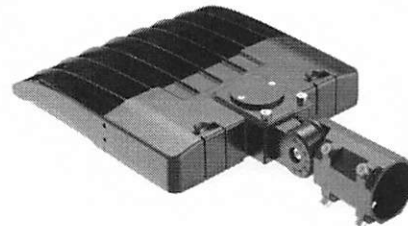
Front & Rear Light Shield



NextGen IV Light Shield

PRODUCT DESCRIPTION

The Top Rated NextGen Series Gets Better! The NextGen IV Series has 140+ Lumens per Watt, bigger VP driver and is DLC 5.1 Premium Rated! New pop open Compartment for fast access and optional easy twist in Motion Sensor that can be programmed by a remote.

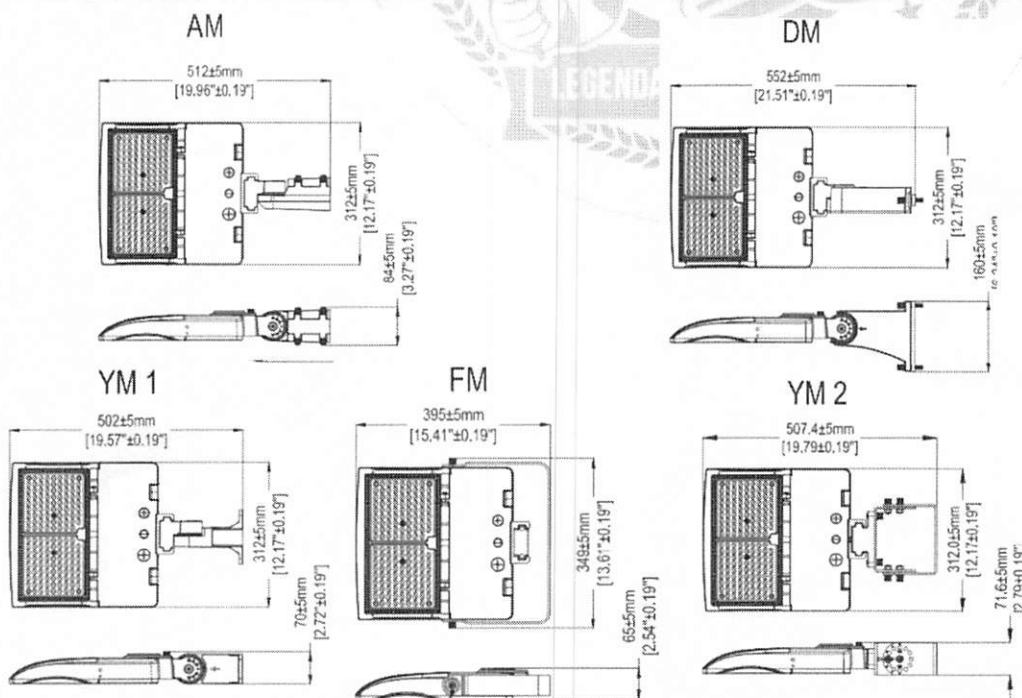


DLC #: RGL-NEXTGEN4-150W

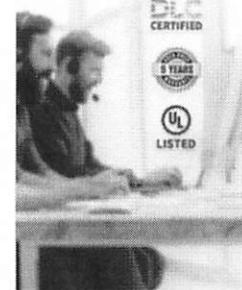
PRODUCT FEATURES & COMMON USE APPLICATIONS

- Lumileds Chip, high CRI;
- Input voltage 120-277VAC;
- Output constant current lever can be;
- adjusted through output cable with 0-10V;
- No UV or IR in the beam;
- Easy to install and operate;
- Energy saving, long lifespan;
- Light is soft and uniform, safe to eyes;
- Instant start, NO flickering, NO humming;
- Green and eco-friendly without mercury;
- Outdoor basketball court, tennis court;
- Badminton court, the football field;
- The school playground, stadium;
- Community leisure entertainment plaza, road lamp etc;

PRODUCT DIMENSIONS



LEGENDARY USA SUPPORT



Rugged Grade Lighting
Industrial Grade Solutions



888-953-2476
sales@ruggedgrade.com

PRODUCT TECHNICAL SPECIFICATIONS

OPTICAL	Input Power (Tolerance : $\pm 10\%$)	150W (Wattage Adjustable Range : 150W 120W 100W)		
	Color Temperature	3000K	4000K	5000K
	Lumen (Tolerance : $\pm 10\%$)	18750-20250 LM	21000-22500 LM	20250-21750 LM
	Efficacy (Tolerance : $\pm 3\%$)	125-135 LM/W	140-150 LM/W	135-145 LM/W
	CRI	>80		
	Color Consistency	<7 Steps (or <7 SDCM)		
	BUG	B4-U0-G4		
	Distribution Pattern	Type III (Optional: TYPE II, 60°)		
ELECTRICAL	Beam Angle (50%) (Tolerance : $\pm 5\%$)	155°90 Degree		
	Input Voltage and Frequency	120-277VAC, 50/60Hz		
	PF (Tolerance : -3%)	≥ 0.9		
	THD (Tolerance : +5%)	$\leq 20\%$		
	Flicker Percent	<5%		
	Driver Brand	RuggedGrade Lighting		
	Driver Model	RuggedGrade Lighting Driver		
	Driver Surge protection	L/N-PE: 10kV, L-N: 6kV		
MATERIALS	Dimming	0-10V dimming standard		
	Sensor Type	Occupancy Sensor, Exterior Photocell, Integral Sensor Receptacle		
	Optional Accessory	Photocontrol, DC Motion Microwave sensor, DC Motion PIR sensor, photocell receptacle, shorting cap		
	LED Brand	Lumileds		
	LED Type	SMD2835		
	LED QTY	150 PCS*2		
	Housing	Die-cast aluminum		
	Housing Color	Brown, Black, or Customized		
OTHERS	EPA	0.42 ft²		
	Waterproof Rating	WET (IP65)		
	Operating Temperature	Without Motion Sensor: -40°C TO 50°C; With Motion Sensor: -35°C TO 50°C		
	Storage Temperature	-40°C TO 90°C		
	Operating Humidity	10% - 90% RH		
	Storage Humidity	5% - 95% RH		
	Warranty	7 years		

PRODUCT MOUNTS & ACCESSORIES



NEXTGEN 4 AND REVATI 2 MOUNTS

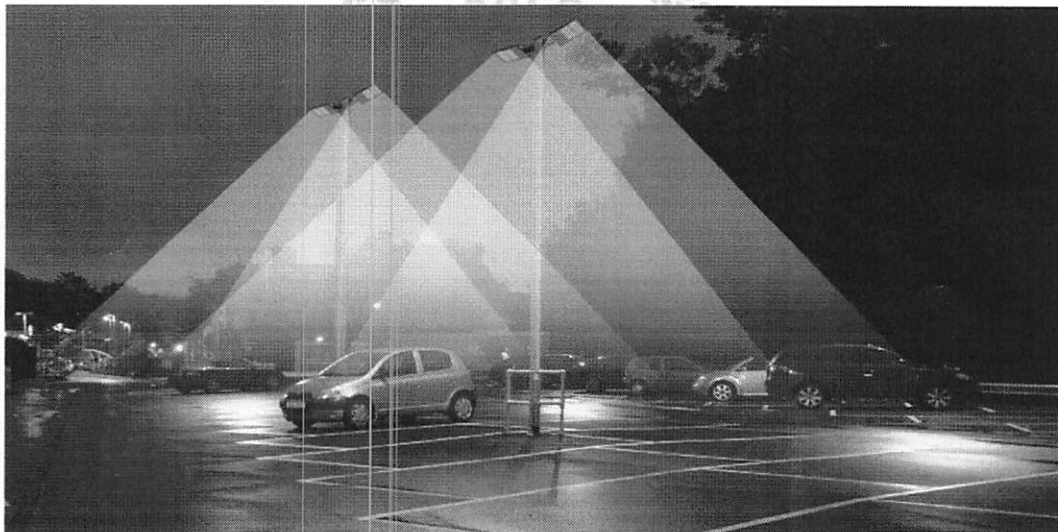
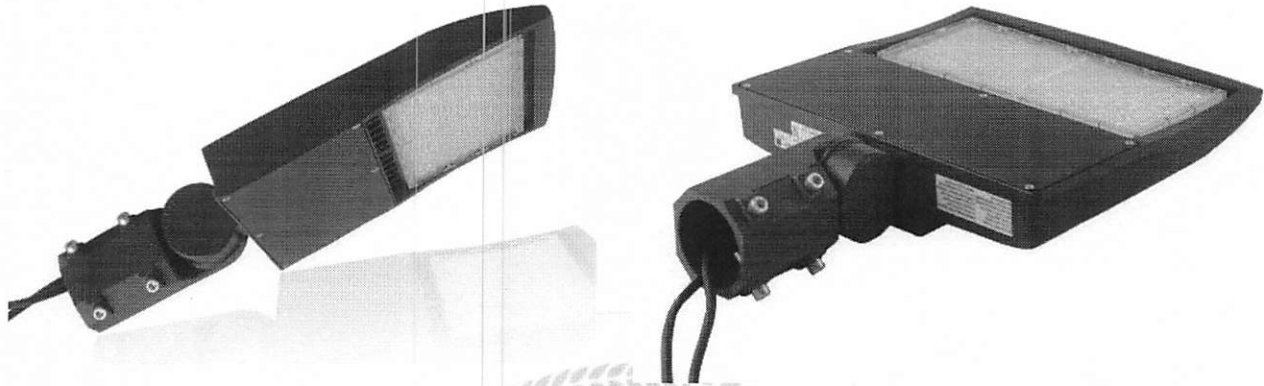


Rugged Grade Lighting
Industrial Grade Solutions



888-953-2476
sales@ruggedgrade.com

PRODUCT IMAGES & ACTUAL INSTALLATIONS



Rugged Grade Lighting
Industrial Grade Solutions



888-953-2476
sales@ruggedgrade.com

PHOTOMETRICS & DLC PRODUCT SPEC

Luminaire Property

Luminaire Manufacturer:

Voltage: 120.6 V

Power: 146.30 W

Current: 1.216 A

Power Factor: 0.997

Photometric Results

IES Classification: Type III

Total Rated Lamp Lumens: 22228.2 lm

Efficiency: 100%

Upward Ratio: 1%

Central Intensity: 4534.84 cd

Pos of Max. Intensity: H0 V69

Longitudinal Classification: Medium

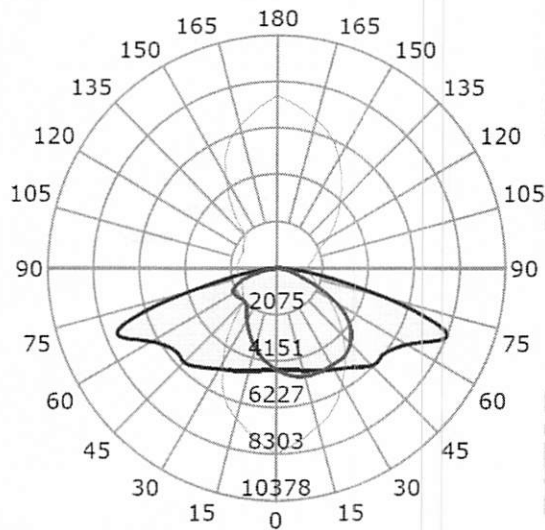
Measurement Flux: 22228.2 lm

Downward Ratio: 99%

Luminaire Efficacy Rating (LER): 151.99

Max. Intensity: 8303.09 cd

Luminous Intensity Distribution Curve



— C0-C180 — C90-C270 — G69

The Average Illuminance Effective Figure

Flux Out: 20499.62lm

Height	Avg./Nadir, E	Diameter / Area
2.0m	107.06/ 1133.71lx	15.61m / 191.47sq.m
3.0m	47.58/ 503.87lx	23.42m / 430.82sq.m
4.0m	26.77/ 283.43lx	31.23m / 765.90sq.m
5.0m	17.13/ 181.39lx	39.03m / 1196.72sq.m
6.0m	11.90/ 125.97lx	46.84m / 1723.27sq.m
7.0m	8.74/ 92.55lx	54.65m / 2345.57sq.m
8.0m	6.69/ 70.86lx	62.46m / 3063.60sq.m
9.0m	5.29/ 55.99lx	70.26m / 3877.36sq.m
10.0m	4.28/ 45.35lx	78.07m / 4786.87sq.m
11.0m	3.54/ 37.48lx	85.88m / 5792.11sq.m

Beam Angle: 151.3°



DLC For 5000K Model

Product ID: S-09B5F5

RGL-NEXTGEN4-150WBT3SA1-abcde50

Manufacturer: RuggedGrade
Brand: RuggedGrade



PRODUCT OVERVIEW

Classification	Premium
Primary Use	Outdoor Pole/Arm Mounted Area and Roadway Luminaires
Reported Input Wattage	159.1 W
Reported Light Output	23265 lm
Reported CCT	5000 K
Reported CRI (Ra)	82
Product ID	S-09B5F5
DLC Family Code	BCBAAI
Listing Status	Listed
Date Qualified	2023-12-15

PRODUCT INFORMATION

Qualified Product List	Solid State Lighting
Technical Requirements Version	5.1
Product ID	S-09B5F5
Manufacturer	RuggedGrade
Brand	RuggedGrade
Model Number	RGL-NEXTGEN4-150WBT3SA1-abcde50
Parent	No
Classification	Premium

PRODUCT CATEGORIZATION

VIEW DETAILS

CONTROL FEATURES

VIEW DETAILS

REPORTED PHOTOMETRIC PERFORMANCE

Reported Light Output	23265 lm
Reported Efficacy (AC)	146.25 lm/W
Reported CCT	5000 K
Reported CRI (Ra)	82
Reported R9	4
Reported IES Rf	84
Reported IES Rg	97
Reported IES Rcs,h1	12

REPORTED ELECTRICAL PERFORMANCE

Reported Input Wattage	159.1 W
Reported Total Harmonic Distortion	15.3%
Reported Power Factor	0.9
Reported Maximum Input Wattage	159.1
Reported Default Input Wattage	159.1 W
Voltage Range	120-277 V



DLC For Tunable 3000K Model

Product ID: S-2Z7PYG

x

RGL-NEXTGEN4-TT-150WBT3DA1-abcdefW

Manufacturer: RuggedGrade
Brand: RuggedGrade



PRODUCT OVERVIEW

Classification	Premium
Primary Use	Outdoor Pole/Arm Mounted Area and Roadway Luminaires
Reported Input Wattage	160.8 W
Reported Light Output	20962 lm
Reported CCT	3000 K
Reported CRI (Ra)	83
Product ID	S-2Z7PYG
DLC Family Code	SLFAXB
Listing Status	Listed
Date Qualified	2023-12-11

PRODUCT INFORMATION

Qualified Product List	Solid State Lighting
Technical Requirements Version	5.1
Product ID	S-2Z7PYG
Manufacturer	RuggedGrade
Brand	RuggedGrade
Model Number	RGL-NEXTGEN4-TT-150WBT3DA1-abcdefW
Parent	Yes
Classification	Premium

PRODUCT CATEGORIZATION

VIEW DETAILS

CONTROL FEATURES

VIEW DETAILS

REPORTED PHOTOMETRIC PERFORMANCE

Reported Light Output	20962 lm
Reported Efficacy (AC)	130.35 lm/W
Reported CCT	3000 K
Reported CRI (Ra)	83
Reported R9	12
Reported IES Rf	85
Reported IES Rg	95
Reported IES Rcs,h1	11

REPORTED ELECTRICAL PERFORMANCE

Reported Input Wattage	160.8 W
Reported Total Harmonic Distortion	15 %
Reported Power Factor	0.9
Reported Minimum Input Wattage	100 W
Reported Maximum Input Wattage	160.8
Reported Default Input Wattage	160.8 W
Voltage Range	120-277 V

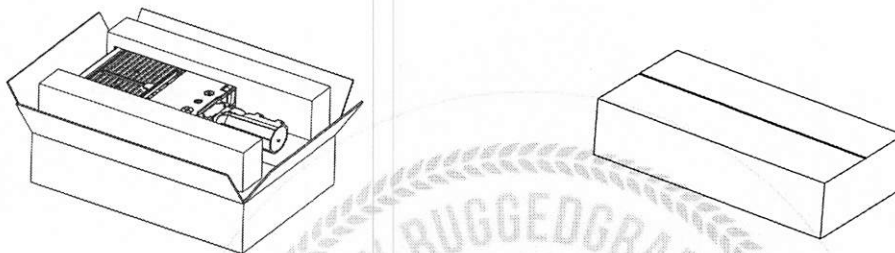
Rugged Grade Lighting
Industrial Grade Solutions



888-953-2476
sales@ruggedgrade.com

PRODUCT PACKAGING

Bracket Type	Carton Size	Qty / Carton	Net Weight / Carton	Gross Weight / Carton
AM	575*360*138mm [22.6*14.17*5.43 inch]	1pcs	4.42kg [9.74 LBS]	5.23kg [11.52 LBS]
DM		1pcs	4.55kg [10.02 LBS]	5.36kg [11.81 LBS]
YM	555*360*138mm[21.8*14.17*5.43 inch]	1pcs	4.97kg [10.95 LBS]	5.78kg [12.73 LBS]
FM	445*360*138mm[17.5*14.17*5.43 inch]	1pcs	4.5kg [9.92LBS]	5.31kg [11.7LBS]



PRODUCT WARNINGS

- ⚡ Please turn off power before install or change assembly parts.
- ⚡ The input voltage and lamps should be matched, after connecting the power line.
- ⚡ Please make sure the wiring section is insulated.
- ⚡ Professionals must install and disassemble the lamps.
- ⚡ Surge is the number 1 cause of LED light failure. Outdoor lights must have surge at fixture, pole, and breaker.
- ⚡ Surge is the number 1 cause of LED light failure. Indoor lights must have surge at fixture and breaker.

PRODUCT TROUBLESHOOTING

Issue	Check points
Light Flickers	Check all wiring for disconnections, shorts and burnt wiring and connections. Confirm steady input voltage to the light fixture, fluctuating input voltage will harm the LED driver and can lead to premature failure. Lights with photocells can have photocell tag from ambient light or light reflecting at the sensor. Simply cover the photocell completely and see if flickering continues while the photocell is covered. Call Tech Support for help if none of the above solves the issue.
Light does not work at all.	Check all wiring for disconnections, shorts and burnt wiring and connections. Confirm steady input voltage to the light fixture, fluctuating input voltage will harm the LED driver and can lead to premature failure. If input voltage is not in the voltage range of the fixture, you will need to find the source of your input voltage issue. Call Tech Support for help if none of the above solves the issue.

For more technical information, install questions, troubleshooting help or warranty claims, we have a dedicated US Tech and Customer Support Team to help solve any issues you have and can be reached by email or phone. If you need help with any of our products, we are here for you so that you are never in the dark!

BETTER LIGHTS. BETTER SUPPORT.







QUOTE #16663

SENT ON:

Feb 12, 2025

RECIPIENT:

Michael Conidaris

1400 Estero Boulevard
Fort Myers Beach, Florida 33931

P.O. Box 131
Estero, Florida 33929

Email: comments@greencareusa.com

Website: greencareusa.com

Product/Service	Description	Qty.
Sea Grape Coccoloba uvifera	Labor, Materials and equipment to install Sea Grape Coccoloba uvifera	25
Buttonwood, silver - 3 gal.	Labor, materials and equipment to install silver buttonwood - 3 gal.	60
Bromeliad (Aechmea blanchetiana) 7 Gal.	Labor, Material and Equipment to install Bromeliad (Aechmea blanchetiana) 7 gal	14
Red Ti - 7 gal.	Labor, materials and equipment to install red ti - 7 gal.	18
Croton, Petra (Codiaeum variegatum) 3 Gal	Labor, materials and equipment to install Croton, Petra (Codiaeum variegatum) 3 Gal	24
Croton, Mammy - 3 gal.	Labor, materials and equipment to install Mammy Croton - 3 gal.	20
Foxtail Palm, single	Labor, materials and equipment to install single foxtail palm	12
Adonidia Palm, triple - 25 gal.	Labor, materials and equipment to install Adonidia Palm, Triple - 25 gal.	2
Green Island Ficus	Labor, material and equipment to install Green Island Ficus	40
Apostle Iris 3 Gal	Labor, Materials and Equipment to install Apostle Iris 3 Gal	28
Arboricola, (Schefflera arboricola) 'Trinette'- 3 gal.	Labor, materials and equipment to install Arboricola, (Schefflera arboricola) 'Trinette'- 3 gal.	40
Ti Plant "Black Magic" Cordyline 3 Gal	Labor, Materials and equipment to install Ti Plant "Black Magic" Cordyline 3 Gal	4
Mulch, Brown	Labor, materials and equipment to install brown mulch - 2 cu. ft. bag	350
Irrigation Parts	Irrigation Parts, controller, equipment and labor to provide proper coverage for new plantings	1

1. **Request:**

Meeting Date: March 3, 2025

First reading and public hearing of and ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE III "BEACH BICYCLE AND VEHICLE SAFETY" OF CHAPTER 28 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO ALLOW THE OPERATION OF ELECTRIC BICYCLES ON SIDEWALKS; ESTABLISHING SAFETY REGULATIONS; ESTABLISHING A MAXIMUM SPEED AND PASSING PROCEDURES; REQUIRING OPERATION WITH THE FLOW OF TRAFFIC; ESTABLISHING RESPONSIBLE PARTIES AND PENALTIES; ESTABLISHING ADDITIONAL REGULATIONS FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

The Town Council discussed changes to existing regulations related to bicycle operation and safety at two recent public meetings and directed the Town Attorney to prepare an ordinance for adoption. The Public Safety Committee is expected to make comments to the Town Council at the meeting on March 3, 2025 regarding bicycle safety and operation on sidewalks in the Town. The ordinance can be modified at first reading as needed.

Attachments:

1. 25-03, Bicycle Ordinance CBNS 2-24-2025
2. M&P 5-8-24 - bicycle discussion minutes
3. Final M&P Minutes 11.7.24
4. PSC 20250220 DRAFT

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

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

Created/Initiated - 2/24/2025
Approved - 2/24/2025
Approved - 2/24/2025
Final Approval - 2/24/2025

ORDINANCE 25-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE III “BEACH BICYCLE AND VEHICLE SAFETY” OF CHAPTER 28 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO ALLOW THE OPERATION OF ELECTRIC BICYCLES ON SIDEWALKS; ESTABLISHING SAFETY REGULATIONS; ESTABLISHING A MAXIMUM SPEED AND PASSING PROCEDURES; REQUIRING OPERATION WITH THE FLOW OF TRAFFIC; ESTABLISHING RESPONSIBLE PARTIES AND PENALTIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

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

WHEREAS, Section 316.008, Florida Statutes, authorizes municipalities to enact an ordinance to “to permit, control, or regulate the operation of electric bicycles on sidewalks or sidewalk areas when such use is permissible under federal law”; and

WHEREAS, Section 316.20655, Florida Statutes, regulates electric bicycles but does not limit a local government’s authority under Section 316.008, Florida Statutes, to enact ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

WHEREAS, Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, regulates the operation of bicycles and other vehicles on sidewalks and public rights-of-way; and

WHEREAS, Section 28-84 of the Code of Ordinances of Fort Myers Beach, Florida, prohibits the operation of bicycles “having any type of helper motor and having two or more wheels” on public sidewalks; and

WHEREAS, the Town Council recognizes the increasing use of electric bikes as a mode of transportation within the Town; and

WHEREAS, electric bike operators have expressed safety concerns with riding on busy roadways, prompting some to use sidewalks instead; and

WHEREAS, some electric bike operators have been observed riding on sidewalks at excessive speeds and against the flow of pedestrian traffic, creating hazards; and

WHEREAS, the Town Council desires to amend Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, to allow the operation of electric bikes on sidewalks under regulated conditions and protect the safety of both electric bike operators and pedestrians; and

WHEREAS, on the ____ day of _____, 2025, the Town Council held a first reading of the Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend the Town’s Code of Ordinances, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City’s website on the ____ day of _____, 2025, as required by Section 166.041(4), Florida Statutes; and

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

WHEREAS, on the ____ day of _____, 2025, the Town Council held a second reading of the Ordinance; and

WHEREAS, the Town Council determined that adoption of the Ordinance as provided herein is in the best interest of the health, safety and welfare of the public.

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

Section 1. That 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. That Article III “Beach Bicycle and Vehicle Safety” of Chapter 28 “Traffic and Vehicles” of the Code of Ordinances of Fort Myers Beach, Florida, is hereby amended to read as follows:

ARTICLE III. – BEACH BICYCLE AND VEHICLE SAFETY

Sec. 28-81. Requirements.

All bicycles, as defined in F.S. § 316.003(4), and all electric bicycles, as defined in F.S. § 316.003(22), operated within the public rights-of-way or sidewalks must meet the following requirements:

- (1) No bicycle shall be used to carry more persons than the number for which it its designed and equipped.
- (2) A bicycle carrying any passenger who is a child under four years of age, or who weighs 40 pounds or less, must be provided with a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

- (3) A bicycle rider or passenger who is under 16 years of age must be provided with and must wear a bicycle helmet that is properly fitted and is fastened securely upon the rider's or passenger's head by a strap and that meets the federal safety standard for bicycle helmet, final rule 16 C.F.R. part 1203. As used in this section the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.
- (4) Every bicycle shall be equipped with a functioning lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a functioning lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear. Said front and rear lamps shall be illuminated at all times the bicycle is being ridden, used or operated by any person.
- (5) Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.
- (6) Every bicycle shall be equipped with a horn or audible device when operated within a public right-of-way in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 50 feet. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

Sec. 28-82. Headsets.

No person shall operate a bicycle or electric bicycle while wearing a headset, headphone, or other listening device other than a hearing aid or instrument for the improvement of defective human hearing.

Sec. 28-83. Vehicles prohibited.

No person shall drive any vehicle, including one-wheeled vehicles hoverboards, or any type of electronic skateboards, other than by human power upon any public sidewalk or path except for authorized government personnel, emergency vehicles, and special mobile equipment for repair or maintenance of the sidewalk areas. This section does not apply to motorized wheelchairs having three or more wheels. Motorized micro-mobility devices, including but not limited to, electric scooters, electric skateboards, one-wheeled devices, and hoverboards are prohibited.

Sec. 28-84. Assisted bicycles and Electric Bicycles prohibited.

- (a) "Electric bicycle" means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts, which meets the requirements of one of the three classifications of electric bicycle under F.S. § 316.003(22).
- (b) No bicycle having any type of helper motor and having two or more wheels shall be driven upon any public sidewalk, path, or beach. This section does not apply to motorized wheelchairs having three or more wheels. Motorized micro-mobility devices, including but not limited to electric scooters, electric skateboards, one-wheeled devices, and hoverboards are prohibited.
- (c) Notwithstanding the prohibitions in subsection (b), electric bicycles may be operated on sidewalks under the following conditions:

- (1) Electric bicycles shall not be operated on a sidewalk if doing so would endanger the safety of pedestrians; and
- (2) A person operating an electric bicycle shall comply with all regulations under Florida law and this Code applicable to bicycles and bicycle operators; and
- (3) Electric bicycles shall be restricted to a maximum speed of 15 miles per hour when operating on a public sidewalk; and
- (4) Operators of electric bicycles shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian; and
- (5) When passing a pedestrian, the operator of an electric bicycle shall reduce the speed of the electric bicycle to idle speed, meaning the lowest speed at which the electric bicycle can operate and maintain steering control. Generally, this will be between one and three miles per hour; and
- (6) Operators of electric bicycles must exercise due care to avoid collisions with pedestrians or human-powered vehicles, including reducing speed and giving an audible warning when necessary, especially when approaching children, pets, or individuals who appear confused or incapacitated; and
- (7) If sidewalks are present on both sides of a roadway, a person operating an electric bicycle on a sidewalk shall only use the sidewalk on the right side of the roadway and shall travel in the same direction as the adjacent vehicular traffic.

Sec. 28-85. Responsible parties.

All owners, riders, and operators of bicycles and electric bicycles, ~~bicycle owners or riders/operators of the bicycle,~~ including entities that rent or loan bicycles or electric bicycles to others for use on the public rights-of-way, are responsible for compliance with these regulations. Rental contract language shall not redirect or assign responsibility for compliance of section 28-81 or 28-84 of this article.

Sec. 28-86. Operation with flow of traffic.

Bicycles and electric bicycles shall travel in the same direction as traffic while being operated in a public right-of-way, and must be operated on the right as other vehicles which results in traveling with and not against the flow of traffic unless directed otherwise by town officials

Sec. 28-87. ~~Penalty~~Penalties.

- (1) A code enforcement officer who discovers the operation of a bicycle or an electric bicycle on a sidewalk in a manner that violates this article may issue a citation, as used by the town, to the operator of the bicycle. Any person operating a bicycle on a sidewalk in violation of the requirements of this article will be subject to a fine in an amount to be set by resolution in accordance with the citation procedures for parking violations set forth in Sections 28-25 through 28-27.
- (2) Violations of any provision ~~All first-time offenders of this Article, except as provided in (1) above,~~ of this article or failure to comply with any of the requirements herein for first-time offender(s) shall result in the issuance of a written warning by enforcement officers. All subsequent violations of any provision or requirement of this article incurred by any

person or company having previously received a written warning shall result in a fine not to exceed \$50.00, in addition to any penalty that may be imposed under state law.

Secs. 28-88—28-110. Reserved.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach, Florida, Code of Ordinances, and that sections 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 Florida law, the most restrictive shall apply.

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

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

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

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

ADOPTED this ____ day of _____, 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

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

D. Bicycle / Pedestrian Plan

Per Council's request, a discussion regarding the Town's bicycle ordinance and a discussion regarding an island bike/walk path.

Mayor Allers noted the 2017 MPO (Metropolitan Planning Organization) study was in the packet and included some good information. He indicated that he received emails regarding people who needed e-bikes for various reasons and they rode on the sidewalks because they did not feel safe in the bike lane or on the road. Now, they fear getting ticketed for riding on the sidewalk because of the ordinance. He thought they should not create a policy based on bad actors because most people would do the right thing. He questioned why one could not ride a bike on the beach and was open to changing the policy. Council Member Safford stated that people had to go with the traffic flow, and when they did not feel safe riding bikes, they would drive or go somewhere else. Mayor Allers added that some walkers felt unsafe on the sidewalks.

Council Member King questioned whether they could gather data for a year and revisit the policy. According to the LCSO (Lee County Sheriff's Office), setting speed limits was not feasible. Vice Mayor Atterholt questioned whether they could require bikers to get off their bikes when they pass walkers on the sidewalk. Town Attorney Stuparich stated that some of the requirements in the town's ordinance were in Florida statutes and could not be changed. Mayor Allers supported Vice Mayor Atterholt's suggestion.

Council Member Safford noted that he had not heard anyone complain about incidents with e-bikes on the beach. Town Attorney Stuparich will research whether they can mandate a forced stop on sidewalks. Vice Mayor Atterholt felt they needed to be very careful on the beach because of the relaxed vibe. Mayor Allers stated that education was essential and the enforcement had to have some teeth to help the LCSO.

Vice Mayor Atterholt thought they needed a strategy for next season to be more engaged in monitoring and enforcing the ordinance. Mayor Allers questioned whether they wanted to task the Public Safety Committee (PSC) to research programs. Town Attorney Stuparich noted that volunteers could provide education and advice, not enforcement. Town Manager Hyatt stated that he wanted to revive the CERT (Citizen Emergency Response Team) training through the state.

Vice Mayor Atterholt questioned whether bike rental businesses could be required to include additional information in their waivers. Town Attorney Stuparich will research the topic. Mayor Allers described markings on the sidewalks that directed bikers and pedestrians and mentioned discussing implementation with the county. Council Member Woodson pointed out that some people had challenges stopping their bikes before passing people on the sidewalk. Vice Mayor Atterholt described two different ways to stop.

Council Member Woodson described creating additional paths on the bay side to avoid Estero Blvd. Mayor Allers referred to the map on page 41 and stated that now was the time to create a new path. Director Kropacek indicated that a discussion was held earlier with a group through the R2P2 program and they were working on a plan to present to the town in June.

Mayor Allers referred to page 167 and felt they could quickly implement secured bike storage. He referred to page 63 and TDC (Tourist Development Council) funding to create advertising videos for education. He indicated that other grants were also available. He felt that financial incentives to encourage employers to provide bike parking for employees was a good idea.

E. CRA

Per Council's request, a discussion regarding CRA.

Mayor Allers felt that having three CRAs (Community Redevelopment Agency) made sense. He explained that it took blighted areas that allowed the town to increase the taxes, so when a CRA is set up, whatever increase in that tax base is, comes back to the town to work in areas within the CRA. It would allow them to take the funding from the tax increase and put it in three sections of the island to enable them to help improve the island for specific items within that section.

Town Attorney Stuparich explained that the CRA was designated as a dependent special district and was a local governmental entity. There were requirements to satisfy and the first was to determine whether the area was viewed as a blighted or slum area. The statutory definition of blighted contained several conditions and she felt that the current state of the beach and lack of affordable housing would qualify. She noted the county would have to concur and the town would have to have a discussion with them before moving forward. If they agree, a resolution or interlocal with the county would have to be drafted. The next stop would be to conduct a study from a planning and data perspective to confirm that information and conditions supported the definition of a blighted area. Town Attorney Stuparich noted that the study would cost money, so they should talk to the county first. A CRA board would have to be created with town council members and two additional members could be added. The board would develop a plan and the county would have to approve it. Then, a trust fund would be created to hold the money to be spent annually or build it up for a larger project.

Town Attorney Stuparich indicated that Lee County had a CRA in 1990 for Estero and San Carlos Islands but rescinded it in 2006 due to lack of money. She suggested that the previous CRA be reviewed and built on. She explained that a TIF (Tax Income and Financing) district was part of the CRA. When the boundary lines of the CRA are established, a baseline of the ad valorem revenue from that particular area is determined. As properties are redeveloped, it begins to increase, and that increment is what goes into the trust fund to be spent specifically in that area. She stated there was a lot of flexibility that they could do in the CRA. Council Member Safford noted that Lee Ford and Teresa Brown could provide valuable information about Fort Myers' CRAs. Consensus was reached to begin talks with Lee County and Mayor Allers will initiate contact. Town Attorney Stuparich will continue to research and work on documents.



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, November 7, 2024

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Presentation: Bonita Estero Rail Trail

Ms. Deb Orton, President - Friends of BERT (Bonita Estero Rail Trail) Ms. Orton utilized PowerPoint for her presentation. Slides included Who We Are, What We Do, BERT Video, About BERT, Rail Corridor Funding Strategy - Partial List, Benefits BERT Will Bring, Florida Gulf Coast Trail, Florida Gulf Coast Trail Lee County Segment and What Happens Next. Ms. Orton asked the council to vote to endorse the project. The Town Council endorsed the project and Town Attorney Stuparich will draft a resolution. Town Attorney Stuparich described Trail Town and Ms. Orton elaborated. Natalie White of Schenkel Shultz Architecture described how BERT benefited Southwest Florida.

B. Public Benefits

Summary of LPA discussion of public benefits

Town Attorney Stuparich stated that the LPA (Local Planning Agency) requested a joint meeting to discuss the summary in the agenda packet. Vice Mayor Atterholt suggested adding essential, semi-essential services and early entrance as categories. Council Member Safford indicated there had to be a delta if they used a formula. Council Member Woodson noted that overall economic benefits and transportation were also discussed at the LPA meeting. She suggested adding monetary investment to keep the canals and waterways dredged and clean. Mayor Allers was not a fan of the point system

because smaller developments may be unable to provide what larger developments could. He described how water ferries were a public benefit if the visitors paid for them rather than taxpayers. Town Manager Hyatt indicated he would try to schedule a meeting next week.

C. Development Agreements with Deviations - Notice Requirements

Discussion regarding

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING RESOLUTION 24-73, CONTAINING THE PROCEDURES FOR DEVELOPMENT AGREEMENTS WITH DEVIATIONS TO CLARIFY THAT THESE DEVELOPMENT AGREEMENTS ARE HOME RULE DEVELOPMENT AGREEMENTS AND TO AMEND RELATED NOTICE REQUIREMENTS FOR CONSISTENCY WITH NOTICE REQUIREMENTS IN SECTION 2-98 AND CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the resolution and noted the item would be on the November 18, 2024 agenda. She indicated that the resolution had nothing to do with Seagate and was focused on procedures. She highlighted the changes in the document and described the differences between the notice requirements for a statutory development agreement and notice requirements for a planned development approval. She added that the changes were for consistency. Town Attorney Stuparich referred to page 31 regarding beginning the negotiation process.

Mayor Allers stated the town manager was not a planner, but the development agreement allowed him or his designee to make negotiations non-binding to bring to the council. The CPD (Commercial Planned Development) process allowed the staff to make a recommendation before going to the LPA and then to the town council. He felt that the development agreement circumvented the LPA process. He added that there was a lot of flexibility and latitude for developers but not the town and questioned what they could add to give the town more teeth. Town Attorney Stuparich replied that staff should have a clearer direction after special and public benefits were clarified in the joint meeting. Mayor Allers questioned where the guardrails were in the development agreement when special or public benefits were met. Town Attorney Stuparich responded that a formulation could be recommended based on the guidelines at the joint meeting.

Patrick Vanasse, resident and former LPA member, stated that initially, the LPA looked for a streamlined process to get smaller projects approved. He felt that the resolution was fine, and the town had the opportunity to ask what they wanted during negotiations because the town council made the final decision. Developers had to justify that the benefits commensurate with the ask. He noted the guardrails were the LDC and comp plan if the development agreement was incompatible with them. Mr. Vanasse questioned whether making the ordinance more stringent would conflict with Senate Bill 250. Town Attorney Stuparich will research the Bill.

Mayor Allers preferred that the town manager and staff provide a recommendation before it went to the LPA and the town council. Town Attorney Stuparich read the language to add to the resolution. Vice Mayor Atterholt suggested that approvals or denials be based on a subjective decision, pro or con. Council Member King wondered whether an LPA recommendation became a crutch, and he did not do as much work as he should. He also mentioned that it became a ploy to attack the council for not following the LPA recommendations. Mayor Allers added that the resolution had to be consistent with everything else and clarifying why decisions were made was key. Town Attorney Stuparich will add language to 3.2.3 and 3.3.1.

D. Electric Bikes

Discussion Regarding the Town's Bicycle Ordinance and Electric Bicycle Regulations

Town Attorney Stuparich reviewed Florida statutes regarding e-bikes as stated on the green sheet. She noted that there was no definition of assisted bicycles and the town's code did not specifically reference electric bicycles, although the statute does. She asked for direction on what they would like to see.

Council Member Safford was fine with electric bikes on sidewalks, but he felt the fine for bad behavior had to be higher. Rental companies would have to provide a brochure with the penalties included. Mayor Allers suggested that short-term rentals add the rules to their information.

Council members agreed to discuss e-bikes on sidewalks and the beach. Council Member Woodson favored e-bikes with speed limits because many people use bikes as their primary transportation. She questioned the list of prohibited vehicles and said she did not want golf carts on sidewalks.

Vice Mayor Atterholt indicated that law enforcement agencies did not have the equipment to gauge speed, which made enforcement challenging. He referred to the memo by Philip Miglioratti included in the packet. Mr.

Miglioratti suggested they pass pedestrians at a speed that allowed them to maintain control of the bike and use audible notifications when approaching from behind. Vice Mayor Atterholt agreed that code enforcement had to have the tools to deal with bad behavior.

Council Member King questioned who would enforce it. He would like to go forward with it and study pedestrians' concerns, whether e-bikes or regular bikes. He would like to revisit the issue in a year when data is available.

Mayor Allers stated that bikes going in the wrong direction could be enforced. Operations & Compliance Manager Thomas Yozzo stated they could not do a forced stop, so they had to call the LCSO (Lee County Sheriff's Office). He added that people generally complied, so they rarely had to call LCSO. He was allowed to inform bicyclists if they were traveling in the wrong direction.

He voiced concerns regarding liability issues with allowing bikes on the beach. Mayor Allers felt that most people would not ride e-bikes on the beach because of sand damage. He noted there were no accidents in five years and agreed with revisiting it in a year.

Manager Yozzo indicated that adding language similar to Mr. Miglioratti's would allow him to stop people and ask them to slow down. Mayor Allers was okay with that language because it would help with potential liability litigation. Vice Mayor Atterholt shared his experiences riding his bike on the beach and avoiding people, wildlife and little kids. He mentioned bikes disrupting serene walks on the beach. Mayor Allers brought up people who could not walk on the beach anymore but could use e-bikes to get where they needed to go.

Manager Yozzo pointed out that enforcement was first-person. The ranger or officer had to observe the violation. He stated that the beach should be a safe space for children because they did not pay attention, and parents were not looking out for speeding bikes.

Council Member King wondered if they were trying to solve a problem that did not exist, especially since there had not been an accident in five years. Council Member Safford questioned whether they could allow riding on the beach during the off-season. Manager Yozzo replied that he would be worried about subjective enforcement.

Town Attorney Stuparich will come back with language to change the ordinance. Town Manager Hyatt added that they would work on creating a safety brochure. Council Member Safford suggested that the Public Safety Committee draft it. Manager Yozzo recommended that bikes be allowed on sidewalks with a directional provision. He felt the beach was a dangerous space for e-bikes. Mayor Allers was fine with keeping the beach the way it was. Vice Mayor Atterholt was a hard no on the beach. A consensus was reached to leave the beach as is and send the matter to the Public Safety Committee.

E. Certification of Vote of Appointed Advisory Board Members

Discussion regarding

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 5 OF RESOLUTION 23-182 AS AMENDED BY RESOLUTION 24-178, TO INCLUDE CERTIFICATION OF THE VOTE BY THE TOWN COUNCIL BEFORE A VOTE TO APPOINT MEMBERS TO THE TOWN'S ADVISORY BOARDS, COMMITTEES, AGENCY AND COMMISSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the resolution and reviewed the changes as stated on the green sheet. She discussed section 5, regarding the method of voting. Concerns were raised about the lack of transparency. She proposed that council members announce who they voted for, and the town clerk or deputy clerk would record the votes on an Excel spreadsheet so the public could see how the votes were calculated. She suggested that ties be added back to the pot and vote on those who were left. Regarding ties, Council Member Woodson suggested that people who did not receive a vote be excluded from the pot.

Town Attorney Stuparich said they would go back and vote again on MERTF (Marine and Environmental Task Force) on November 18, 2024, and also go through the votes for other committees.

F. Fireworks**A discussion regarding New Years Eve fireworks.**

Culture, Parks & Recreation Director Jeff Hauge stated they had a contract for the fireworks and the barge, but the funding did not come through. Due to the barge, the cost was about \$80,000. Town Manager Hyatt indicated he would meet with Finance Director Onzick to find the funds. Director Hauge noted that the alternative was not to have them. Council members supported fireworks on New Year's Eve. Donations were welcome.

G. Downtown Lights**At Council's request, a discussion about light pole decorating along Estero Blvd.**

Mayor Allers described decorating electric poles but asked if power would be available.

Director Hauge received three quotes for replacing the lights and the electrical system at Bayside Veteran's Park. The plan was to redo all the wiring, pull the pavers and redo the conduit, including down Old San Carlos. He did not have a timeline. Town Manager Hyatt stated that the repairs were considered an emergency and reimbursable by FEMA (Federal Emergency Management Agency). The work will be done as soon as possible.

IV. AGENDA MANAGEMENT

A. November 2024

The joint meeting with the LPA will be on November 13, 2024, at 8:30 a.m.

V. ADJOURNMENT

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

Minutes adopted as presented, November 4, 2024. Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.



Amy Baker, Town Clerk

**MINUTES
FORT MYERS BEACH
PUBLIC SAFETY COMMITTEE**
Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Thursday, February 20, 2025

I. CALL TO ORDER

The meeting was called to order by Chair Thomas.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Todd Capela, Keran Farrell, James Knickle and Dawn Thomas.

Excused: Ron Benak and Jim Bougoulas.

Staff Liaison: Thomas Yozzo

IV. PUBLIC COMMENT – no comment.

V. APPROVAL OF MINUTES – January 23, 2025

James Knickle had an excused absence.

MOTION: PSC Member Farrell moved to approve the amended minutes, seconded by PSC Member Capela.

VOTE: The motion passed unanimously.

VI. STAFF REPORT AND UPDATES

Lt. Chitwood stated that there was nothing to report, but he was happy to answer questions. Traffic control was discussed. There were no e-bike incidents.

VII. FINALIZE OFFICIAL RECOMMENDATION FOR E-BIKE SIDEWALK AND BEACH TRAVEL FOR TOWN COUNCIL

Chair Thomas suggested that a line be drawn on the sidewalks from Times Square to the Red Coconut separating bikes and pedestrians with graphics and bikes have to flow with traffic. There should be a 10 mph limit for bikes. She supported Lt. Wirth's idea of adding a railing from Times Square to I Street with rumble strips so cars know it was a bike lane. She acknowledged it would take time and money, but that was her first preference. She thought people should walk their bikes in congested areas like Lani Kai and Margaritaville or ride in the street.

PSC Member Capela agreed with Lt. Wirth's idea but noted it would be expensive. He supported marking the sidewalks and making more room for pedestrians. He felt that three feet would be enough for bikes.

The first recommendation to the town council was to allow all bikes on the sidewalks and mark the sidewalks from Times Square to Red Coconut with markings showing that bikes need to go with traffic. There should be three feet for the bike lane, with the rest for pedestrians, signage indicating that bikes go with the flow of traffic and that no bikes ride on the sidewalks from Margaritaville to Times Square. Bike riders must walk their bikes or use the street.

Discussion was held regarding whether bikes or pedestrians should be closest to the road. A consensus was reached that pedestrians should be closest to the street. Liaison Yozzo suggested creating a map for clarity when presenting to the town council. PSC Member Capela suggested adding banks of bike racks by the Lani Kai so people can park their bikes and walk to Times Square. PSC Member Knickle wondered whether the Lani Kai would put bike racks in their parking lot.

MOTION: PSC Member Knickle moved that Chair Thomas present this information to the town council as a recommendation from the PSC, seconded by PSC Member Farrell.

VOTE: The motion carried unanimously.

VIII. MEMBER ITEMS AND REPORTS

PSC Member Capela thought the tram was useless and held up traffic because it only went 11 mph. He asked what they needed to do to discontinue the service. Chair Thomas asked about having a trolley on the beach during season. She described it as a big buggy pulling a couple of tram carts and people could get on and off. Liaison Yozzo suggested that Chair Thomas talk to Environmental Projects Manager Chadd Chustz regarding environmental impacts and public safety. Discussion was held regarding traffic congestion. No items from other members.

IX. PUBLIC COMMENT – no public comment.

X. SET NEXT MEETING AGENDA – TBD

XI. ADJOURNMENT

MOTION: PSC Member Farrell moved to adjourn, seconded by PSC Member Knickle.

VOTE: The motion carried unanimously.

Adopted _____ with/without changes. Motion by _____
(Date)

Vote _____ Signature _____

- End of document

1. **Request:**

Meeting Date: March 3, 2025

Approval of a waiver of enforcement of the Town's open container and noise ordinance during the 3rd Annual Red Grouper Bash, to be held at Moss Marina on March 7, 2025 from 4:00 pm to 9:00 pm on March 8, 2025, as requested by Off Duty Fishing Series, and subject to further approval by the FMB Fire Control District and Lee County Sheriffs Office.

Why the action is necessary:

Approval is needed for the liquor license.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Ord. 20-17

4. **Submitter of Information:**

5. **Background:**

Off Duty Fishing Series is requesting waiver of enforcement of the open container and noise ordinances during their event to be held at Moss Marina on March 7, 2025 from 4:00 PM to 9:00 PM on March 8, 2025. Partial proceeds of the event will be donated to the Tommy Brennan Foundation charity and the winner of the event.

Attachments:

1. Certificate of Insurance
2. Grouper Bash Layout
3. Off Duty Fishing Application
4. Letter of Permission
5. Grouper Bash Moss Marine Time line

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

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

Created/Initiated - 2/20/2025
Approved - 2/21/2025
Approved - 2/23/2025
Approved - 2/24/2025
Final Approval - 2/24/2025



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/10/2025

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

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

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley CA 95945	CONTACT NAME: Will Maddux PHONE (A/C No. Ext): (530) 477-6521 E-MAIL ADDRESS: info@theeventhelper.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Evanston Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 35378
INSURED Off Duty Fishing Series Alec Dilallo & Ryan Joyce, dba: 425 SW 44th Terrace Cape Coral FL 33914		

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Host Liquor Liability ☐ Retail Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	N	3DS5475-M3242783	03/07/2025 12:01 AM	03/09/2025 12:01 AM	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (other than fire) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Deductible \$ 1,000
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☐ N / A						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

Certificate holder listed below is named as additional insured per attached MEGL 2217 01 19. Attendance: 250, Event Type: Fishing Event.

CERTIFICATE HOLDER**CANCELLATION**

Town of Fort Myers Beach 450 Harbor Ct Fort Myers Beach FL 33931	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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EVANSTON INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Town of Fort Myers Beach
450 Harbor Ct
Fort Myers Beach, FL 33931

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule of this endorsement, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the acts or omissions of any insured listed under Paragraph **1.** or **2.** of Section II – Who Is An Insured:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

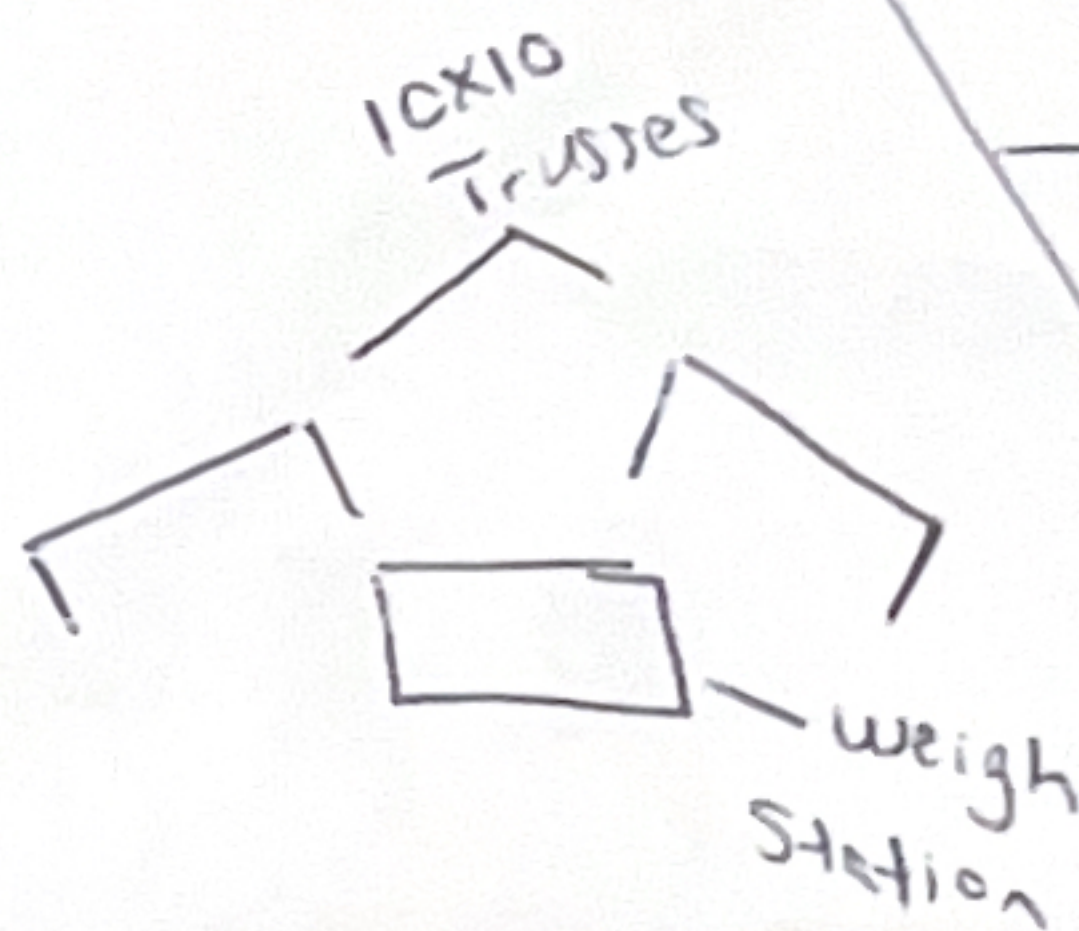
If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.

Dock A



Floating dock

24 x 12 stage

Potential
fillet table
for fish

Dock B

20 x 20

20 x 20

10 x 10 truss

20 x 20

cooking

20 x 20

20 x 20

* Tables and chairs to be
Placed inside tents



Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931

Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

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

You must initial & sign you have read and understand all requirements above.


_____ AD

Town of Fort Myers Beach

FEB 7 2025

Received by: _____



Town of Fort Myers Beach

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

Name of event 3rd Annual Red Grouper Bash
Attach separate sheet of paper with detailed description of event

Date(s) and times of event March 7th @ 4:00 pm - March 8th @ 9:00 pm

Address of event 450 Harbor Ct, Fort Myers Beach, FL, 33931

Expected # of participants/attendees 250

Sponsoring Organization OFF Dwy Fishing Series

Organization address 425 SW 44th Terrace, Cape Coral, FL, 33914

Contact Person/Phone# Alex DiIallo / 239-284-7801

E-mail od1Fishingseries@outlook.com

Amplified Music Y ☒ N ☐ 500 Ft Notifications ☒ Copy of Letter ☒

Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☒

How many Spaces? _____ How many hours _____

Extension of Premises? Y ☐ N ☒ ABT Form _____ How many days? _____ (Over 3 days needs to go to Council)

Letters of Permission to use Property _____

Letters of Permission to use Parking _____ Parking Plan _____

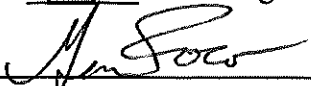
Site Plan _____ Insurance _____ (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Requires Council Approval:

Waiver of open container Y ☐ N ☐ Waiver of Town parking fees Y ☐ N ☒

Waiver of Noise Ordinance Y ☐ N ☐ Recurring Event Y ☐ N ☒

Applicant Signature 

Printed Name Gary Foca

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

Applicant to Complete:

Company managing trash removal: Mass Marine

No. of dumpsters: _____ Type of dumpsters: _____

Who is responsible for clean-up and payment: Off Duty Fishing Series
and Mass Marina

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

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street • Fort Myers Beach, Florida 33931
Phone (239) 590-4210 • Email: prevention@FMBFirefl.gov

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 2/7/25		Date of Event: 3/7/25 - 3/8/25
Location: 450 Harbor Ct, Fort Myers Beach, FL, 33931 (Moss Marina)		
Event Start Date/Time: 2/7/25 @ 4:00 pm		Event End Date/Time: 2/8/25 @ 9:00 pm
Setup Date: 3/6/25	Setup Time: 10:00 am	Inspection Time:
Event Sponsor: OFF Duty Fishing Series		
Sponsor Contact: Alex DiLallo	Sponsor Phone #: 239-294-7801	Sponsor Email: oddfishingseries@outlook.com
Anticipated Number of Attendees: 250	Anticipated Number of Event Workers: 10	
Will there be carnival or mechanical rides: NO	Number of Stages: 2	
Total Number of Vendors: 1	Total Number of Hot Food Vendors: 1	
Number of Tents larger than 20 x 20: 6	Number of 10 x 10 Tents:	

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

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

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

Applications shall include the following:

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

Gary Foco	
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 2/7/25	

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

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

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

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

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

To Whom it may Concern,

We at Moss Marine allow for the Off Duty Fishing Series LLC. to host their 3rd Annual Red Grouper Bash on our premises from March 7th-March 8th. We give Off Duty fishing Series the rights to use our location for their fishing tournament which includes access to park boats in the marina. We will also give permission for an allotted amount of space on site to set up tents, stages, catering, as well as live music. This approval will be given with a proper city event permit as well as proof of event insurance. For any questions please do not hesitate to contact me at anytime.

Sincerely,

A handwritten signature in blue ink that reads "John For (GM)". The signature is written in a cursive, flowing style.

Red Grouper Bash 2025

To Whom it may concern,

We are planning on doing our 3rd Annual Red Grouper Bash on March 7th-8th. Below I will attach some of the details as well as what we plan to do for the overall event.

Setup

- 24x12 stage
- Weigh in station with banner behind it
- Large 10x10 truss with event logo
- (6) 20x20 tents
- Registration area as well as raffle/VIP Sponsor area.
- Additional sponsor tents for Businesses that want to promote
- Food Catering for all persons attending
- Private bar at VIP Tent (This is strictly for our Platinum sponsors that we are donating for free) All paid transactions of alcohol will be handled by Liquor License being acquired through the Tommy Bohannon Foundation.

Captains Meeting March 7th

- 4:30- Beginning of event with music and registration for the captains. The public is welcome to come out and donate as well as buy raffle tickets, enjoy food trucks, music, etc.
- 5:30- We will be serving a catered captain's dinner for all teams (unsure of who the caterer will be at this time but I will let you know once I have additional details)
- 6:00- Rules and regulations for next days fishing
- 6:30- Live music till conclusion of the evening

- 9:00- end of evening

Tournament Day March 8th

- We will probably begin the day at moss marine around 1pm with a kids fishing tournament off of the dock that will last approximately an hour and a half (awards for the kids to follow)
- Public will be more than welcome to come out at that time and begin enjoying music, food, drinks, raffles, etc.
- Weigh ins will begin at 3:30pm and last boat will need to be in by 5pm. We will be weighing fish just like the last tournament with the weigh station
- Awards and raffles will follow after all the weigh ins are done.
- We are planning on having workers there to filet fish and cook fish on site for our captains and premier sponsors as the tournament day dinner.
- Live music will also be provided the evening of the tournament
- Conclusion of event will be 9:00pm

All tear down will be completed by end of day March 9th

Please let me know what documentation you need on our end prior to the event and I will have that to you no later than two weeks out. Also let me know if you have any issues with anything we are proposing. In the end we want to make these tournaments an annual event and have them grow every year with moss!

1. **Request:**

Meeting Date: March 3, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE 1) CHANGE ORDER #2 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO ADD 14 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT; AND 2) CHANGE ORDER #3 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO REPAIR EROSION CAUSED BY HURRICANES HELENE AND MILTON BY RE-CONSTRUCTING THE BEACH BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RANGE MONUMENTS R-176 AND R-179 FOR A COST NOT TO EXCEED \$631,930.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The strong winds and waves associated with winter storms during the months of November 2024, December 2024, and January 2025 forced the Ahtna Marine and Construction Company Dredge to shut down operations to seek safe harbor resulting in a loss of 14 working days.

Pre- and Post-Storm beach profile surveys indicate the damage to the North Segment of the Estero Island Beach Nourishment and Hurricane Recovery Project from the landward toe of the primary dune to the depth of closure equaled 11,214 net cubic yards eroded between R-174.5 and R-182.

What the action accomplishes:

This resolution approves and authorizes the Town Manager to execute change orders #2 and #3 to ITB-24-003

- approves adding 14 days to amended contract time of 204 days, resulting in a total contract time of 218 days, and
- approves reconstruction of the North Segment of the Estero Island Beach Renourishment and Hurricane Recovery Project using trucked-in, mined sand from an approved upland source for a cost not to exceed \$631,930.00.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Chadd Chustz, Environmental
Projects Manager

5. **Background:**

The Town Council approved Contract ITB-24-03-EN with Ahtna Marine & Construction Company, LLC for \$22,722,385.09 to be completed in 180 days.

The Town Council Resolution Number 25-29 approved Change Order #1 to Contract ITB-24-03-EN adding 24 days of contract time to construct the Estero Island Beach Renourishment and Hurricane Recovery Project due to delays caused by Hurricanes Debby, Helene and Milton.

The strong winds and waves associated with winter storms during the months of November 2024, December 2024, and January 2025 forced the Ahtna Marine and Construction Company Dredge to shut down operations to seek safe harbor resulting in a loss of 14 working days.

Hurricanes Helene and Milton caused significant erosion to the constructed and post-construction surveyed segments of the Town of Fort Myers Beach construction project known as The Estero Island Beach Nourishment and Hurricane Recovery Project along the North Segment between Florida Department of Environmental Protection Range Monuments R-174.5 and R182 with the most severe erosion occurring between R-176 and R-179.

Attachments:

1. 25-83; Change Order #2 AND #3 ITB 24-03-EN AHTNA Beach Renourishment (1) NS edits
2. 24479 NEI Post-Helen-Milton Cat G Assessment Report 20250122-draft
3. 24504 EI Beach CO #2 20250220 draft
4. 24504 EI Beach CO #3 20250220 draft

Financial Impact:

7,155 cubic yards of beach compatible sand delivered, placed and graded between R-176 and R-179 is eligible for reimbursement from FEMA Category G Public Assistance.

The Town's Coastal Engineer estimates the cost to deliver, place and grade 7,155 cubic yards of sand to be \$631,930.00.

FEMA is expected to reimburse the Town 75% of the eligible cost, estimated to be \$473,947.50.

It has not been confirmed whether FDEM would reimburse the Town an additional 12.5% of the cost, estimated to be \$78,991.25.

The remainder of the local share, once these costs are reimbursed, is \$78,991.25. Staff will also pursue State and County funds to further subsidize this cost to the Town.

6. Alternative Action

Do not approve change orders #2 and #3 to Contract ITB-24-003.

7. Management Recommendations:

Approve change orders #2 and #3 to Contract ITB-24-003.

8. Recommended Approval:

Chadd Chustz, Environmental Projects Manager
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/19/2025
Approved - 2/20/2025
Approved - 2/20/2025
Approved - 2/20/2025
Final Approval - 2/20/2025

RESOLUTION NUMBER 25-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE 1) CHANGE ORDER #2 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO ADD 14 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT; AND 2) CHANGE ORDER #3 TO CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC TO REPAIR EROSION CAUSED BY HURRICANES HELENE AND MILTON BY RE-CONSTRUCTING THE BEACH BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RANGE MONUMENTS R-176 AND R-179 FOR A COST NOT TO EXCEED \$631,930.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Town of Fort Myers Beach recognizes the beach as a vital economic, social, and environmental resource for the Town residents and businesses, and

WHEREAS, the Town of Fort Myers Beach recognizes the importance of the beach providing recreational space, native habitat for listed species, and storm impact reduction benefit to upland properties, and

WHEREAS, the Town of Fort Myers Beach is responsible for beach management, restoration and maintenance of the beach in its jurisdiction, and

WHEREAS, the Town Council approved Contract ITB-24-03-EN with Ahtna Marine & Construction Company, LLC for \$22,722,385.09 to be completed in 180 days; and

WHEREAS, the Town Council Resolution Number 25-29 approved Change Order #1 to Contract ITB-24-03-EN adding 24 days of contract time to construct the Estero Island Beach Renourishment and Hurricane Recovery Project due to delays caused by Hurricanes Debby, Helene and Milton;

WHEREAS, the strong winds and waves associated with winter storms during the months of November 2024, December 2024, and January 2025 forced the Ahtna Marine and Construction Company Dredge to shut down operations to seek safe harbor resulting in a loss of 14 working days;

WHEREAS, Hurricanes Helene and Milton caused significant erosion to the constructed and post-construction surveyed segments of the Town of Fort Myers Beach construction project known as The Estero Island Beach Nourishment and Hurricane Recovery Project along the North Segment between Florida Department of Environmental Protection Range Monuments R-174.5 and R182 with the most severe erosion occurring between R-176 and R-179; and

WHEREAS, pre- and post-Storm beach profile surveys indicate the damage to the North Segment of the Estero Island Beach Nourishment and Hurricane Recovery Project from the landward toe of the primary dune to the depth of closure equaled 11,214 net cubic yards eroded between R-174.5 and R-182; and

WHEREAS, the Town of Fort Myers Beach placed approximately 4,059 cubic yards of overwash sand to repair beach erosion between R-176 and R-179 caused by Hurricanes Helene and Milton; and

WHEREAS, 7,155 cubic yards of beach compatible sand delivered, placed and graded between R-176 and R-179 is eligible for reimbursement from FEMA Category G Public Assistance; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #2 of Contract ITB-24-03-EN to add 14 contract days to Contract ITB-24-03-EN for a total contract time of 218 days to construct the Estero Island Beach Renourishment and Hurricane Recovery Project; and

WHEREAS, it is in the best interest of the Town to approve the requested Change Order #3 of Contract ITB-24-03-EN to re-construct the R-176 to R179 segment of the Estero Island Beach Renourishment and Hurricane Recovery Project impacted by Hurricanes Helene and Milton using trucked in, mined sand from an approved upland sand source.

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

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

Section 2. The Town Council hereby approves Change Order #2 of Contract ITB-24-03-EN between the Town of Fort Myers Beach and Ahtna Marine & Construction Company LLC, adding 14 days to amended contract time of 204 days, resulting in a total contract time of 218 days. A copy of the Change Order #2 of Contract ITB-24-03-EN is attached hereto as Attachment “A”.

Section 3. The Town Council hereby approves Change Order #3 of Contract ITB-24-03-EN between the Town of Fort Myers Beach and Ahtna Marine & Construction Company LLC, approving reconstruction of the North Segment of the Estero Island Beach Renourishment and Hurricane Recovery Project using trucked-in, mined sand from an approved upland source for a cost not to exceed \$631,930.00. A copy of the Change Order #3 of Contract ITB-24-03-EN is attached hereto as Attachment “B”.

Section 4. The Town Manager is authorized to execute both Change Order #2 and #3.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a 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 March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

NORTH ESTERO ISLAND BEACH NOURISHMENT PROJECT POST-HELENE-MILTON CATEGORY G ASSESSMENT REPORT



**November 20, 2024
Revised: January 22, 2025**

CEC File No. 24.479

DRAFT

Prepared by:



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- Attachment 1 Storm Impact Profile Comparisons
- Attachment 2 Storm Impact Volume Calculations

NORTH ESTERO ISLAND BEACH NOURISHMENT PROJECT POST-HELENE-MILTON CATEGORY G ASSESSMENT AND REPORT

1 INTRODUCTION

Estero Island is a barrier island located in Lee County, Florida, along the Gulf of Mexico shoreline. The island is part of the Town of Fort Myers Beach. The North Estero Island Shore Protection Project (Project) is located on the north side of the island and spans between the Florida Department of Environmental Protection (FDEP) reference monuments C-174A.5 adjacent to the terminal groin to R-182 (Figure 1).

The purpose of the Project is consistent with the State's Strategic Beach Management Plan (FDEP, 2021) and includes restoring critically eroding beaches, maximizing the infusion of beach-quality sand into the coastal system, and implementing projects that contribute most significantly to addressing the State's beach erosion problems.

The coordinates for the North Estero Island fill segment and Borrow Areas are presented in Table 1. The fill segment is approximately 6,850 feet long. The coordinates presented for the Borrow Area represent the box that the polygon shaped dredge template fits within.

Table 1. Project Coordinates.

BEACH FILL COORDINATES		
GROIN	26.464302778°	81.968897222°
R-182	26.450886111°	81.952855556°
BORROW AREA COORDINATES		
BA 1 A	26.444726329°	81.987149384°
BA 1 B	26.436312191°	81.987150318°
BA 1 C	26.436310405°	81.974009610°
BA 1 D	26.444724544°	81.974007722°

In July 2024, the Town proceeded with the nourishment and Hurricane Ian recovery work to rebuild the beach and dune on North Estero Island. Construction began on July 11, 2024 and fill placement commenced on August 11, 2024. Construction of the North Beach Segment was approximately 50% complete when the hurricanes impacted the Project.

This report presents the surveys and analysis of damages attributed to Hurricanes Helene and Milton which severely impacted the Project Area in September and October 2024. The report also presents the details of the future project to repair the beach and dune and offset the losses resulting

from the storm inclusive of Federal Emergency Management Agency (FEMA) Category G public assistance and maintenance sand components.

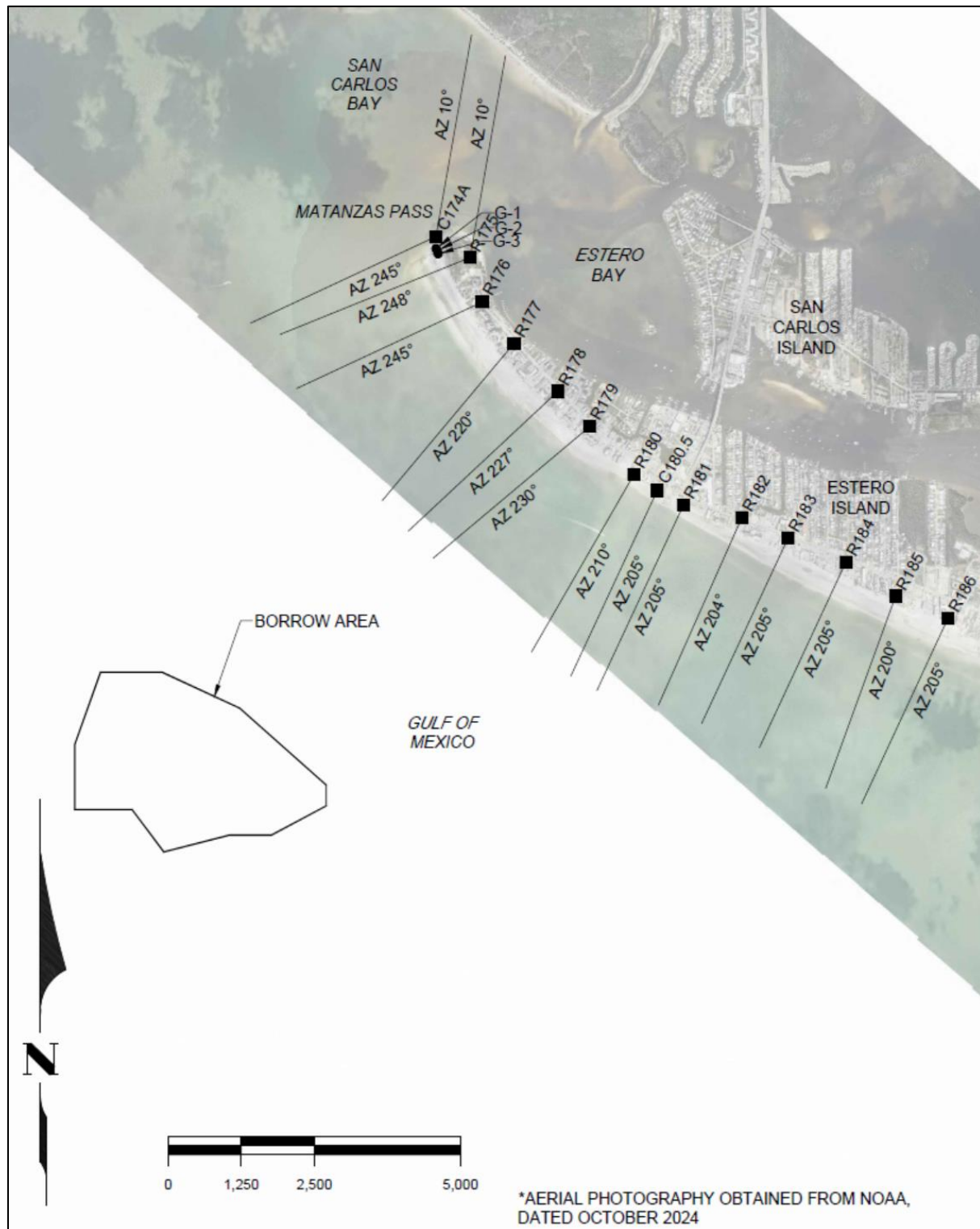


Figure 1. Project Overview.

2 PROJECT HISTORY

2.1 2011 PROJECT

In December 2011, Lee County completed construction of the Estero Island Shore Protection Project including sand placement along the North Estero segment of the island and the addition of a terminal groin on the northern end of the beach fill (Figure 2; Lee County, 2013).

The project was constructed between April 2011 and December 2011. Approximately 403,000 cubic yards (CY) of sand were excavated and placed in the beach fill area between the terminal groin and R-182. The beach was constructed to a berm height of 2.9 feet NAVD88 over a shoreline distance of approximately 6,700 feet (1.3 miles). The design berm extended seaward at the 2.9 feet NAVD88 elevation an average of 236 feet and then sloped to the -1.2 feet NAVD88 elevation at a 15H:1V slope. The design then adjusted to a 20H:1V slope seaward until it connected with existing grade. Plan view and typical sections are presented in Figures 3 and 4 (CPE, 2005). All dredging was conducted in the Borrow Area located in the Gulf of Mexico approximately 1.4 miles southwest of the Project area. The Borrow Area's mean grain size was 0.15 mm with 4% silt content (CPE, 2003). The terminal groin was constructed with approximately 3,630 tons of limestone rock for a length of 240 feet with a maximum crest width of approximately 12.7 feet. A single vinyl sheetpile row was installed along the centerline of the structure to make it sand tight.

In 2001, the U.S. Army Corps of Engineers (USACE) analyzed geotechnical data collected on North Estero Island which showed a native beach mean grain size of 0.13 mm (CHE, 2014).

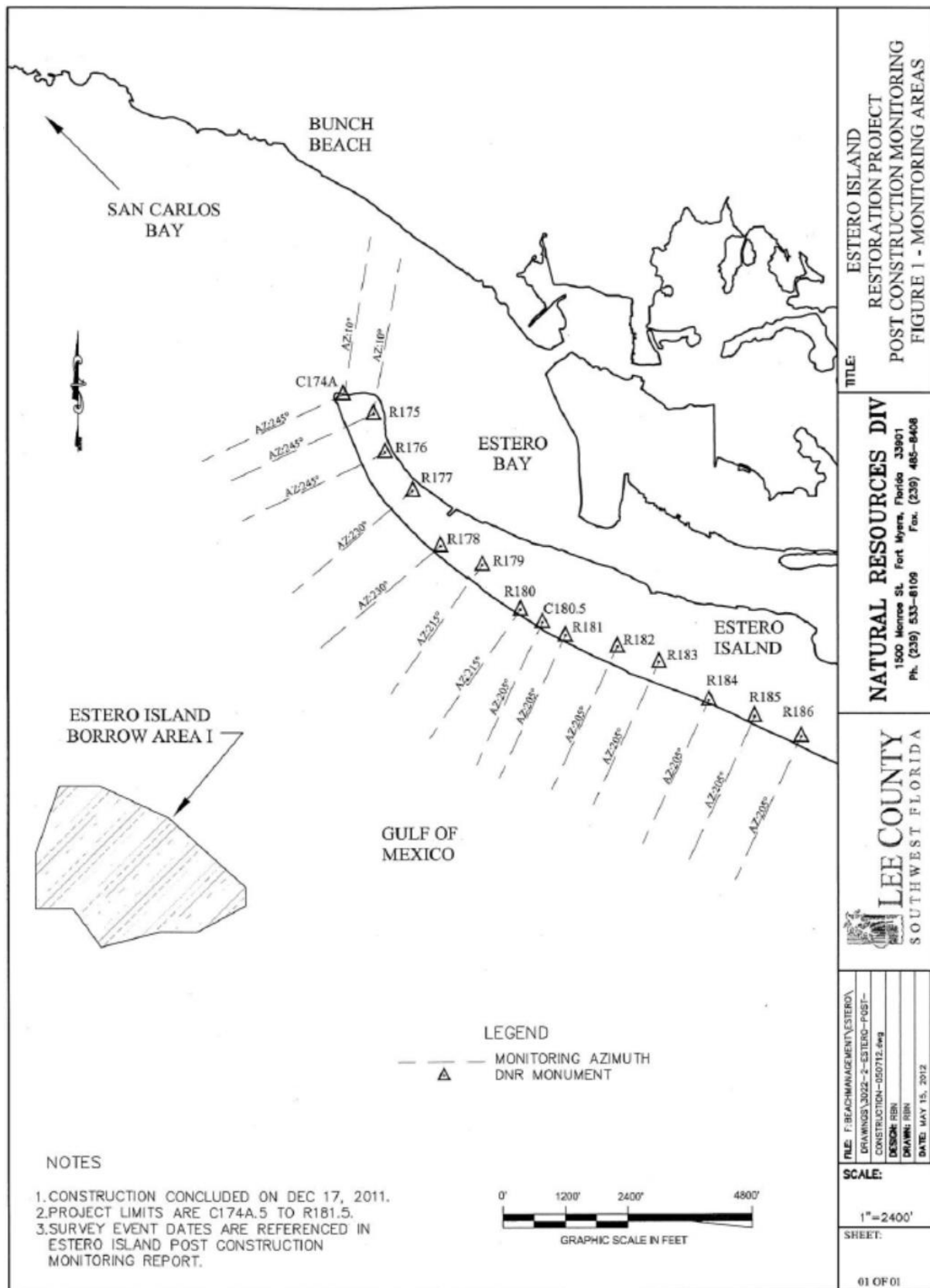


Figure 2. 2011 Estero Island Project (Lee County, 2013).

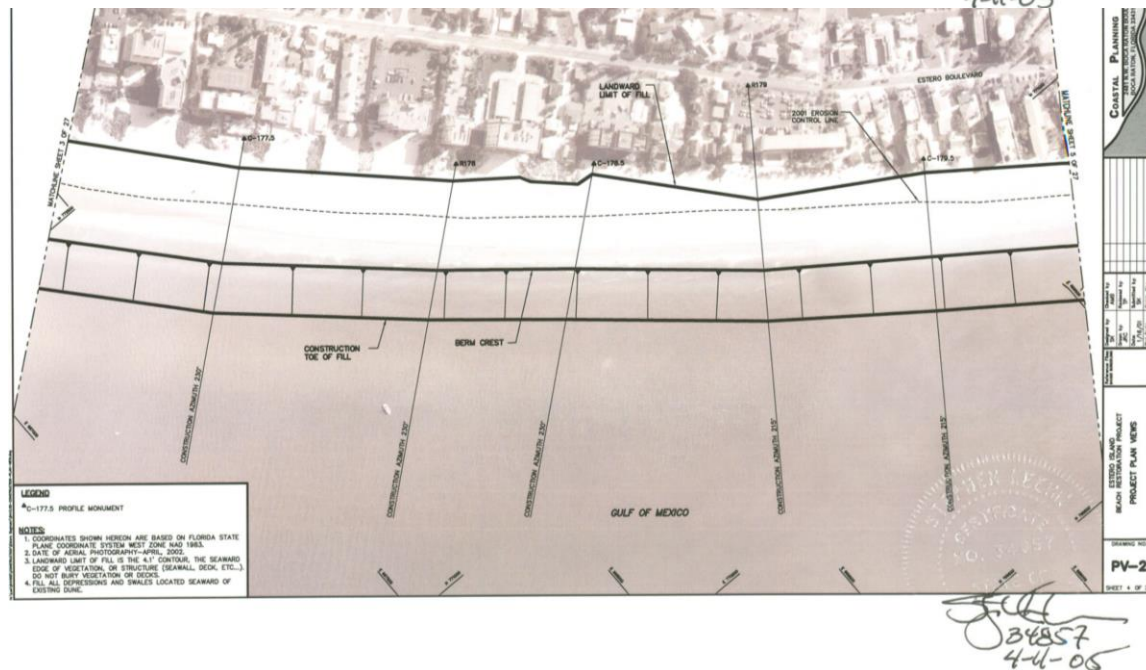
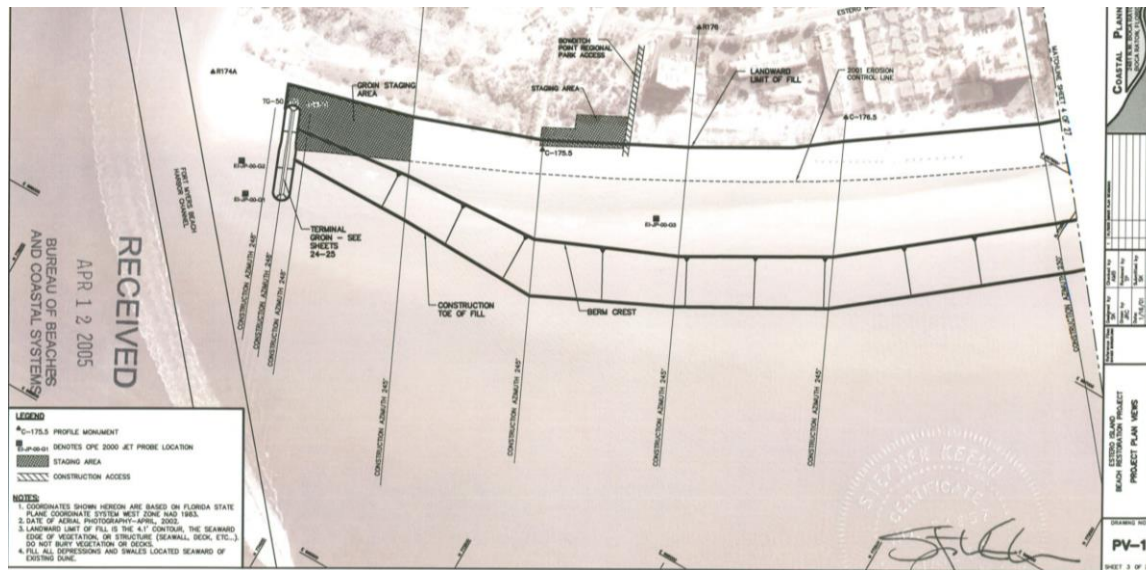


Figure 3. North Estero Island Permit Drawing Plan View (CPE, 2005).

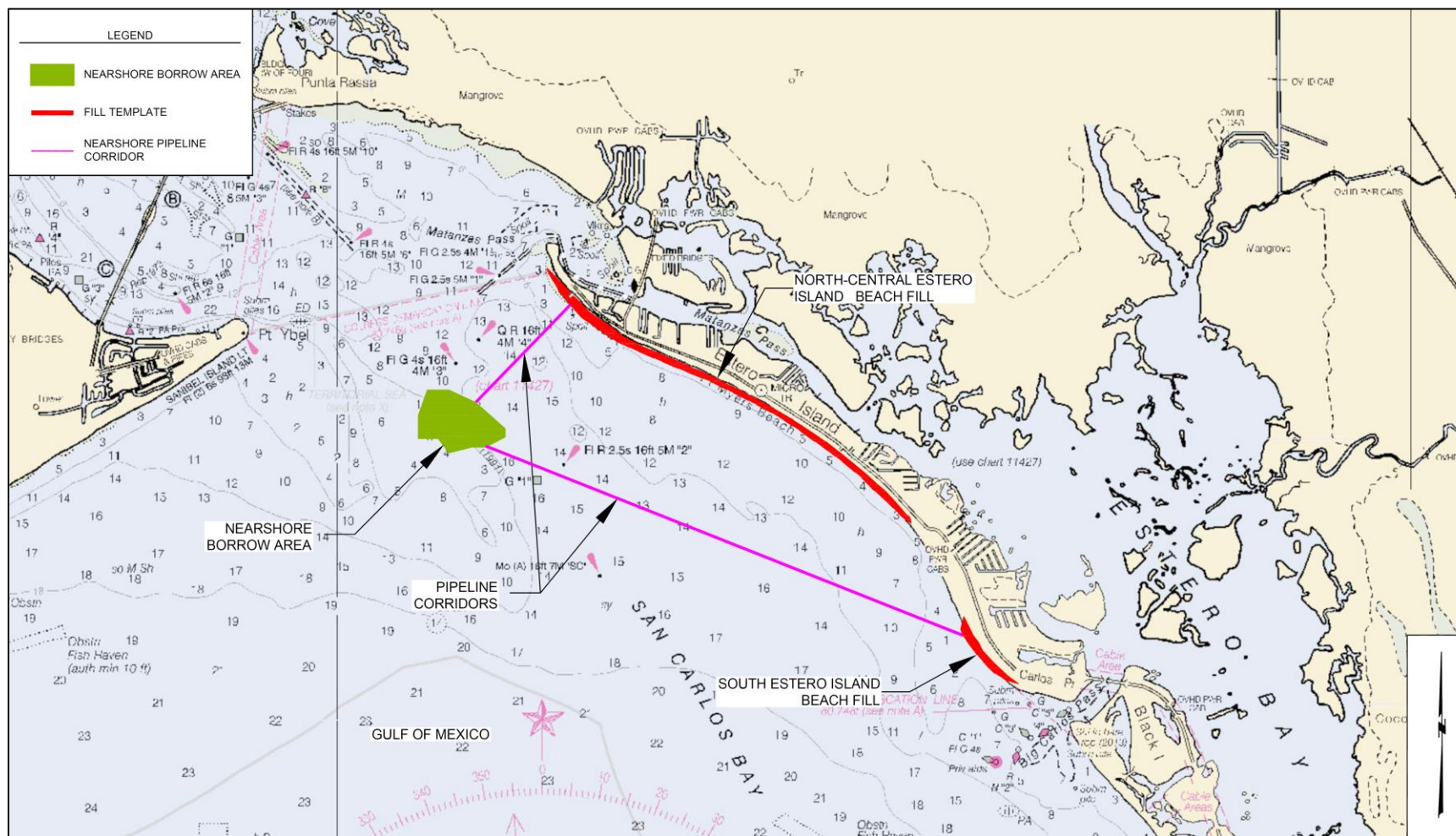
2.2 2024 NOURISHMENT AND HURRICANE RECOVERY PROJECT

In late 2023, the Town of Fort Myers Beach advertised a construction contract to excavate, transport, and place beach compatible sand from the permitted Borrow Area to nourish multiple beach segments on Estero Island and to offset impacts from Hurricane Ian including the Project limits (Figure 5). The Town is undertaking the placement of 284,000 CY on North Estero Island inclusive of 56,845 CY under their FEMA public assistance grant for Hurricane Ian, PA-04-FL-4673-PW-00643. Concurrently the Town is undertaking the placement of 662,000 CY on the Central and South segments along Estero Island.

Construction began on July 11, 2024 and fill placement commenced on August 11, 2024 on North Estero Island. Construction of the segment on North Estero Island was approximately 50% complete when the hurricanes impacted the Project.

2.3 ACTIVE PERMITS

The FDEP permit 0413684-001-JC was issued in January 2023. The USACE permit was issued in November 2023. The Permits include use of inland sand mines and truck haul methodology for post-storm recovery projects.



3 HURRICANES HELENE-MILTON IMPACT ASSESSMENT

3.1 HURRICANE HELENE

Hurricane Helene, a devastating Category 4 hurricane, made landfall near Perry, Florida, in the Big Bend region on September 26, 2024, becoming the strongest hurricane on record to strike that area since records began in 1851.

The storm brought with it damaging winds of up to 140 mph, causing widespread destruction along its path and resulting in significant rainfall, leading to severe flooding. The hurricane caused storm surge of up to 10 feet resulting in significant property damage including Estero Island (Figures 6 and 7).



Figure 6. Hurricane Helene Damage on North Estero Island.



Figure 7. Hurricane Helene Damage on North Estero Island.

3.2 HURRICANE MILTON

Hurricane Milton made landfall near Siesta Key, Florida, on October 9, 2024, as a Category 3 hurricane. The storm had devastating impacts across Southwest Florida including Estero Island (Figures 8 and 9), claiming at least 24 lives and wreaking havoc throughout the region.

Hurricane Milton reached sustained winds of up to 130 mph, generating a storm surge that peaked at 5 to 10 feet. Following its landfall, Milton moved across the Florida peninsula towards the Atlantic Ocean, leaving destruction in its wake.



Figure 8. Hurricane Milton Damage on North Estero Island.



Figure 9. Hurricane Milton Damage on North Estero Island.

3.3 PRE- AND POST-STORM PROFILE COMPARISON

The post-Helene-Milton beach survey of North Estero Island was conducted by CEC on October 15, 2024. Construction surveys of North Estero Island were conducted by CEC in August and September, 2024 which served as the pre-storm survey. The beach profiles at each R-monument from the terminal groin to R-182 are presented in Appendix 1.

3.4 STORM IMPACT ANALYSIS

CEC performed a storm impact analysis by computing volumetric changes of the North Estero Segment that occurred between the pre-and post-storm surveys. The volume changes were computed utilizing the depth of closure (DOC), which is described below, as the seaward boundary.

The offshore depth beyond which the net sediment transport does not result in significant changes in mean water depth is known as the DOC. It is noted the DOC used in this analysis has been utilized for project monitoring and performance assessment since 2011 (Lee County, 2013). The DOC values are presented in Table 2.

Table 2. Depth of Closure Values.

MONUMENT	DOC (feet, NAVD88)
G-3	-14.5
R-175	-14.5
R-176	-14.5
R-177	-14.5
R-178	-14.5
R-179	-14.5
R-180	-12.0
C-180.5	-12.0
R-181	-12.0
R-182	-11.0

The total erosion impact on North Estero Island equaled 60,119 CY. The damage specific to the hurricanes measured from the landward toe of the primary dune to the depth of closure equaled 11,214 CY eligible for FEMA's Category G public assistance request. The Town intends to pursue full recovery from the hurricane impacts and place the balance, equal to 48,905 CY, as maintenance sand. The details of the storm impact volume calculations are presented in Appendix 2. Hurricanes Helene and Milton were of similar magnitude and duration. The observed overwash quantities were on the same order of magnitude thus their impacts on North Estero Island were similar. The recommendation is to assign 50% of the erosion losses to each storm.

It is noted that in January 2025, the Town completed post-storm debris removal, sand screening, and return of overwash sand to the engineered beach template. The total volume returned equated to 4,059 CY. Taking into account the returned sand yielded an adjusted volume of sand eligible for FEMA's Category G public assistance request, equal to 7,155 CY. When included with 48,905 CY of maintenance sand, the total erosion impact on North Estero Island equaled 56,060 CY.

4 STORM REPAIR PROJECT

The proposed storm repairs include a truck haul event to import beach compatible sand from one of the FDEP approved inland sand mines included in the Project's permit: Stewart Mining Industries' Immokalee Mine, Vulcan Materials Company's Witherspoon Mine, E.R. Jahna Industries' Ortona Mine, and CEMEX Lake Wales Mine.

4.1 CONSTRUCTION BUDGET

The preliminary opinion of probable cost for 56,060 CY, equal to 84,090 tons assuming a conversion of 1.5, is \$4,951,452 inclusive of mobilization/demobilization, construction access and staging, sand production, delivery and placement, storm assessment, design, engineering, surveys, and construction monitoring (Table 3). The all-inclusive, in-place cost per cubic yard equates to approximately \$88.32 per cubic yard (\$58.88 per ton). For 7,155 CY, the cost equates to \$631,930. The basis for the preliminary opinion of probable costs includes recent bid tabulations for post-Ian, Nicole, and Idalia recovery projects in southwest Florida.

Table 3. Preliminary Opinion of Probable Cost.

NORTH ESTERO ISLAND BEACH REPAIRS PRELIMINARY OPINION OF PROJECT COST YEAR OF CONSTRUCTION: 2025						
Item	Description	Unit	Quantity	Unit Price	Extended Price	Subtotals
C-1	Mobilization/Demobilization	LS	1	\$150,000	\$150,000	
C-2	Construction Access/Staging	LS	1	\$50,000	\$50,000	
C-3	Maintenance of Traffic	LS	1	\$50,000	\$50,000	
C-4	Sand (Production)	Ton	84,090	\$13.00	\$1,093,170	
C-5	Sand (Delivery/Placement)	Ton	84,090	\$35.00	\$2,943,150	
					Const Subtotal	\$4,286,320
D-1	Storm Assessment/Design	LS	1	\$56,000	\$56,000	
D-2	Const Mgmt/Survey/Inspection	LS	1	\$144,000	\$144,000	
D-3	Environmental Monitoring	LS	1	\$15,000	\$15,000	\$215,000
					Subtotal	\$4,501,320
					10% Contingency	\$450,132
					Grand Total	\$4,951,452

4.2 CONSTRUCTION METHODS

The Town intends to use Contract Services to construct the Project using beach compatible sand that will be obtained from a properly licensed, permitted, and qualified supplier of the material. A truck haul construction method includes the following. The sand will be transported from a permitted upland source and offloaded at existing beach accesses. Offroad trucks will be used to transport sand to the beach. Sand will be placed within the fill sections utilizing loaders, dozers, graders, and trucks.

To minimize impact to beach use, the fill placement work may begin at the staging area and construction access and work toward the fill segment end, then shift back to the access and work to the other end. Beach sections that are completed and accepted will be turned over for public use.

The following are the general description of the tasks associated with the Project:

- Mobilization/staging
- Set up MOT
- Temporary pedestrian access routes, temporary fencing at initial work zone
- Initial grade stake out
- Fill placement
- Grading
- Post fill survey
- Upland restoration of staging area
- Clean-up/de-mobilization of equipment
- Project and permit closeout

4.2.1 Construction Schedule

The Town proposes the following schedule.

- Category G Engineering Report Submittal: November, 2024
- FEMA Requests for Information and Responses: December 2024 - January 2025
- Environmental and Historic Preservation Review: February - April 2025
- Revised Project Worksheet and FEMA Approval: May - June 2025
- Final Design: June 2025
- Bid Process: July - October 2025
- Construction: November - December 2025

4.2.2 Permit Status

The use of upland sand sources and the truck haul methodology are included in the FDEP and USACE permits.

4.2.3 Recovery Project Limits

Based upon the accretion experienced along the shoreline segment between the terminal groin and R-176, the Recovery Project will extend from R-176 to R-182. The coordinates of the Recovery Project construction limits are presented in Table 4. No sand will be placed in a Coastal Barrier Resources Act (CBRA) Zone noting the very north end of Estero Island along the Bowditch Point Park shoreline (terminal groin to R-176) lines within a CBRA Zone (Figure 10).

Table 4. Recovery Project Construction Limits.

BEACH FILL COORDINATES		
R-176	26.461593694°	81.967204333°
R-182	26.450886111°	81.952855556°



U.S. Fish and Wildlife Service
Coastal Barrier Resources System

Fort Myers Beach



February 9, 2023

-  CBRS Buffer Zone
-  System Unit
- CBRS Units**
-  Otherwise Protected Area

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/cbra/maps/index.html>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<http://www.fws.gov/cbra/Determinations.html>) as to whether the property or project site is located "in" or "out" of the CBRS.

CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS mapper.

This page was produced by the CBRS Mapper

Figure 10. CBRA Zone on North Estero Island.

5 CONCLUSION

Estero Island is a barrier island located in Lee County, Florida, along the Gulf of Mexico shoreline. The island is part of the Town of Fort Myers Beach. The North Estero Island Project was initially constructed in 2011 utilizing an engineered design. The Town initiated the first nourishment project for North Estero Island summer 2024 in conjunction with their island wide project and recovery efforts to address Hurricane Ian impacts.

Category 4 and 3 Hurricanes Helene and Milton severely impacted parts of Florida's western coast including Estero Island with intense winds, heavy rainfall, and catastrophic storm surge. The two hurricanes made landfall along Florida's Gulf Coast on September 26, 2024 and October 9, 2024, over a two-week period.

By utilizing construction and post-storm beach surveys, the damage for the North Estero Island Project from the landward toe of the primary dune to the depth of closure equaled 11,214 CY. The Town and its contractors returned 4,059 CY of screened overwash sand to the engineered beach, reducing the volume eligible for FEMA's Category G public assistance request to 7,155 CY. The two storms were of similar magnitude and duration. The observed overwash quantities were on the same order of magnitude thus their impacts on North Estero Island were similar. The recommendation is to assign 50% of the erosion losses to each storm.

A truck haul project is proposed to construct the Storm Repair Project with an approximate cost of \$4,951,452. For 7,155 CY eligible for FEMA's Category G public assistance request, the cost equates to \$631,930.

The construction limits of the Recovery Project shall extend from R-176 to R-182. No sand will be placed in a CBRA Zone.

6 REFERENCES

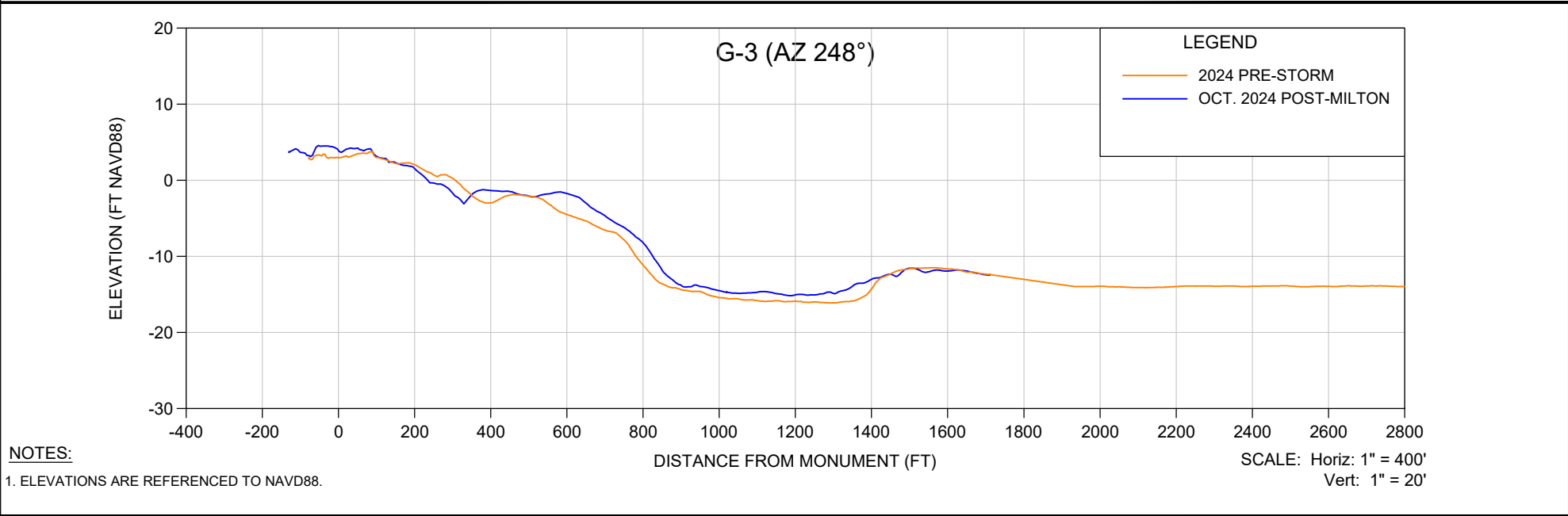
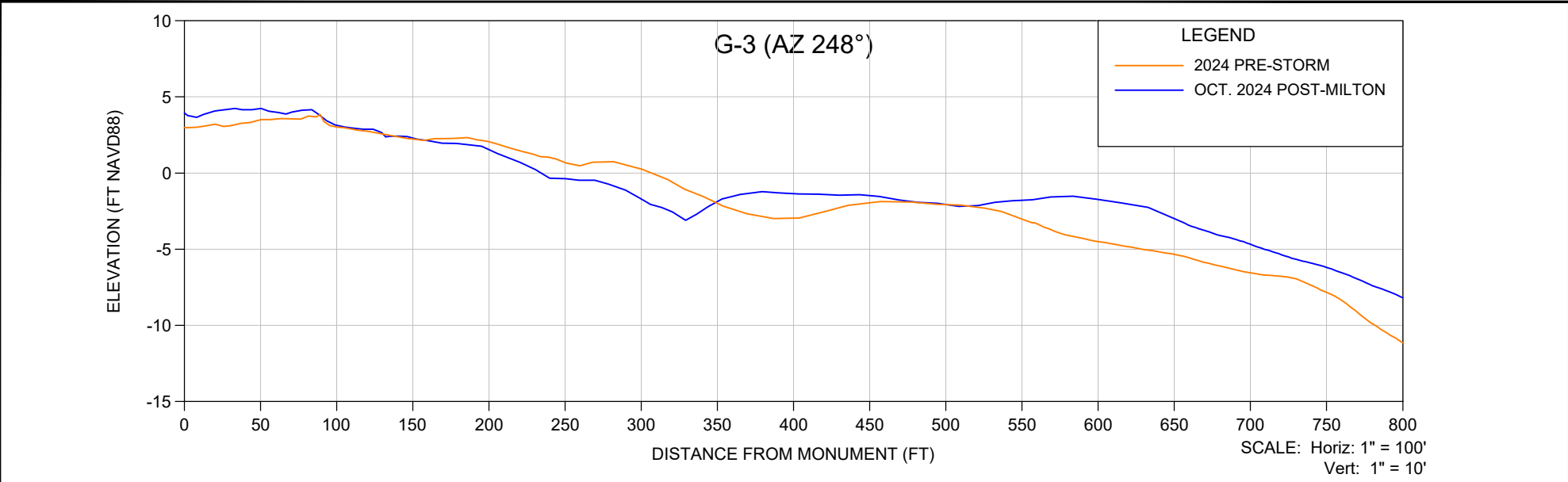
Coast & Harbor Engineering (CHE). 2014. Estero Island Coastal Management Plan.

Coastal Planning & Engineering, Inc. (CPE). 2003. Estero Island and Lovers Key Offshore Sand Source Investigation.

Lee County. 2013. Estero Island Restoration 1st Year Annual Monitoring Report.

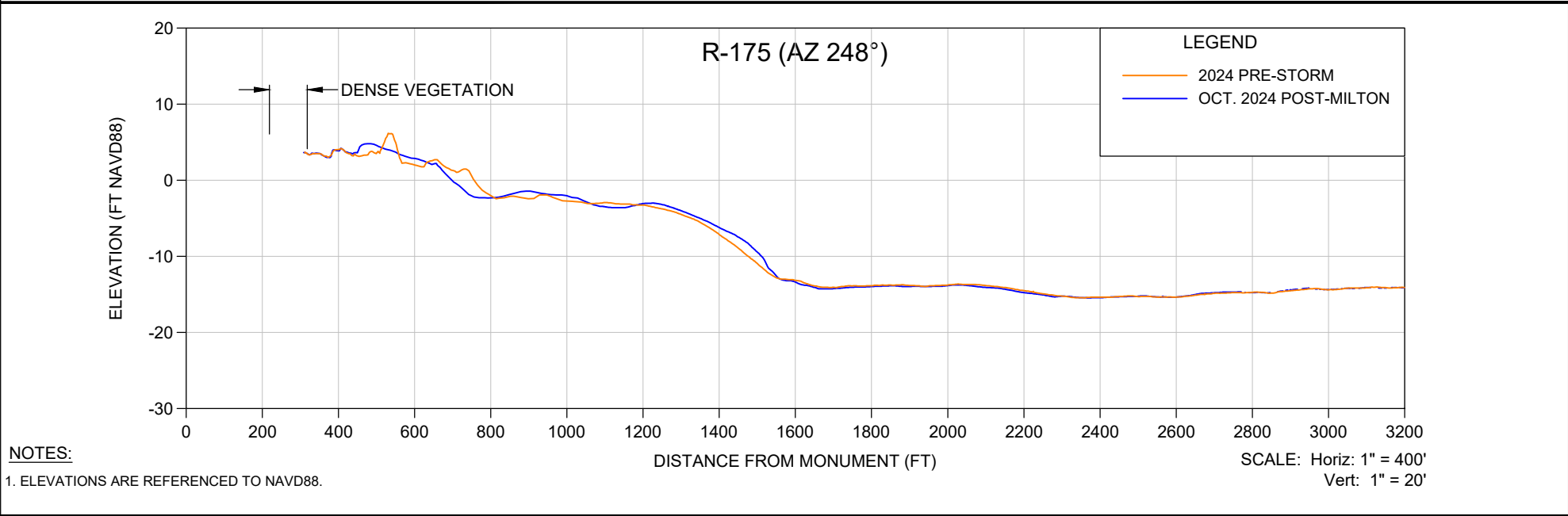
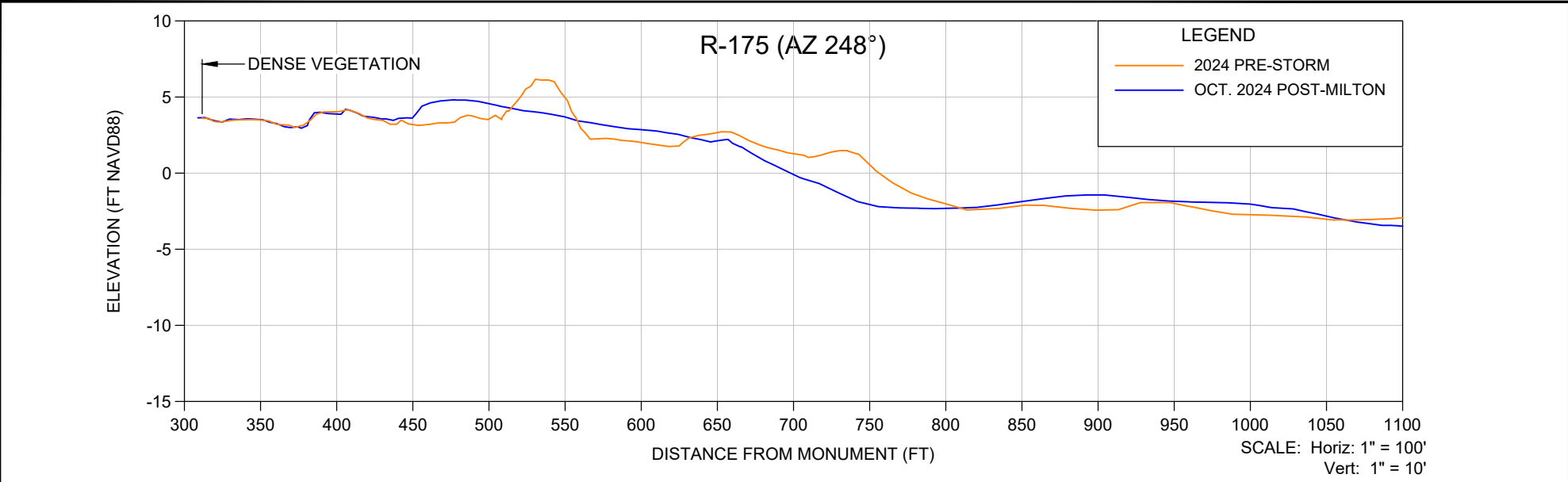
Attachment 1

Storm Impact Profile Comparisons



NOTES:
 1. ELEVATIONS ARE REFERENCED TO NAVD88.

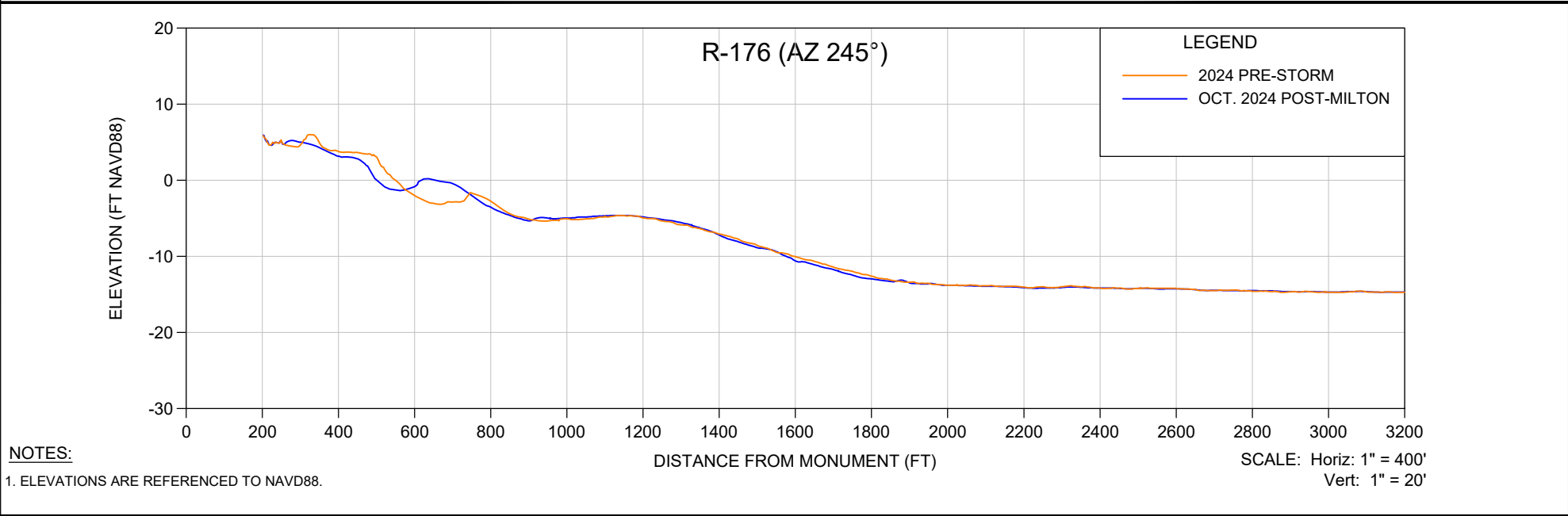
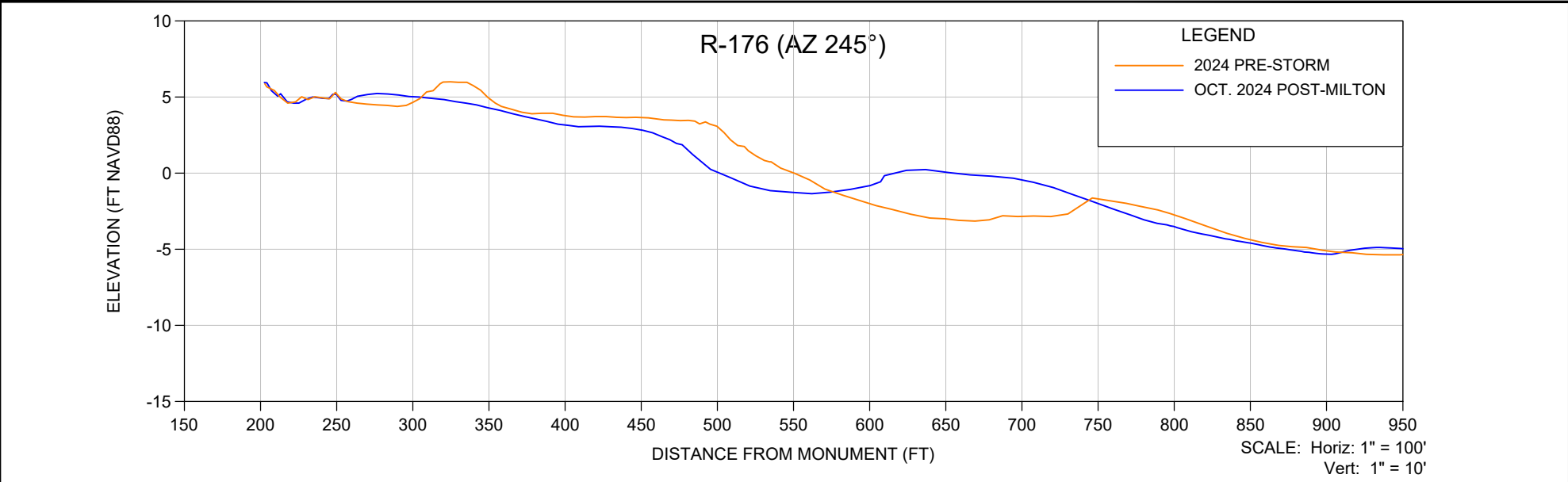
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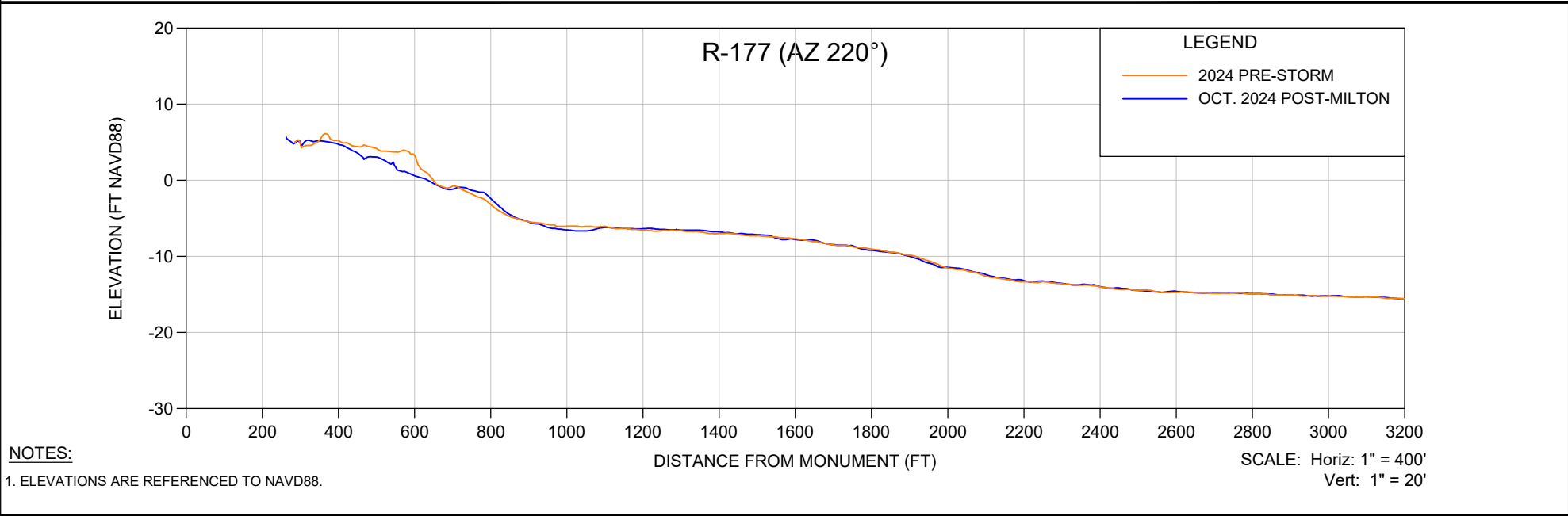
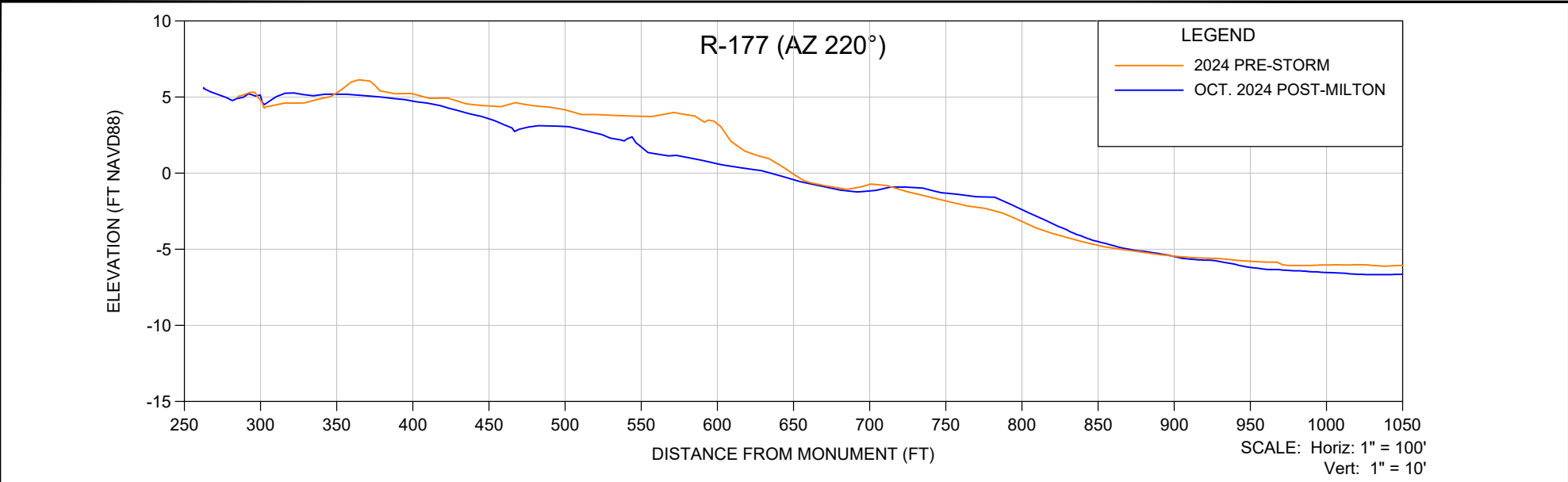
NOTES:

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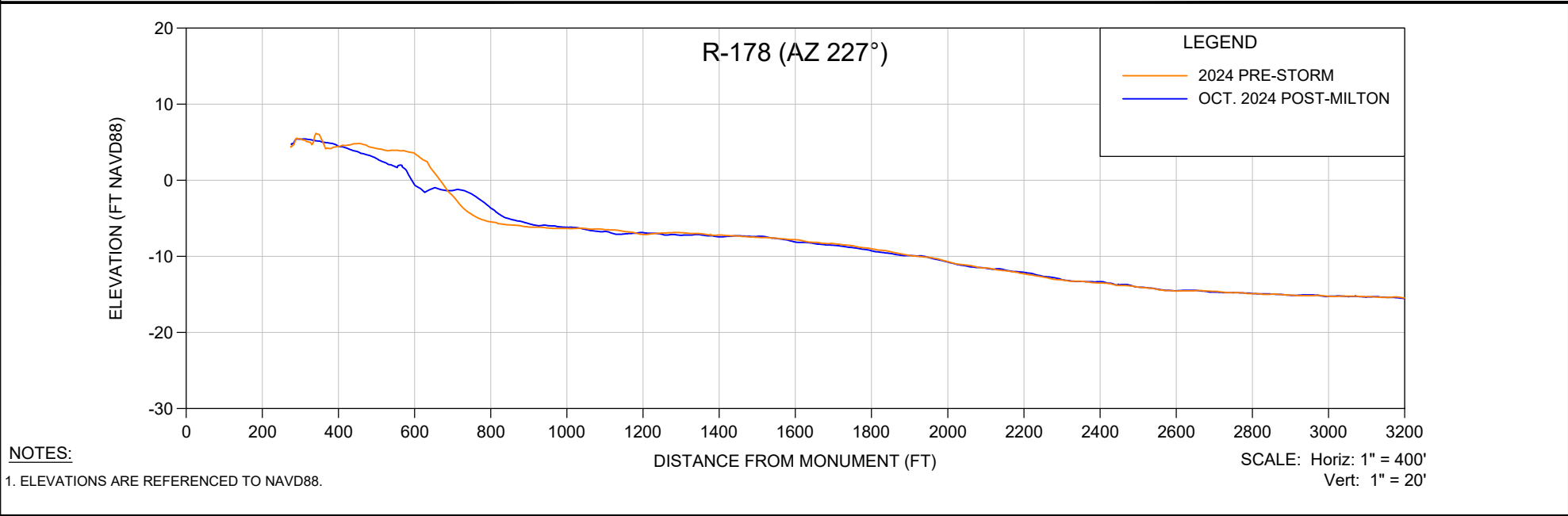
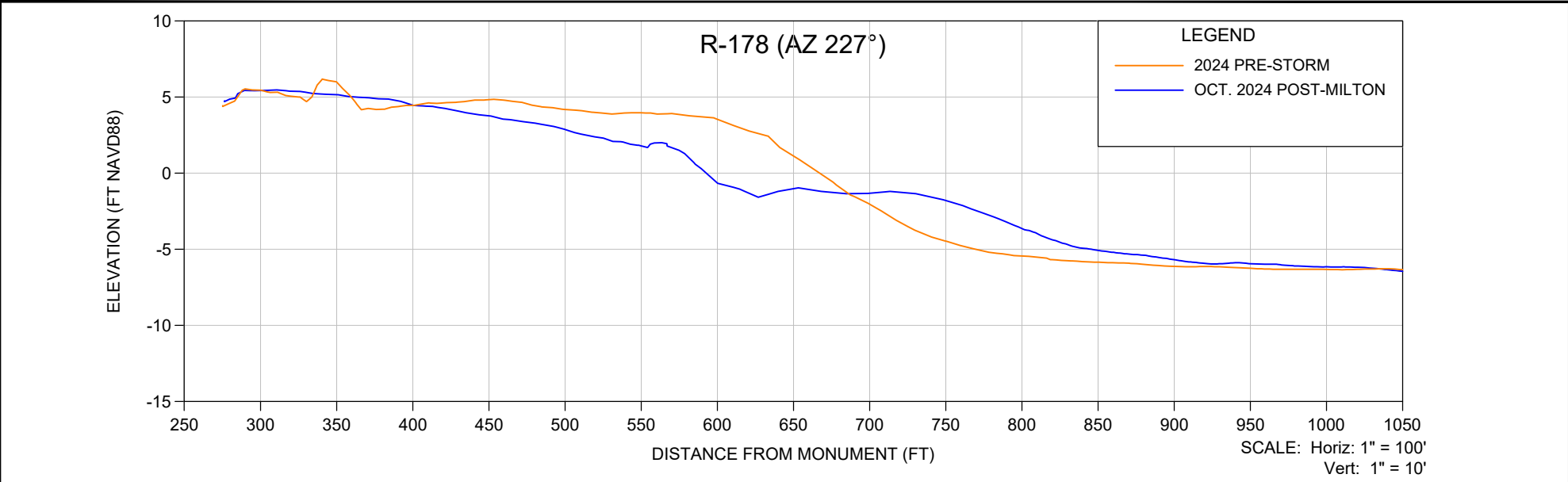
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				REF. NO. 24.504			NO.	DATE	BY	REVISION DESCRIPTION	



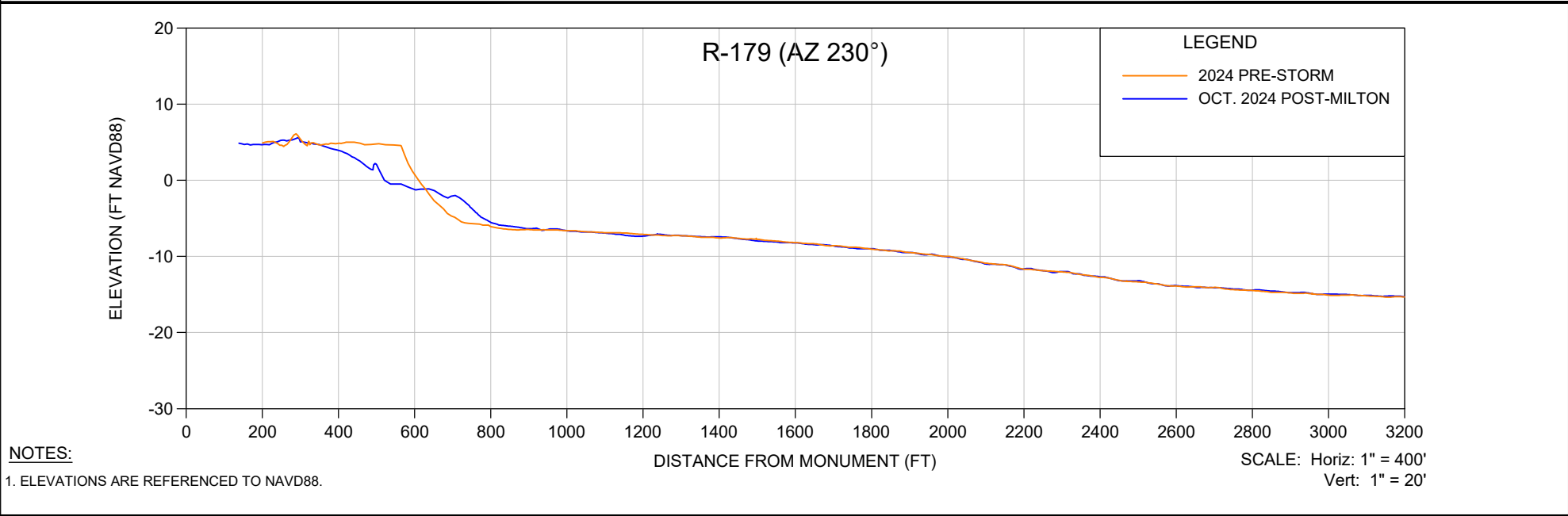
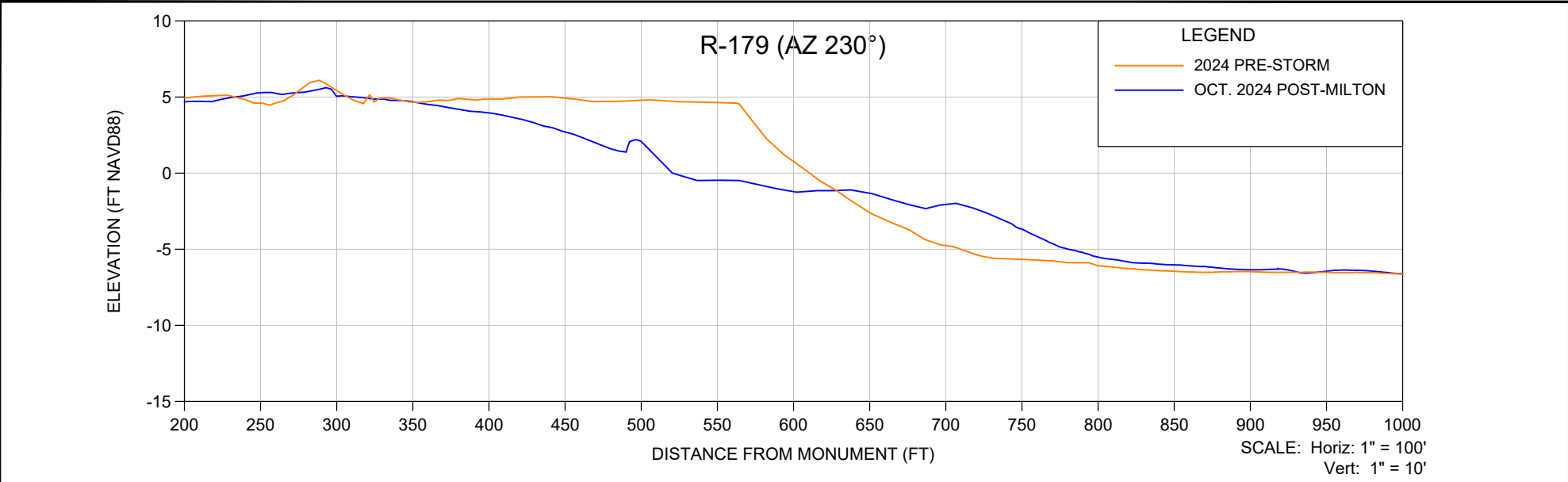
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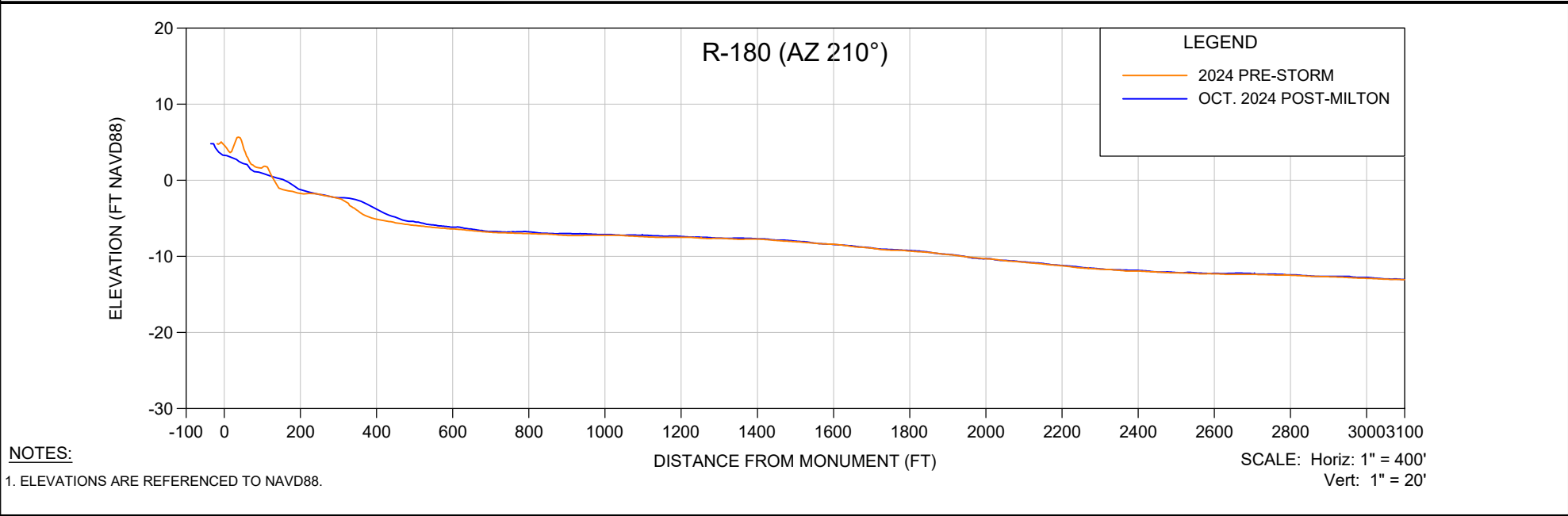
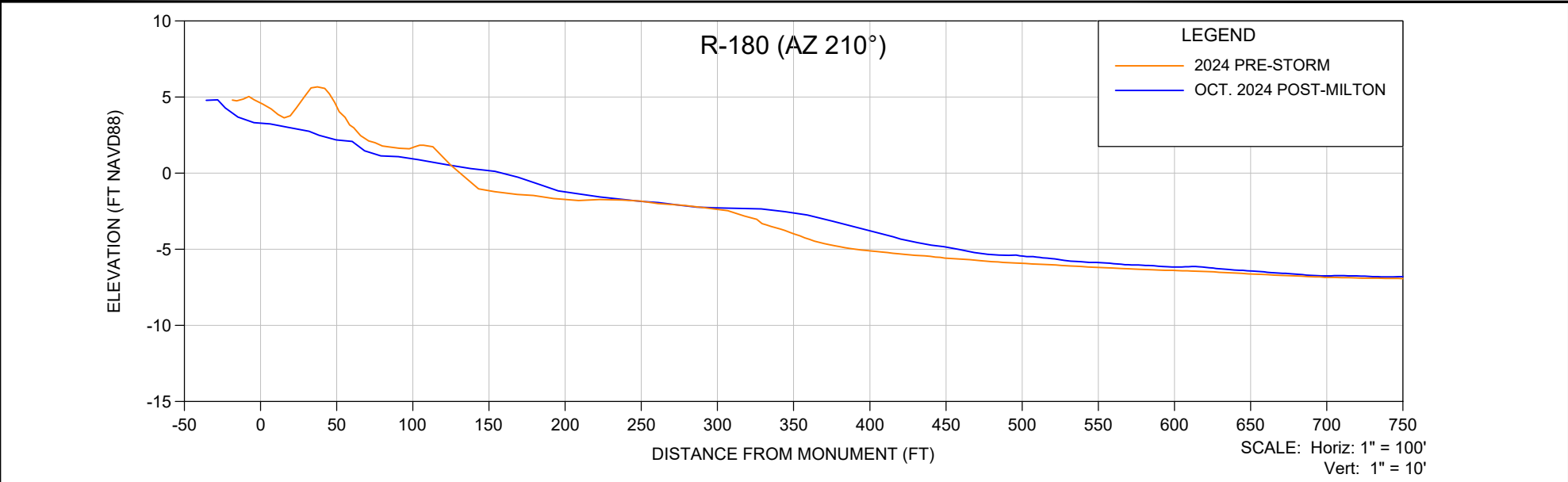
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						ACAD NO.	24504 EI North 2024 Post-Storm.dwg						
						REF. NO.	24.504			NO.	DATE	BY	REVISION DESCRIPTION



SHEET 7 FILE NO.: 24504-R-178 AZ227	 COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY & MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com	CLIENT:	LEE COUNTY		DATE:	10/16/2024	SCALE:	AS SHOWN				
			TITLE:	R-178 (AZ 227°) MONITORING SURVEY		DRAWN:	VVA	F.B.					
						CHECKED:	MTP	PG.					
						SEC.	TWP.	RNG.					
						ACAD NO.	24504 EI North 2024 Post-Storm.dwg						
						REF. NO.	24.504			NO.	DATE	BY	REVISION DESCRIPTION



SHEET 8  Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY & MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com	CLIENT: LEE COUNTY		DATE: 10/16/2024	SCALE: AS SHOWN							
		TITLE: R-179 (AZ 230°) MONITORING SURVEY		DRAWN: VVA		F.B.						
				CHECKED: MTP		PG.						
				SEC.	TWP.	RNG.						
				ACAD NO. 24504 EI North 2024 Post-Storm.dwg								
				REF. NO. 24.504					NO.	DATE	BY	REVISION DESCRIPTION



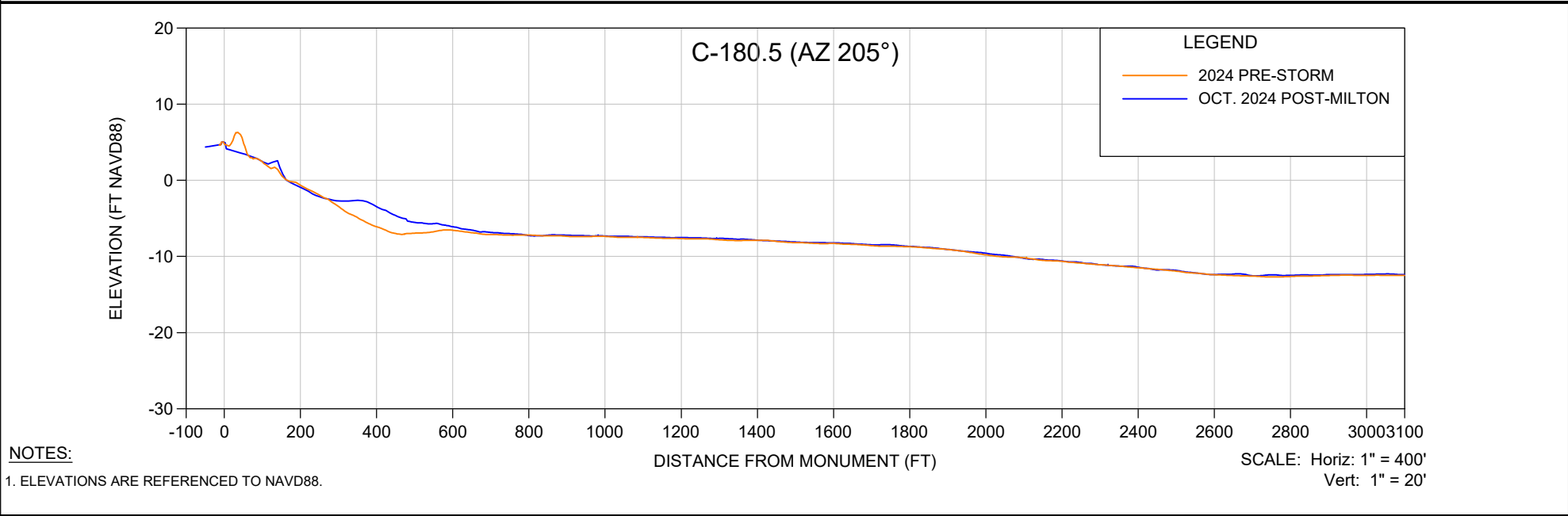
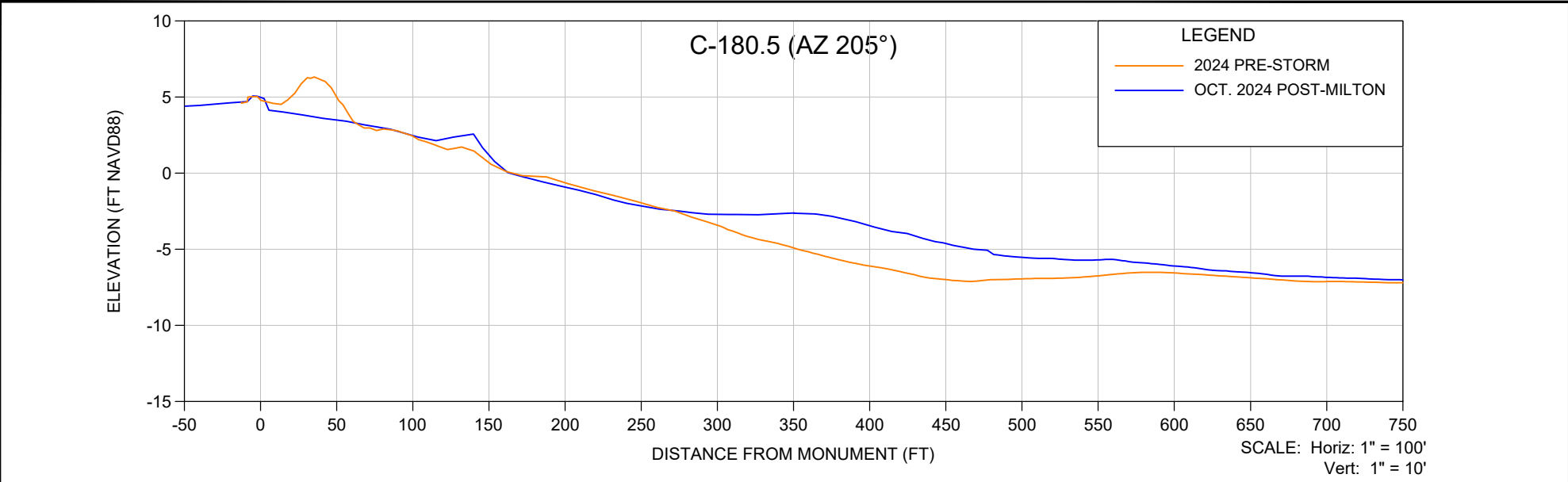
COASTAL ENGINEERING CONSULTANTS INC.
Serving Florida Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY & MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@ceciff.com

CLIENT: **LEE COUNTY**

TITLE: **R-180 (AZ 210°) MONITORING SURVEY**

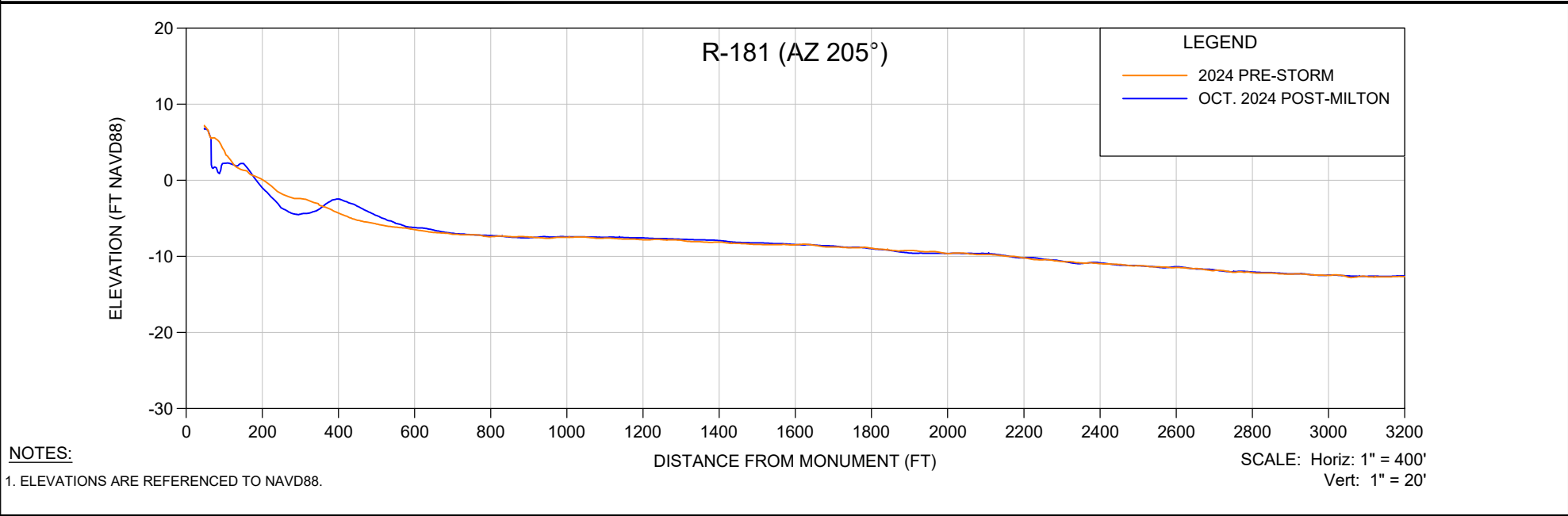
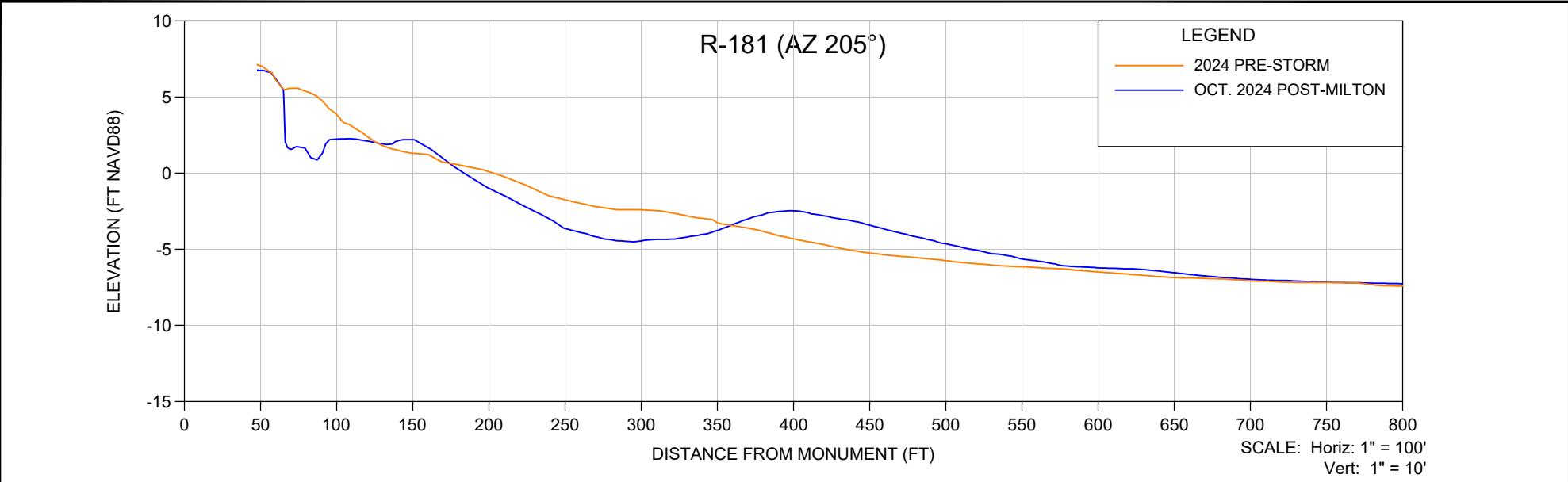
DATE:	10/16/2024	SCALE:	AS SHOWN
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CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24504 EI North 2024 Post-Storm.dwg		
REF. NO.	24.504	NO.	DATE BY REVISION DESCRIPTION



NOTES:

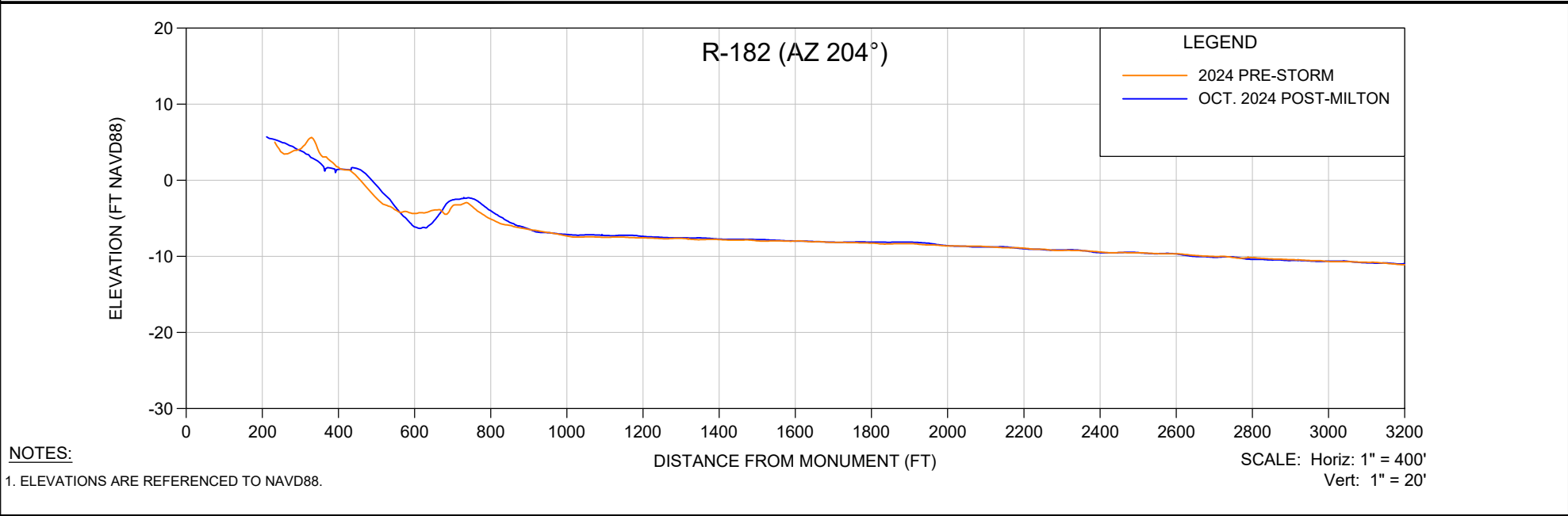
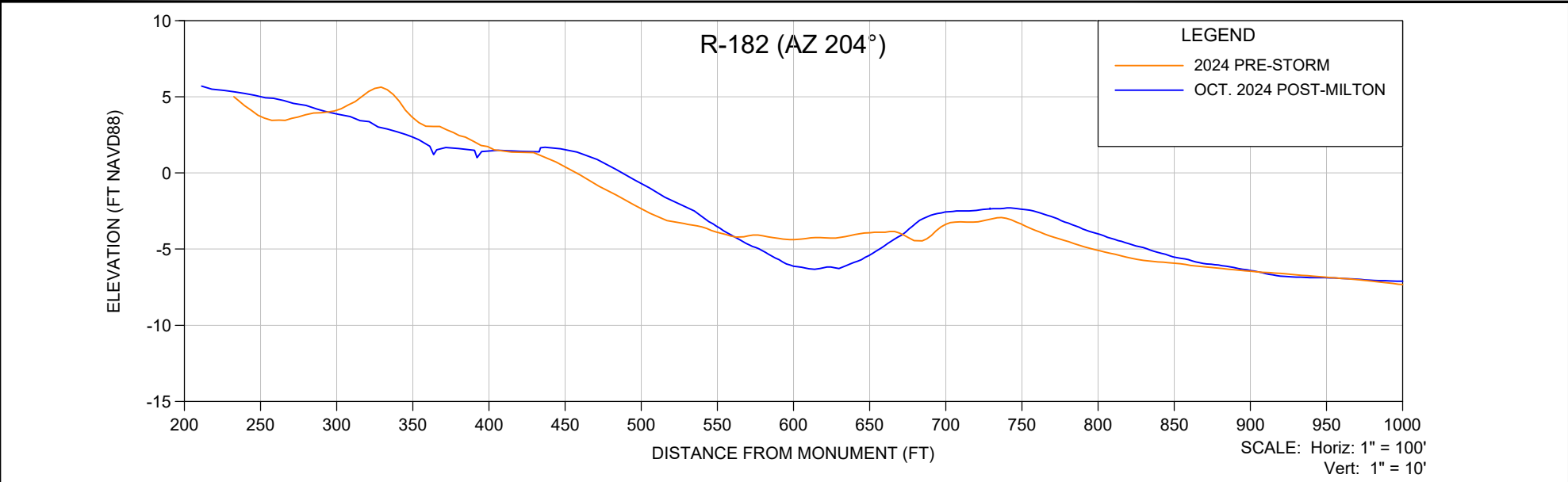
1. ELEVATIONS ARE REFERENCED TO NAVD88.

SHEET 10 FILE NO.: 24504 C180.5 AZ205	 COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY & MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com	CLIENT:	LEE COUNTY		DATE:	10/16/2024	SCALE:	AS SHOWN				
			TITLE:	C-180.5 (AZ 205°) MONITORING SURVEY		DRAWN:	VVA	F.B.					
						CHECKED:	MTP	PG.					
						SEC.	TWP.	RNG.					
						ACAD NO.	24504 EI North 2024 Post-Storm.dwg						
						REF. NO.	24.504			NO.	DATE	BY	REVISION DESCRIPTION



NOTES:
1. ELEVATIONS ARE REFERENCED TO NAVD88.

SHEET 11 FILE NO.: 24504-R-181-AZ205 COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY & MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com	CLIENT:	LEE COUNTY			DATE:	10/16/2024	SCALE:	AS SHOWN				
		TITLE:	R-181 (AZ 205°) MONITORING SURVEY			DRAWN:	VVA	F.B.					
						CHECKED:	MTP	PG.					
						SEC.	TWP.	RNG.					
						ACAD NO. 24504 EI North 2024 Post-Storm.dwg							
						REF. NO. 24.504							
									NO.	DATE	BY	REVISION DESCRIPTION	



SHEET 12 FILE NO.: 24504-R-182-AZ204	 COASTAL ENGINEERING CONSULTANTS INC. Serving Florida Since 1977 28421 BONITA CROSSINGS BLVD BONITA SPRINGS, FLORIDA 34135	COASTAL & MARINE ENGINEERING ENVIRONMENTAL & GEOLOGICAL SERVICES SURVEY & MAPPING ENGINEERING: CA 2464 SURVEYING: LB 2464 PHONE: (239)643-2324 FAX: (239)643-1143 www.coastalengineering.com E-Mail: info@ceciff.com	CLIENT:	LEE COUNTY		DATE:	10/16/2024	SCALE:	AS SHOWN				
			TITLE:	R-182 (AZ 204°) MONITORING SURVEY		DRAWN:	VVA	F.B.					
						CHECKED:	MTP	PG.					
						SEC.	TWP.	RNG.					
						ACAD NO.	24504 EI North 2024 Post-Storm.dwg						
						REF. NO.	24.504			NO.	DATE	BY	REVISION DESCRIPTION

Attachment 2

Storm Impact Volume Calculations

NORTH ESTERO ISLAND POST-STORM (HELENE MILTON) ASSESSMENT
VOLUMETRIC CHANGES ABOVE DEPTH OF CLOSURE
CEC FILE NO. 24.504

SURVEY DATES: APRIL (MONITORING), AUG-SEP 2024 (PAY), OCTOBER 2024 (POST-MILTON)

MONUMENT (AZIMUTH)	AREA (YD³/FT)	AVE AREA (YD³/FT)	LENGTH (FT)	VOLUME (YD³)	DEPTH OF CLOSURE (FT)	TOTAL VOLUME (YD³)
GROIN 3	27.4				-14.5	-11,214
		14.4	262	3,758		
R-175 (248)	1.3				-14.5	
		-1.7	819	-1,364		
R-176 (245)	-4.7				-14.5	
		-8.3	1,131	-9,360		
R-177 (220)	-11.9				-14.5	
		-11.1	1,044	-11,566		
R-178 (227)	-10.3				-14.5	
		-12.2	793	-9,676		
R-179 (230)	-14.1				-14.5	
		-1.2	1,213	-1,513		
R-180 (210)	11.6				-12.0	
		18.1	490	8,860		
C-180.5 (205)	24.5				-12.0	
		12.5	522	6,542		
R-181 (205)	0.6				-12.0	
		3.1	1,008	3,106		
R-182 (204)	5.6				-11.0	



TOWN of FORT MYERS BEACH

BID NO. ITB-24-03-EN

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 2

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Estero Island Beach Nourishment and Hurricane Recovery Project

CONTRACTOR: Ahtna Marine & Construction Company, LLC PROJECT NO.: _____

CONTRACT NO.: ITB-24-03-EN BID NO.: ITB-24-03-EN

CHANGE REQUESTED BY: Ahtna Marine & Construction Co. DATE OF REQUEST: 02/05/2025

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
(If you need space other than what has been provided, please attach additional sheets.)

Description: Weather Delays

Purpose of Change Order: Add time to original contract to address winter storm interruptions to dredging

Attachments: (List documents supporting change) Ahtna Request for Time (02-05-25)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price <u>\$21,722,385.09</u>	Original Contract Time <u>180</u> Calendar Days
Previous Change Order No. N/A to No. N/A <u>\$0</u>	Net Change from previous Change Orders <u>24</u> Calendar Days
Contract Price prior to this Change Order <u>\$21,722,385.09</u>	Contract Time prior to this Change Order <u>204</u> Calendar Days
Net Increase (Decrease) of this Change Order <u>\$0.00</u>	Net Increase (Decrease) of this Change Order <u>14</u> Calendar Days
Contract Price will all approved Change Orders <u>\$21,722,385.09</u>	Contract Time with all approved Change Orders <u>218</u> Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:	ACCEPTED	TOWN APPROVAL:
By: _____ Consultant (if applicable) Date	By: _____ Contractor	By: _____ Finance Director (Under \$25,000)
By: _____ Department Director Date	Date Accepted: _____	Date Approved: _____
Contracts Management	(CORPORATE SEAL)	By: _____ Town Manager (Under \$25,000)
APPROVED:		Date Approved: _____
Town Attorney Date		By: _____ Mayor, Town Council (Over \$25,000)
		Date Approved: _____



TOWN of FORT MYERS BEACH

BID NO. ITB-24-03-EN

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 3

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Estero Island Beach Nourishment and Hurricane Recovery Project

CONTRACTOR: Ahtna Marine & Construction Company, LLC PROJECT NO.: _____

CONTRACT NO.: ITB-24-03-EN BID NO.: ITB-24-03-EN

CHANGE REQUESTED BY: Ahtna Marine & Construction Co. DATE OF REQUEST: 02/20/2025

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
(If you need space other than what has been provided, please attach additional sheets.)

Description: Helene Milton Erosion Repair R-176 to R-179

Purpose of Change Order: Re-construct beach eroded by Hurricanes Helene & Milton with trucked sand

Attachments: (List documents supporting change) Ahtna Request for Time (02-05-25)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price <u>\$21,722,385.09</u>	Original Contract Time <u>180</u> Calendar Days
Previous Change Order No. N/A to No. N/A <u>\$0</u>	Net Change from previous Change Orders <u>38</u> Calendar Days
Contract Price prior to this Change Order <u>\$21,722,385.09</u>	Contract Time prior to this Change Order <u>218</u> Calendar Days
Net Increase (Decrease) of this Change Order <u>Not to Exceed \$631,930.00</u>	Net Increase (Decrease) of this Change Order <u>0</u> Calendar Days
Contract Price will all approved Change Orders <u>\$22,354,315.09</u>	Contract Time with all approved Change Orders <u>218</u> Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:

By: _____
Consultant (if applicable) Date

By: _____
Department Director Date

Contracts Management

APPROVED:

Town Attorney Date

ACCEPTED

By: _____
Contractor

Date Accepted: _____

(CORPORATE SEAL)

TOWN APPROVAL:

By: _____
Finance Director (Under \$25,000)

Date Approved: _____

By: _____
Town Manager (Under \$25,000)

Date Approved: _____

By: _____
Mayor, Town Council

(Over \$25,000)

Date Approved: _____

1. **Request:**

Meeting Date: March 3, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED DECEMBER 2, 2024 WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC, WHICH WAS PREVIOUSLY RATIFIED BY THE TOWN COUNCIL ON JANUARY 8, 2025, TO NOW: 1) EXTEND THE TERM OF THE AGREEMENT RETROACTIVELY FROM JANUARY 11, 2025 TO APRIL 30, 2025; 2) INCREASE THE NOT TO EXCEED AMOUNT BY \$1,800,000.00 FOR A TOTAL OF \$2,000,000.00; AND UPDATE PRIOR TERMS AND CONDITIONS AS REQUIRED BY FLORIDA AND FEDERAL LAW, TO CONTINUE TO REMOVE DEBRIS FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON AND DISPOSE OF DEBRIS AT AN AUTHORIZED WASTE MANAGEMENT SITE; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The debris deposited into the waterways by Hurricanes Helene and Milton was far greater than expected, requiring additional time and efforts by Florida Marine Contracting and Recovery LLC to remove and dispose of submerged debris.

What the action accomplishes:

The action ratifies the 1st Amendment to SPA-24-14 dated January 11, 2025 with Florida Marine Contracting and Recovery, LLC for removing and disposing of debris from the waterways of Fort Myers Beach increasing the not-to-exceed amount of the contract by \$1,800,000.00 to a total not-to-exceed amount of \$2,000,000.00 and extends the contract for a period of 109 days set to expire on April 30, 2025.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Chadd Chustz, Environmental
Projects Manager

5. **Background:**

Hurricanes Helene and Milton caused significant storm surge within days of each other, resulting in significant damage and debris into the waterways of Fort Myers Beach.

On the 8th day of January, 2025 the Town Council ratified SPA-24-14 between the Town of Fort Myers Beach and Florida Marine Contracting and Recovery, LLC with a not-to-exceed amount of \$200,000.00 to remove debris from waterways in the Town of Fort Myers Beach caused by Hurricanes Helene and Milton and dispose of the debris at an authorized waste management facility to protect the health and welfare of the citizens and visitors of the Town of Fort Myers Beach abate the socioeconomic impacts on the Community caused by debris impairing navigable waterways, as well as to protect the financial well-being of the businesses in the Town that depend on boating and waterfront rental properties.

In order to continue needed debris removal work, the existing agreement needs to be amended to increase the not to exceed amount and to extend its term retroactive from January 11, 2025 to April 30, 2025.

Attachments:

1. NS edits 25-81, 1st Amendment SPA-24-14 FMCR Marine Debris
2. NS edits 25-81, 1st Amendment to FMRC - Emergency Service Provider Agreement (2)

3. 25-81, FMCR Contract signed
4. President Joseph R Biden Jr Increases Federal Cost Share for Florida
5. FMB CANAL PICS OF DEBRIS DATED AND DESCRIPTION

Financial Impact:

President Joseph Biden authorized the federal cost-share to be increased to 100% for debris removal and emergency measures, including direct federal assistance for a period of 120 days of the state's choosing within the first 180 days from the start of the incident period.

Costs related to marine debris removal and disposal is expected to be 100% reimbursable by FEMA for efforts completed on or before February 10, 2025. After this date, cost share from FEMA is expected to be 75%. It has not been confirmed whether FDEM will cost share an additional 12.5% of Category A eligible debris removal after February 10, 2025.

The Bridge Loan may be used to fund the expenditure while awaiting FEMA reimbursement. Any cost share not covered by FDEM (potentially \$125,000) would be funded by the Emergency Reserve.

6. Alternative Action

Do not approve the 1st Amendment to SPA-24-14.

7. Management Recommendations:

8. Recommended Approval:

Chadd Chustz, Environmental Projects Manager
Frankie Kropacek, Operations & Compliance Director
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/19/2025
Approved - 2/19/2025
Approved - 2/20/2025
Approved - 2/24/2025
Approved - 2/24/2025
Final Approval - 2/24/2025

RESOLUTION NUMBER 25-81

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED DECEMBER 2, 2024 WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC, WHICH WAS PREVIOUSLY RATIFIED BY THE TOWN COUNCIL ON JANUARY 8, 2025, TO NOW: 1) EXTEND THE TERM OF THE AGREEMENT RETROACTIVELY FROM JANUARY 11, 2025 TO APRIL 30, 2025; 2) INCREASE THE NOT TO EXCEED AMOUNT BY \$1,800,000.00 FOR A TOTAL OF \$2,000,000.00; AND UPDATE PRIOR TERMS AND CONDITIONS AS REQUIRED BY FLORIDA AND FEDERAL LAW, TO CONTINUE TO REMOVE DEBRIS FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON AND DISPOSE OF DEBRIS AT AN AUTHORIZED WASTE MANAGEMENT SITE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, on October 5, 2024 Governor Ron DeSantis by Executive Order No. 24-214, declared a State of Emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm; and

WHEREAS, on October 6, 2024, the Florida Department of Environmental Protection issued Emergency Final Order OGC NO. 24-2580 for an Emergency Area of 61 counties including Lee County; and

WHEREAS, on October 6, 2024 the Florida Department of Environmental Protection issued Emergency Procurement Order OGC NO. 24-2580 to suspend, to the extent necessary to ensure said emergency response functions, the effect of any statute, rule, or order, including Chapter 255 and Sections 287.055(3)(a)-(d), 4(a)-(d), 5(a)-(c), and 287.057(3), Florida Statutes, and Chapters 60A- 1.002(4), 60A-1.021(2), and 60A-1.043(1)-(3), and 60D-5, Florida Administrative Code, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders which affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees as set forth in an established Tracker item at the Florida Emergency Operations Center, as prescribed in the State Comprehensive Emergency Management Plan, as directed by the State Coordinating Officer, or as directed by the Executive Office of the Governor; and

WHEREAS, on October 6, 2024 the Town of Fort Myers Beach approved Resolution 24-214 declaring a state of local emergency as authorized by Section 252.38(3), Florida Statutes, thereby waiving the procedures and formalities otherwise required of political subdivisions by; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, the Town of Fort Myers Beach Code Sec. 2-480 (d) provides the basis for emergency purchase for the Town Manager to make, or authorize others to make, emergency purchases of supplies, services or construction items when there exists a threat to public health, welfare or safety; provided that such emergency purchases are made with such competition as is practicable under the circumstances.

WHEREAS, on December 2, 2024 the Town Manager entered into an Emergency Service Provider Agreement (SPA-24-14) with Florida Marine Contracting and Recovery LLC with a not-to-exceed amount of \$200,000.00 for a term of 40 days, from the 2nd day of December to the 11th day of January 2025, to remove debris from waterways in the Town of Fort Myers Beach caused by Hurricanes Helene and Milton and to dispose of the debris at an authorized waste management facility to protect the health and welfare of the citizens and visitors of the Town of Fort Myers Beach, as well as to abate the socioeconomic impacts on the community caused by debris impairing navigable waterways; and

WHEREAS, on the 8th day of January, 2025 the Town Council ratified contract SPA-24-14 between the Town of Fort Myers Beach and Florida Marine Contracting and Recovery, LLC.; and

WHEREAS, the debris deposited into the waterways by Hurricanes Helene and Milton was far greater than expected, requiring additional time and efforts by Florida Marine Contracting and Recovery LLC to remove and dispose of submerged debris, thereby prompting the Town Manager to take emergency action to extend the term of the contract to April 30, 2025, and to increase the not-to-exceed amount from \$200,000.00 to \$2,000,000.00; and

WHEREAS, approval of the First Amendment to SPA-24-14 with Florida Marine Contracting is in the best interest of the health, safety and welfare of the residents of the Town.

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

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

Section 2. This Resolution approves the First Amendment to SPA-24-14 with Florida Marine Contracting and Recovery, LLC attached as Exhibit A.

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

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a 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, LLP, Town Attorney

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

**FIRST AMENDMENT TO EMERGENCY SERVICE PROVIDER AGREEMENT
FLORIDA MARINE CONTRACTING & RECOVERY LLC**

THIS FIRST AMENDMENT is made and entered into this _____ day of _____, 2025, by and between the TOWN OF FORT MYERS BEACH, a Florida municipality, hereinafter referred to as the “Town”, and FLORIDA MARINE CONTRACTING & RECOVERY LLC hereinafter referred to as “Provider” or “Contractor”, to that certain Emergency Service Provider Agreement, dated December 2nd, 2024 (“Agreement”) for ongoing emergency services as ratified by the Town Council of the Town of Fort Myers Beach on Wednesday, January 8, 2025.

WITNESSETH:

WHEREAS, the services provided by Provider to date have been beneficial to the Town, and as a result, the parties desire to retroactively extend the term of the agreement from January 11, 2025 to April 30th, 2025; and

WHEREAS, the parties further desire to increase the not-to-exceed amount of the initial Agreement from \$200,000.00 by \$1,800,000.00 for a total contract not-to-exceed amount of \$2,000,000.00 and to also modify existing terms and conditions in the Agreement as provided herein; and

WHEREAS, Section 119.0701, Florida Statutes, requires that certain public agency contracts must include certain statutorily required provisions concerning compliance with Florida’s Public Records Act; and

WHEREAS, Section 768.28, Florida Statutes, sets forth certain mandatory limitations on indemnification and liability for Florida public agencies, including municipalities; and

WHEREAS, Florida law requires that public agency contracts be subject to non-appropriation and thereby contingent upon appropriation during the public agency’s statutorily mandated annual budget approval process; and

WHEREAS, Section 448.095, Fla. Statutes, imposes certain obligations on public agencies with regard to the use of the E-Verify system by their contractors and subcontractors; and

WHEREAS, Section 286.101, Florida Statutes contains a list of “foreign countries of concern” including, the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such “foreign country of concern”. Any entity that does business with a state agency or political subdivision must disclose certain of their dealings with those “foreign countries of concern” to the Florida Department of Financial Services; and

WHEREAS, Sections 287.133 and 287.135, Florida Statutes provides restrictions on local governments contracting with companies that are on certain Scrutinized Companies lists or convicted vendor lists; and

WHEREAS, additional terms consistent with Sections 282.3185(5) and (6) related to data management and Section 287.05701, Florida Statutes related to social government and corporate activism are also added by virtue of this Amendment

NOW, THEREFORE, in consideration of the covenants set forth herein, the parties agree to this Amendment as follows:

1. Amendment. This Amendment hereby amends and supplements the terms of the Agreement. In the event of a conflict between the terms of the Agreement and terms of this Amendment, the terms of this Amendment shall prevail.

2. Public Records Compliance. Provider agrees that, to the extent that it may "act on behalf" of the Town within the meaning of Section 119.0701(1)(a), Florida Statutes in providing its services under this Agreement, it shall:

- (a) Keep and maintain public records required by the public agency to perform the service.
- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Provider does not transfer the records to the public agency.
- (d) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the Provider or keep and maintain public records required by the public agency to perform the service. If the Provider transfers all public records to the public agency upon completion of the contract, the Provider shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Provider keeps and maintains public records upon completion of the contract, the Provider shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the Town's custodian of public records, in a format that is compatible with the information technology systems of the Town.
- (e) Pursuant to Section 119.0701(2)(a), Florida Statute, **IF THE PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS**

AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

**TOWN HALL
2731 OAK STREET
FORT MYERS BEACH, FL. 33931
(239)765-0202
FMBPUBLICRECORDS@FMBGOV.COM**

3. Public Records Compliance Indemnification. Provider agrees to indemnify and hold the Town harmless against any and all claims, damage awards, and causes of action arising from the Provider's failure to comply with the public records disclosure requirements of Section 119.07(1), Florida Statutes, or by Provider's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Provider authorizes the public agency to seek declaratory, injunctive, or other appropriate relief against Provider in Lee County Circuit Court on an expedited basis to enforce the requirements of this section.

4. Compliance/Consistency with Section 768.28, Florida Statutes. Any indemnification or agreement to defend or hold harmless by the Town specified in the Agreement shall not be construed as a waiver of the Town's sovereign immunity, and shall be limited to such indemnification and liability limits consistent with the requirements of Section 768.28, Florida Statutes and subject to the procedural requirements set forth therein. Any other purported indemnification by the Town in the Agreement in derogation hereof shall be void and of no force or effect.

5. Non-appropriation. The Town's performance and obligation to pay under this Agreement is contingent upon an appropriation during the Town's annual budget approval process. If funds are not appropriated for a fiscal year, then the Provider shall be notified as soon as is practical by memorandum from the Town Manager or designee that funds have not been appropriated for continuation of the Agreement, and the Agreement shall expire at the end of the fiscal year for which funding has been appropriated. The termination of the Agreement at fiscal year end shall be without penalty or expense to the Town subject to the Town paying all invoices for services rendered during the period the Agreement was funded by appropriations.

6. E-Verify Compliance. By entering into this Agreement, the Provider is obligated to comply with the provisions of Section 448.095, Florida Statutes "Employment Eligibility," as amended from time to time. This includes but is not limited to register with and use the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit to Provider attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Provider agrees to maintain a copy of such affidavit for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, Florida Statutes, as amended and Provider will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Provider will also be liable for any additional costs to the Town

as a result of the termination of this Agreement in accordance with this paragraph. Provider affirmatively states, under penalty of perjury, that in accordance with Section 448.095, Florida Statutes, Provider is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees, that in accordance with such statute, Provider requires from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, and that Provider is otherwise in compliance with Sections 448.09 and 448.095, Florida Statutes.

7. Compliance/Consistency with Scrutinized Companies Provisions of Florida Statutes. Section 287.135(2)(a), Florida Statutes, prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of any amount if, at the time of contracting or renewal, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. Section 287.135(2)(b), Florida Statutes, further prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services over one million dollars (\$1,000,000) if, at the time of contracting or renewal, the company is on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, both created pursuant to section 215.473, Florida Statutes, or the company is engaged in business operations in Cuba or Syria. Provider hereby certifies that Provider is not listed on any of the following: (i) the Scrutinized Companies that Boycott Israel List, (ii) Scrutinized Companies with Activities in Sudan List, or (iii) the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Provider further hereby certifies that Provider is not engaged in a boycott of Israel or engaged in business operations in Cuba or Syria. Provider understands that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject Provider to civil penalties, attorney's fees, and/or costs. Provider further understands that any contract with Town for goods or services of any amount may be terminated at the option of Town if Provider (i) is found to have submitted a false certification, (ii) has been placed on the Scrutinized Companies that Boycott Israel List, or (iii) is engaged in a boycott of Israel. And, in addition to the foregoing, if the amount of the contract is one million dollars (\$1,000,000) or more, the contract may be terminated at the option of Town if the company is found to have submitted a false certification, has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has been engaged in business operations in Cuba or Syria.

8. Disclosure Requirements for "Foreign Countries of Concern." Provider shall comply with the disclosure requirements set forth in section 286.101 (3) (a), Florida Statute, which requires "Any entity that applies to a state agency or political subdivision for a grant or proposes having a contract value of \$100,000 or more shall disclose to the state agency or political subdivision any current or prior interest of, any contract with, or any grant or gift received from a "foreign country of concern" if such interest, contract, grant or gift received from a "foreign country of concern" if such interest, contract, grant or gift has a value of \$50,000 or more and such interest existed at any time or such contract, grant or gift was received or in force at any time during the previous five (5) years. Such disclosure shall contain the name and mailing address of the disclosing entity, the amount of the gift or the value of the interest disclosed, the applicable "foreign country of concern" and, if applicable the date of termination of the contract or interest, the date of receipt of the grant or gift and the name of the agent or controlled entity that is the

source or interest holder. Within one (1) year before applying for any grant or proposing any contract, such entity must provide a copy of such disclosure to the Department of Financial Services”. Pursuant to section 268.101(7), Florida Statue: “In addition to any fine assessed under [section 286.101(7)(a), Florida Statue], a final order determining a third or subsequent violation by an entity other than a state agency or political subdivision shall automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause.”

9. Venue and Jurisdiction. Notwithstanding any of other provision to the contrary, this Agreement and the parties’ actions under this Agreement shall be governed by and construed under the laws of the State of Florida, without reference to conflict of law principles. As a material condition of this Agreement, each Party hereby irrevocably and unconditionally consents to submit and does submit to the jurisdiction of the Circuit Court in and for Lee County, Florida for any actions, suits or proceedings arising out of or relating to this Agreement. Both parties waive the right to file any action, suit or proceeding in Federal Court, or remove any action, suit or proceeding to Federal Court.

10. Attorneys’ Fees and Costs. Notwithstanding any of other provision to the contrary, if litigation ensues regarding this Agreement, each party hereto shall bear its own attorneys’ fee and costs.

11. Public Entities Crime or Convicted Vendor List. Provider agrees and assumes a continuous duty to disclose to the Town if the Provider or any of its affiliates as defined by Section 287.133(1)(a), Florida Statutes are placed on the Convicted Vendor List or the Antitrust Violator Vendor List maintained by the Florida Department of Management Services.

12. Data Management; Notice of Breach. Provider shall cooperate with the Town and provide timely incident reporting, response activities/fact gathering, public and agency notification, severity level assessment, after-action reports etc, which the Town must report in accordance with Sections 282.3185(5) & (6), Florida Statutes in the event of a data breach.

13. Environmental and Social Government and Corporate Activism. The Town has not given preference or requested documentation from the Provider based on Provider’s social, political or ideological interest. Provider agrees to similarly not request documentation or give preference to any subcontractor based on the subcontractor’s social, political or ideological interests.

14. Taxes. The Town shall not be liable for any taxes and assessments imposed by a federal, state or local governmental agency, to the extent that the Town is exempt from same by Florida law, including but not limited to any sales or use tax.

15. No coercion for labor or services. The Contractor swears under penalty of perjury that the Contractor does not use coercion for labor or services as defined as follows:

“Coercion” means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of Sec. 893.03, Fla. Stat. to any person for the purpose of exploitation of that person.

16. Force Majeure. The Town reserves the right to suspend, modify or terminate this contract in the event of an act of god or act of man beyond the control of the parties, including but not limited to a hurricane, tropical storm, tornado, or other destructive weather event, flooding, pandemic, plague, war, armed conflict, domestic or foreign terrorism, riot, labor condition, state or federal governmental action, and catastrophic internet disturbance, making performance inadvisable, economically impracticable, illegal, or impossible.

17. Additional Terms. Notwithstanding any of other provision to the contrary, the parties agree as follows:

- A. **Duration of Agreement.** The term of the Agreement shall be retroactive to January 11, 2025 and expire on April 30, 2025.
- B. **Not-to-Exceed Amount.** The not-to-exceed payment for services shall increase from \$200,000.00 to \$2,000,000.00.
- C. **Incorporation of Federal and State Requirements.** The additional state and federal terms and conditions on pages 17 to 28 of the Agreement shall be identified as Exhibit E.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the days and year indicated below and the signatories below to bind the parties set forth herein.

Under penalties of perjury, and pursuant to Sec. 92.525, Florida Statue, Contractor declares that Contractor has read the foregoing Section 15 above and that the facts stated in it are true.

Provider:

Print Name: _____

Title: _____

Company: Florida Marine Contracting & Recovery, LLC

ATTEST:

Town of Fort Myers Beach

Amy Baker, Town Clerk

Dan Allers, Mayor

APPROVED AS TO FORM & SUFFICIENCY

Vose Law Firm, Town Attorney

EMERGENCY SERVICE PROVIDER AGREEMENT

This SERVICE PROVIDER AGREEMENT is entered into on this ____ day of December 2024 by and between the **TOWN OF FORT MYERS BEACH**, 2731 Oak Street, Fort Myers Beach, FL 33931, a chartered municipality of the State of Florida (hereafter "Town"), and **FLORIDA MARINE CONTRACTING & RECOVERY LLC** with an address of **462 CICERO ST NW, PORT CHARLOTTE, FL 33948** (hereafter "Provider").

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Scope of Services. Provider will perform all services and work necessary as set forth in "Scope of Services" attached as Exhibit "A". Provider warrants and represents that it is qualified, willing and able to provide and perform all services in accordance with the terms of this Agreement. The parties have the ability to modify the Scope of Services by mutual written agreement, except that the Town has the unilateral right to exclude specified services hereunder for any reason upon prior written notice to Provider and Provider will not be entitled to compensation for such excluded services unless those services have already been performed by Provider.
2. Term. The term of this Agreement is **40 days** from **2nd Day of December** to the **11th day of January 2025**.
3. Payment Obligation. The Town will pay for all requested and authorized services rendered hereunder by the Provider and completed in accordance with this Agreement, as set forth in attached Exhibit "B". The Provider's invoice statements must contain a breakdown of charges, description of services and work provided or performed, and, where appropriate, supportive documentation of charges consistent with the basis of compensation set forth in this Agreement. In the event of a dispute as to the Town's payment obligation, the Town will pay the undisputed amount, if any, within 30 days of the date of the invoice.
3. Provider's Obligations. The Provider's obligations include, but are not limited to, the following:
 - a) Licensure. The Provider will maintain all licenses and certifications required by governmental agencies responsible for regulating and licensing the services provided and performed by the Provider.
 - b) Provision of Services. The Provider will perform all services pursuant to this Agreement in accordance with generally accepted standards of professional practice and in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of governmental agencies that regulate or have jurisdiction over the services to be provided or performed by the Provider. All personnel assigned by Provider hereunder will be qualified to perform such duties. Provider will designate one person as the point of contact for the Town regarding its duties hereunder. Provider is solely responsible for all taxes incurred by Provider and will make all deductions required of employers by state, federal and local laws.

- c) Non-Waiver. Neither review, approval, nor acceptance by Town of data, studies, reports, memoranda, and incidental professional services, work and materials furnished hereunder by the Provider will in any way relieve Provider of responsibility for the adequacy, completeness and accuracy of its services, work and materials.
 - d) Indemnity and Hold Harmless. The Provider agrees to indemnify and hold harmless the Town, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of Provider and persons employed or utilized by Provider in providing services under this Agreement.
 - e) Non-Public Information. The Provider agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without the Town's prior written consent, or unless incident to the proper performance of Provider's obligations hereunder, or as provided for or required by law, any non-public information concerning the services to be rendered by Provider. Provider will require all of its employees and agents to comply with the provisions of this paragraph.
 - f) Statutory Duties. The duties and obligations imposed upon the Provider by this Agreement and the rights and remedies available to the Town hereunder will be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.
 - g) Disclosure. The Provider warrants it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for it, any fee, commission, percentage, gift or other compensation contingent upon or resulting from the award or making of this Agreement.
5. Commencement and Completion of Work. The Town will provide written notice to the Provider regarding commencement of services under this Agreement. Time is of the essence in the performance of this Agreement. The Provider agrees to commence work promptly and carry on all services and work as may be required in a timely and diligent manner to completion. Should the Provider fail to commence, provide, perform, and complete any of the services and work required hereunder in a timely and diligent manner, the Town may terminate this Agreement, in addition to any other remedies the Town may have.
6. Insurance. The Provider will have, and maintain, during the entire period of this Agreement, all such Insurance (or self-insurance) as set forth on Exhibit "C". Each Certificate of Insurance must include the name and type of policy and coverages provided; the amount or limit applicable to each coverage provided; the date of expiration of

coverage; the designation of the Town of Fort Myers Beach as additional insured and as certificate holder, except as to Professional Liability Insurance and Workers' Compensation Insurance.

Should any of these policies be cancelled before the expiration date thereof, Provider will instruct the issuing company to mail 30 days written notice to the Town of such cancellation.

7. Inclusion of Additional Documents. Any request for bids and/or request for proposal, along with all exhibits or other attachments thereto as issued by the Town, are hereby incorporated by reference. In addition, the following Exhibits are attached hereto and hereby incorporated by reference: Exhibit "A"; Exhibit "B"; Exhibit "C"; Exhibit "D"; Exhibit "E".
8. Termination of Agreement. Either party may terminate this Agreement without cause upon 30 calendar days' prior written notice to the other, in which case the Town will compensate the Provider for all services performed prior to the effective date of termination and reimbursable expenses then due.
9. Assignment, Transfer and Subcontracts. The Provider may not assign or transfer any of its rights, benefits, or obligations hereunder, except for transfers that result from the merger or consolidation of Provider with a third party. The Provider has the right, subject to the Town's prior written approval, to employ other persons and firms to serve as subcontractors to Provider in connection with its performance of services and work pursuant to this Agreement.
10. Maintenance of Records. The Provider will keep and maintain adequate records and supporting documentation applicable to all the services, work, information, expense, costs, invoices and materials provided and performed pursuant to this Agreement. Said records and documentation will be retained by the Provider for a minimum of three years from the date of termination of this Agreement, or for such period as required by law. The Town and its authorized agents will, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the Town deems necessary during the term of this Agreement and the next succeeding three years.
11. Public Records. The following provisions are required by §119.0701, Fla. Stat., and may not be amended. Provider shall keep and maintain public records required by the Town to perform the services required under this Contract. Upon request from Town's custodian of public records, Provider shall provide Town with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. Contractor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract's term and following completion of the Contract if Contractor does not transfer the public records to Town. Upon completion of the Contract, Contractor may transfer, at no cost, to Town all public records in possession of Contractor or keep and maintain public records required by Town to perform the services required under the Contract. If Contractor transfers all public records to Town upon completion of the Contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the

Contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Town, upon request from Town's custodian of public records, in a format that is compatible with Town's information technology systems. The failure of Contractor to comply with the provisions set forth in this Section shall constitute a Default and Breach of this Agreement, for which, the Town may terminate the Agreement.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF THE PUBLIC RECORDS AT (239) 765-0202, FMBPUBLICRECORDS@FMBGOV.COM, 2731 OAK ST. ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931.

12. References to Town. Public Records Compliance Indemnification. Provider agrees to indemnify and hold the Town harmless against any and all claims, damage awards, and causes of action arising from the Provider's failure to comply with the public records disclosure requirements of Section 119.07(1), Florida Statutes, or by Provider's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Provider authorizes the public agency to seek declaratory, injunctive, or other appropriate relief against Provider in Lee County Circuit Court on an expedited basis to enforce the requirements of this section.
13. References to Town. All references to "the Town" or "the Town of Fort Myers Beach" are deemed to include its employees, agents, and authorized representatives.
14. Modification. Except as set forth in Paragraph 1 above, modifications to this Agreement will be valid only when made in writing and signed by both parties. In the event of a conflict between the requirements, provisions, or terms of this Agreement and any subsequent written modification hereto, the most recently executed document will take precedence.
15. E-Verify Compliance. By entering into this Agreement, the Contractor is obligated to comply with the provisions of Section 448.095, Florida Statutes "Employment Eligibility," as amended from time to time. This includes but is not limited to register with and use the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit to Contractor attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Contractor agrees to maintain a copy of such affidavit for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, Florida Statutes, as amended and Contractor will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Contractor will also be liable for any additional costs to the Town as a result of the termination of this Agreement in accordance with this paragraph. Contractor affirmatively states, under penalty of perjury, that in accordance with Section 448.095, Florida Statutes, Contractor is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees, that in accordance with such statute, Contractor requires from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien,

and that Contractor is otherwise in compliance with Sections 448.09 and 448.095, Florida Statutes.

a. Town, upon good faith belief that a subcontractor knowingly violated the provisions of this section, but Contractor otherwise complied, shall promptly notify Contractor and Contractor shall immediately terminate the contract with the subcontractor.

b. A contract terminated under the provisions of this section is not a breach of contract and may not be considered such. Any contract termination under the provisions of this section may be challenged pursuant to Section 448.095(2)(d), Fla. Stat. Contractor acknowledges that upon termination of this AGREEMENT by the Town for a violation of this section by Contractor, Contractor may not be awarded a public contract for at least one (1) year. Contractor further acknowledges that Contractor is liable for any additional costs incurred by the Town as a result of termination of any contract for a violation of this section.

c. *Subcontracts.* Contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section, including this subsection, requiring the subcontractors to include these clauses in any lower tier subcontracts. Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in this section.

16. Compliance/Consistency with Scrutinized Companies Provisions of Florida Statutes. Section 287.135(2)(a), Florida Statutes, prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of any amount if, at the time of contracting or renewal, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. Section 287.135(2)(b), Florida Statutes, further prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services over one million dollars (\$1,000,000) if, at the time of contracting or renewal, the company is on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, both created pursuant to section 215.473, Florida Statutes, or the company is engaged in business operations in Cuba or Syria. Contractor hereby certifies that Contractor is not listed on any of the following: (i) the Scrutinized Companies that Boycott Israel List, (ii) Scrutinized Companies with Activities in Sudan List, or (iii) the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Contractor further hereby certifies that Contractor is not engaged in a boycott of Israel or engaged in business operations in Cuba or Syria. Contractor understands that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject Contractor to civil penalties, attorney's fees, and/or costs. Contractor further understands that any contract with Town for goods or services of any amount may be terminated at the option of Town if Contractor (i) is found to have submitted a false certification, (ii) has been placed on the Scrutinized Companies that Boycott Israel List, or (iii) is engaged in a boycott of Israel. And, in addition to the foregoing, if the amount of the contract is one million dollars (\$1,000,000) or more, the contract may be terminated at the option of Town if the company is found to have submitted a false certification, has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has been engaged in business operations in Cuba or Syria.

17. Non-appropriation. Town's performance and obligation to pay under this Agreement is contingent upon an appropriation during the Town's annual budget approval process. If funds are not appropriated for a fiscal year, then the Contractor shall be notified as soon as is practical by

memorandum from the Town Manager or designee that funds have not been appropriated for continuation of the Agreement, and the Agreement shall expire at the end of the fiscal year for which funding has been appropriated. The termination of the Agreement at fiscal year end shall be without penalty or expense to the Town subject to the Town paying all invoices for services rendered during the period the Agreement was funded by appropriations.

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20. Venue and Jurisdiction. Notwithstanding any of other provision to the contrary, this Agreement and the parties' actions under this Agreement shall be governed by and construed under the laws of the state of Florida, without reference to conflict of law principles. As a material condition of this Agreement, each Party hereby irrevocably and unconditionally consents to submit and does submit to the jurisdiction of the Circuit Court in and for Lee County, Florida for any actions, suits or proceedings arising out of or relating to this Agreement.
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"Coercion" means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of Sec. 893.03, Fla. Stat. to any person for the purpose of exploitation of that person.

27. Additional Terms. The parties further agree as follows:

- A. Federal Emergency Management Agency Supplemental Conditions. The terms and conditions contained in the Federal Emergency Management Supplemental Conditions attached as Exhibit E are incorporated by reference herein.

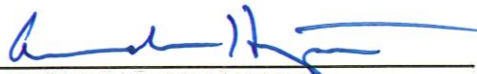
28. Miscellaneous Provisions.

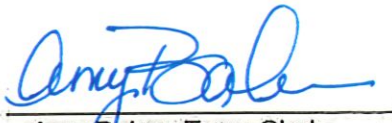
- a) Applicable Law. This Agreement is governed by the laws of the State of Florida.
- b) Non-Discrimination. The Provider covenants that in the furnishing of services hereunder, no person on the grounds of race, color, national origin, handicap, or sex will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
- c) Headings. The headings of the Articles, Sections, Exhibits, and Attachments in this Agreement are for the purpose of convenience only and may not be deemed to expand, limit or change the provisions contained in such Articles, Section, Exhibits and Attachments.
- d) Entire Agreement. This Agreement, including any Exhibits, constitutes the entire Agreement between the parties and supersedes all prior agreements or understandings, written or oral, relating to the matters set forth herein.
- e) Notices. All notices required under this Agreement must be in writing and sent via U.S. Postal Service, first class mail, to the other party's address as listed at the beginning of this Agreement. Either party may change its address by prior written notice to the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below.

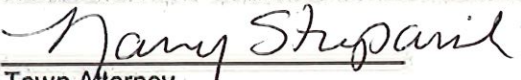
TOWN OF FORT MYERS BEACH

ATTEST:

BY: 
Andrew Hyatt, Town Manager,

BY: 
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

BY: 
Town Attorney

PROVIDER: Florida Marine Contracting & Recovery LLC

BY: 
Signature


Witness Signature

Stephen Lee
Printed name of person signing

Jo Ann Stafford
Printed name of witness

AMBR
Title (printed)

EXHIBIT "A"

TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED THE _ _ _
DAY OF DECEMBER 2024 BETWEEN THE TOWN AND PROVIDER.

SCOPE OF SERVICES: The Provider will perform the following services under this Agreement:

The Contractor shall identify and document areas of debris impact to demonstrate a need for survey using side scan sonar. The Contractor shall survey debris impact areas confirmed to be areas of debris impact using side scan sonar as directed by the Town.

The Contractor shall remove and dispose of vegetative, construction and demolition debris necessary to eliminate the immediate threat to life, public health and safety, and improved property from the waterways of the Town of Fort Myers Beach. The Contractor shall provide all expertise, personnel, tools, materials, equipment, transportation, supervision and all other services and facilities of any nature necessary to execute, complete and deliver the timely removal and lawful disposal of all eligible storm-generated debris within waterways.

Within navigable waterways identified by the Town, the Contractor shall remove and dispose of debris that obstructs the passage of vessels is eligible to a maximum depth of 2 feet below the low-tide draft of the largest vessel that utilized the waterway. Any debris below this zone is ineligible for removal unless it is necessary to remove debris extending upward into an eligible zone. If a tree is still rooted to an embankment and is floating or submerged, the cost to cut the tree at the water's edge is eligible. No mangroves shall be trimmed or altered.

Within non-navigable waterways, the Contractor shall remove and dispose of debris that obstructs the waterway.

The Contractor shall coordinate with the U.S. Coast Guard (USCG) when hazardous materials such as petroleum, hazardous substances, or contaminants are identified. The USGC has specific authority to remove hazardous materials from coastal water zones. Debris removal from federally maintained navigable waterways is ineligible. USCG and the U.S. Army Corps of Engineers have specific authorities for removal of hazardous substances, vessels, and other obstructions from federally maintained navigable waterways.

The Contractor shall open and operate the Debris Management Site upon request by the Town for monitoring and proper disposal of debris (both vegetative and non-vegetative) from waterways. The Contractor shall dispose of all debris at an authorized waste management site.

The Contractor shall coordinate with Town's Debris Monitoring Consultant and facilitate all debris to be properly inspected and documented to meet the requirements for FEMA reimbursement.

All work under this RFP shall be performed in accordance with FEMA rules and guidelines for federal reimbursements and with 2 CFR 200.318-326 as updated and where applicable.

EXHIBIT "B"

TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED THE ____
DAY OF DECEMBER 2024 BETWEEN THE TOWN AND PROVIDER.

PAYMENT OBLIGATION

The Town will pay the Provider as follows for all services listed in Exhibit "A":

The Town will compensate the Provider on a time and materials basis for staff labor, equipment and vehicle equipment usage, and actual disposal costs incurred in the performance of the scope of services listed in Exhibit A and at the rates identified in Exhibit D.

Only debris meeting the criteria of the Federal Emergency Management Agency's *Public Assistance Program and Policy Guide Version 4* shall be eligible for payment under the terms of this contract.

Prices shall include disposal sites located in Lee County and at the Lee/Hendry Landfill in Felda FL. Tipping fees at final disposal site(s) shall be the responsibility of Vendor and passed through to the Town without mark-up, unless approved otherwise.

Compensation under this Agreement shall not exceed \$200,000.

EXHIBIT "C"

INSURANCE: The Provider shall obtain and maintain the following insurance coverages:

- a) Workers Compensation Coverage to comply for all employees for Statutory Limits in compliance with the applicable State and Federal laws;
- b) Employer's Liability with a minimum limit per accident in accordance with statutory requirements.
- c) Commercial General Liability Insurance with minimum limits of \$500,000 per occurrence and \$500,000 aggregate for Bodily Injury Liability and a minimum limit of \$500,000 for Property Damage Liability, or a minimum combined single limit of \$1,000,000.
- d) Business Automobile Liability Insurance with minimum limits of \$500,000 per person and \$500,000 per accident for Bodily Injury Liability and a minimum limit of \$500,000 for Property Damage Liability, or a minimum combined single limit of \$500,000, with coverage including owned vehicles, hired and non-owned vehicles, and employee non-ownership.

EXHIBIT "D"

Description	Unit of Measure	Year 1 Unit Price
Debris Removal from Waterways / Canals / Natural Creeks and Hauling to Debris Management Sites (DMS)	CY	\$79.90
Debris Removal from Waterways / Canals / Natural Creeks and Hauling directly to Final Disposal Site (Note 1 & 2)	CY	\$79.90
Cost per mile for alternate disposal sites outside of Lee County. (Note 1 & 2)	Cost /Mile	\$20.00
Management of a Debris Management Site (DMS) (Note 4&5)	CY	\$1.95
Processing (Grinding/Chipping) of Debris at a DMS or Final Disposal Site	CY	\$3.50
Processing (Burning) of Debris at a DMS or Final Disposal Site	CY	\$2.00
White Goods Removal from Waterways / Canals / Natural Creeks and Hauling to nearest County ROW	UNIT	\$15.00
Construction Debris Removal from Waterways / Canals / Natural Creeks and Hauling to a Debris Management Site (DMS)	CY	\$79.90
Marine Property Removal from Waterways / Canals / Natural Creeks and Hauling to a Debris Management Site (DMS)	CY	\$79.90
Non Domestic Dead Animal Collection and Transportation to final disposal.	EACH	\$100.00
Household Hazardous Waste Removal from Waterways / Canals / Natural Creeks and Hauling to Final Disposal Site (Note 1 & 2)	LB	\$40.00
Removal of Reduced Debris from Debris Management Site (DMS) to Final Disposal Site (Note 1 & 2)	CY	\$3.95

EXHIBIT "D"

Description	Unit of Measure	Year 1 Unit Price
Wheel Loader w/ operator, 2.5 cy, Foreman with support vehicle and small equipment, Laborer w/ chainsaw & two (2) laborers with small tools	Hourly (entire crew)	\$325.00

Description	Unit of Measure	Year 1 Unit Price
Field Supervisor with truck and cell phone	Hourly	\$90.00
Administrative Assistant	Hourly	\$45.00
Heavy Equipment Operator	Hourly	\$56.00
Tool Operator (Chainsaw)	Hourly	\$45.00
Laborer w/ small tools	Hourly	\$39.00
Mechanic w/ truck and tools	Hourly	\$98.00
Tree Climber w/ chainsaw and gear	Hourly	\$137.00
22' - 31' Work Boat with Captain (Inclusive of Fuel, Mooring and Mobilization)	Per Boat / Per day	\$2,800.00
Services of 2 - 4 Laborers per Vessel	Per Boat / Per day	\$2,800.00

Description	Unit of Measure	Year 1 Unit Price
38,000 lb Excavator with Thumb	Daily (entire crew)	\$1,900.00

EXHIBIT "D"

Description	Specification	Capacity	Year 1 Rate Per Hour
Aerial Lift	FT	60	\$95.00
Chipper	IN	19	\$400.00
Crane	MT	70	\$450.00
Skid Steer	LBS	6000	\$110.00
Wheel Loader	CY	2	\$130.00
Pavement Sweeper	TON	55	\$100.00
Lowboy Trailer and Tractor			\$125.00
Dump Truck	CY	28	\$100.00
Knuckle Boom Truck			\$1,745.00
Pickup Truck	TON	0.75	\$25.00
Truck Tractor			\$75.00
Step-Deck or Flatbed Trailer			\$50.00
Tub or Horizontal Grinder			\$500.00
Light Tower: Trailer Mounted	WATT	500	\$80.00
All Terrain Vehicle	CC	1000	\$75.00
Water Truck	GAL	4000	\$95.00
Marsh Buggy			\$300.00
Self-Loading Barge	FT	30-45	\$500.00
Air Boat	FT	15-25	\$225.00

Access to Records: The contractor agrees to provide the Town, the Florida Department of Emergency Management, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representative's access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions. (2) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. (3) The contractor agrees to provide the FEMA Administrator or his authorized representatives' access to construction or other work sites pertaining to the work being completed under the contract. (4) In compliance with section 1225 of the Disaster Recovery Act of 2018, the Town and the Contractor acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

Affirmative Socioeconomic Steps If subcontracts are to be let, the prime contractor is required to take all necessary steps identified in 2 C.F.R. § 200.321(b)(1)-(5) to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Changes: To be allowable under a FEMA grant or cooperative agreement award, the cost of any contract change, modification, amendment, addendum, change order, or constructive change must be necessary, allowable, allocable, within the scope of the grant or cooperative agreement, reasonable for the scope of work, and otherwise allowable.

DHS Seal, Logo, and Flags: The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval. The contractor shall include this provision in any subcontracts.

Domestic Preference for Procurements 200.322 As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this section: "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

License and Delivery of Works Subject to Copyright and Data Rights: The Contractor grants to the Town, a paid-up, royalty-free, nonexclusive, irrevocable, worldwide license in data first produced in the performance of this contract to reproduce, publish, or otherwise use, including prepare derivative works, distribute copies to the public, and perform publicly and display publicly such data. For data required by the contract but not first produced in the performance of this contract, the Contractor will identify such data and grant to the Town or acquires on its behalf a license of the same scope as for data first produced in the performance of this contract. Data, as used herein, shall include any work subject to copyright under 17 U.S.C. § 102, for example, any written reports or literary works, software and/or source code, music, choreography, pictures or images, graphics, sculptures, videos, motion pictures or other audiovisual works, sound and/or video recordings, and architectural works. Upon or before the completion of this contract, the Contractor will deliver to the Town data first produced in the performance of this contract and data required by the contract but not first produced in the performance of this contract in formats acceptable by the Town.

No Obligation by Federal Government: The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

Prohibition on Covered Telecommunications Equipment or Services

(a) Definitions. As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy, #405-143-1 Prohibitions on Expending FEMA Award Funds for covered Telecommunications Equipment or Services As used in this clause –

(b) Prohibitions.

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug. 13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

- (i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or
- (iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) Exceptions.

(1) This clause does not prohibit contractors from providing — (i). A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or (ii). Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to: (i). Covered telecommunications equipment or services that: i. Are not used as a substantial or essential component of any system; and ii. Are not used as critical technology of any system. (ii). Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) Reporting requirement.

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause: (i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer

number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended. (ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph(e), in all subcontracts and other contractual instruments.

Program Fraud and False or Fraudulent Statements or Related Acts: The Contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

Rights to Inventions Made Under a Contract or Agreement: Exempt from FEMA Public Assistance Funding

Suspension and Debarment: (1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935). (2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. (3) This certification is a material representation of fact relied upon by the Town. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Town, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. (4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Procurement of Recovered Materials (§200.323) (Over \$10,000): In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired— Competitively within a timeframe providing for compliance with the contract performance schedule; Meeting contract performance requirements; or At a reasonable price. Information about this requirement, along with the list of EPA-designated Items, is available at EPA's Comprehensive Procurement Guidelines webpage:

<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

Termination for Cause and Convenience (over \$10,000): See Standard Purchase Order and/or Contract Terms and Conditions

Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352 (as amended) (over \$100,000): Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient."

Contractors must sign and submit a certification to the Town with each bid or offer exceeding \$100,000. See Certifications and Assurances and the end of this document.

Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) (over \$100,000): Where applicable, all contracts awarded by the solicitor in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$27 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The Town or FEMA shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1) through (4) of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section."

For contracts that are only subject to Contract Work Hours and Safety Standards Act and are not subject to the other statutes in 29 C.F.R. § 5.1

"Further Compliance with the Contract Work Hours and Safety Standards Act.

(1) The contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.

(2) Records to be maintained under this provision shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the Department of Homeland Security, the Federal Emergency Management Agency, and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

Clean Air Act (over \$150,000): 1. The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. 2. The contractor agrees to report each violation to the Town and understands and agrees that the Town will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office. 3. The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Federal Water Pollution Control Act (over \$150,000): 1. The contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. 2. The contractor agrees to report each violation to the Town and understands and agrees that the Town will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office. 3. The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Administrative, Contractual, or Legal Remedies (over \$250,000): Unless otherwise provided in this contract, all claims, counter-claims, disputes and other matters in question between the local government and the contractor, arising out of or relating to this contract, or the breach of it, will be decided by arbitration, if the parties mutually agree, or in a Florida court of competent jurisdiction.

CONSTRUCTION ACTIVITIES

Equal Employment Opportunity Clause (§60-1.4): Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. § 60-1.4.

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Davis Bacon Act: Exempt under FEMA Public Assistance Funding

Copeland Anti-Kickback Act: Exempt under FEMA Public Assistance Funding

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

STATE OF FLORIDA PROVISIONS DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM

Applicable Laws - The Town and all its agents shall comply with all federal, state and local regulations, including, but not limited to, nondiscrimination, wages, social security, workers' compensation, licenses, and registration requirements. The Town shall include this provision in all contracts issued.

Data Collection: The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department permits and the eligible Project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the Department's Monitoring Standards for Beach Erosion Control Projects (2014) and all associated state and federal permits, unless otherwise specified in the approved scope of work for an eligible Project item. The monitoring standards may be found at: [Project Monitoring \(floridadep.gov\)](http://ProjectMonitoring.floridadep.gov)

In order to comply with Florida Auditor General report 2014-064 regarding conflicts of interest and to be consistent with Section 287.057(17)(a)(I), F.S., all monitoring data and statistical analysis must be provided directly and concurrently from the monitoring contractor to the Florida Department of Environmental Protection/Town/permittee/engineering consultant. The Town's engineering consultant must provide an adequate mitigation plan, consistent with Section 287.057(17)(a)(I), F.S., including a description of organizational, physical, and electronic barriers to be used by the Town's engineering consultant, that addresses conflicts of interest when contracting multi-disciplinary firms for Project engineering and post-construction environmental monitoring services, or when the Project engineering consultant firm subcontracts for post-construction environmental monitoring. Environmental monitoring includes hardbottom, seagrass, and mangrove resources.

Equal Employment Opportunity: No person on the ground of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of, otherwise subjected to discrimination.

Inspector General Cooperation: The Parties agree to comply with Section 20.055(5), Florida Statutes, for the inspector general to have access to any records, data and other information deemed necessary to carry out his or her duties and incorporate into all subcontracts the obligation to comply with Section 20.055(5), Florida Statutes.

Lobbying: No funds received pursuant to this Agreement may be expended for lobbying the Legislature, the judicial branch or a state agency.

Local Preference: Pursuant to Section 255.0991, F.S. local vendor preference is not applicable

Physical Access and Inspection: Grantor personnel shall be given access to and may observe and inspect work being performed under this Agreement, with reasonable notice and during normal business hours, including by any of the following methods:

- i. The Town shall provide access to any location or facility on which Town is performing work, or storing or staging equipment, materials or documents.
- ii. The Town shall permit inspection of any facility, equipment, practices, or operations required in performance of any work pursuant to this Agreement; and,
- iii. The Town shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any work or legal requirements pursuant to this Agreement.

Record Retention: A. The contractor shall maintain and retain sufficient records demonstrating its compliance with the terms of the Agreement for a period of at least five (5) years after final payment is

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

made and shall allow the Town, the State, or its authorized representatives access to such records for audit purposes upon request.

Statutory Notices Relating to Unauthorized Employment: The Town shall consider the employment by any Contractor of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement

Statutory Notices Relating to Subcontracts: Pursuant to Sections 287.133 and 287.134, F.S., the following restrictions apply to persons placed on the convicted vendor list or the discriminatory vendor list:

- i. **Public Entity Crime.** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.
- ii. **Discriminatory Vendors.** An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.
- iii. **Notification.** The Grantee shall notify Department if it or any of its suppliers, subcontractors, or consultants have been placed on the convicted vendor list or the discriminatory vendor list during the life of the Agreement. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at (850) 487-0915.

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

**Compliance with Federal Law, Regulations, And Executive Orders
and Acknowledgement of Federal Funding**

Certification

This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

If the Contractor subcontracts any of the work required under this Agreement, a copy of the signed subcontract must be available to the Town for review and approval. The Contractor agrees to include in the subcontract that (1) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Town and the Grantor Agency harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The Town may document in the quarterly report the Contractor's progress in performing its work under this agreement.

On behalf of my firm, I acknowledge, the grant requirements identified in this document.

Vendor/Contractor Name Florida Marine Contracting & Recovery LLC

Date 12/9/2024

Authorized Signature Stephen Lee

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Town, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Florida Marine Contracting & Recovery LLC

By: Stephen Lee
Signature

Stephen Lee / AMBR
Name and Title

462 Cicero St NW
Street Address

Port Charlotte, FL 33948
City, State, Zip

UEI Unique Entity Identifier (for SAM.gov verification)

December 9, 2024
Date

Sub-Recipient Name: Town of Fort Myers Beach

DEM Contract Number: TBD

FEMA Project Number: TBD

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

TOWN OF FORT MYERS BEACH																					
ANTICIPATED DISADVANTAGED, MINORITY, WOMEN OR VETERAN PARTICIPATION STATEMENT																					
Status will be verified. Unverifiable statuses will require the PRIME to either provide a revised statement or provide source documentation that validates a status.																					
A. PRIME VENDOR/CONTRACTOR INFORMATION																					
PRIME NAME		PRIME FID NUMBER		CONTRACT DOLLAR AMOUNT																	
IS THE PRIME A FLORIDA-CERTIFIED DISADVANTAGED MINORITY OR WOMEN BUSINESS ENTERPRISE? (DBE/MB/WBE) OR HAVE A SMALL DISADVANTAGED BUSINESS BA CERTIFICATION FROM THE SMALL BUSINESS ADMINISTRATION? A SERVICE DISABLED VETERAN?		VETERAN	Y	N	IS THE ACTIVITY OF THIS CONTRACT... CONSTRUCTION? Y N CONSULTATION? Y N OTHER? Y N																
		DBE?	Y	N																	
		MBE?	Y	N																	
		WBE?	Y	N																	
		SDB BA?	Y	N																	
IS THIS SUBMISSION A REVISION?		Y	N	IF YES, REVISION NUMBER																	
B. IF PRIME HAS SUBCONTRACTOR OR SUPPLIER WHO IS A DISADVANTAGED MINORITY, WOMEN OWNED, SMALL BUSINESS CONCERN OR SERVICE DISABLED VETERAN, PRIME IS TO COMPLETE THIS NEXT SECTION																					
DBE /MB/WBE VETERAN	SUBCONTRACTOR OR SUPPLIER NAME	TYPE OF WORK OR SPECIALTY	ETHNICITY CODE (See Below)	SUB/SUPPLIER DOLLAR AMOUNT	PERCENT OF CONTRACT DOLLARS																
TOTALS																					
C. SECTION TO BE COMPLETED BY PRIME VENDOR/CONTRACTOR																					
NAME OF SUBMITTER		DATE		TITLE OF SUBMITTER																	
EMAIL ADDRESS OF PRIME (SUBMITTER)		TELEPHONE NUMBER		FAX NUMBER																	
NOTE: This information is used to track and report anticipated DBE or MBE participation in federally-funded contracts. The anticipated DBE or MBE amount is voluntary and will not become part of the contractual terms. This form must be submitted at time of response to a solicitation. If and when awarded a County contract, the prime will be asked to update the information for the grant compliance files.																					
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th style="text-align: left;">ETHNICITY</th> <th style="text-align: left;">CODE</th> </tr> </thead> <tbody> <tr><td>Black American</td><td>BA</td></tr> <tr><td>Hispanic American</td><td>HA</td></tr> <tr><td>Native American</td><td>NA</td></tr> <tr><td>Subcont. Asian American</td><td>SAA</td></tr> <tr><td>Asian-Pacific American</td><td>APA</td></tr> <tr><td>Non-Minority Women</td><td>NMW</td></tr> <tr><td>Other, not of any other group listed</td><td>O</td></tr> </tbody> </table>						ETHNICITY	CODE	Black American	BA	Hispanic American	HA	Native American	NA	Subcont. Asian American	SAA	Asian-Pacific American	APA	Non-Minority Women	NMW	Other, not of any other group listed	O
ETHNICITY	CODE																				
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Native American	NA																				
Subcont. Asian American	SAA																				
Asian-Pacific American	APA																				
Non-Minority Women	NMW																				
Other, not of any other group listed	O																				
D. SECTION TO BE COMPLETED BY TOWN OF FORT MYERS BEACH																					
DEPARTMENT NAME		FMS CONTRACT # (F & W or PO/REQ)		GRANT PROGRAM/CONTRACT																	
ACCEPTED BY:					DATE																

FEDERAL CONTRACT PROVISIONS AND ASSURANCES

LOBBYING CERTIFICATION **(To be submitted with each bid or offer exceeding \$100,000)**

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Florida Marine Contracting & Recovery LLC
Contractor (Firm Name)

Stephen Lee
Signature of Contractor's Authorized Official

AMBR
Name and Title of Contractor's Authorized Official

December 9, 2024
Date

President Joseph R. Biden, Jr. Increases Federal Cost Share for Florida

Release Date: December 9, 2024

WASHINGTON -- FEMA Administrator Deanne Criswell announced that President Joseph R. Biden, Jr. made additional disaster assistance available to the state of Florida to supplement recovery efforts in the areas affected by Hurricane Milton from Oct. 5 to Nov. 2, 2024.

The President authorized the federal cost-share to be increased to 100% for debris removal and emergency measures, including direct federal assistance for a period of 120 days of the state's choosing within the first 180 days from the start of the incident period. The major [disaster declaration](#) made federal funding available for public assistance, the Hazard Mitigation Grant Program and other needs assistance for total eligible costs.



FEMA

Page 1 of 1

FMCR

DAILY DEBRIS RECORD SHEET

FMB – CANAL CLEAN UP

1/2/2025 – C14

SPLIT AC UNIT, VIYNL SIDING ASSORTED WOOD



1/3/20225 – C15

STORM SHUTTERS, PLASTIC SHEETING, OUTDOOR CARPET AND FURNITURE



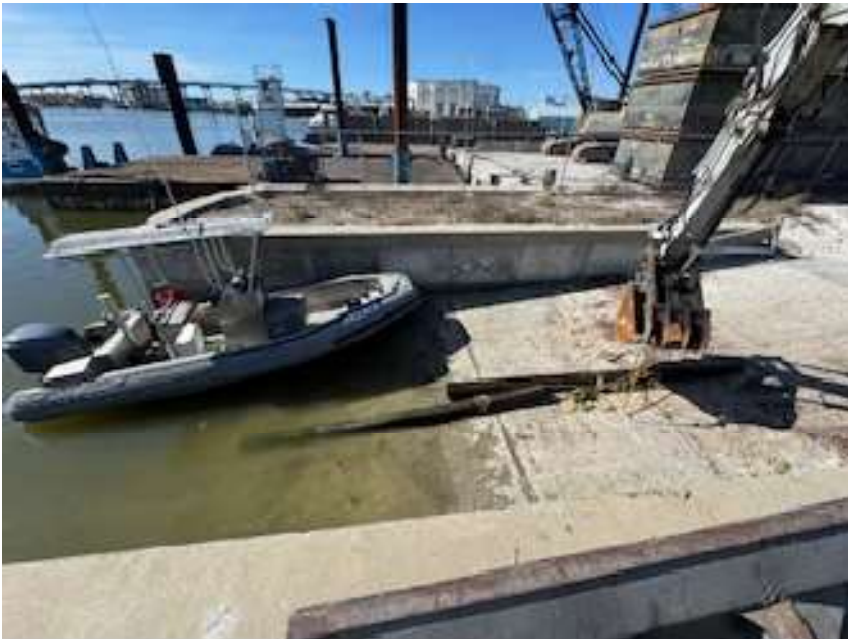
1/3/2025 C16

RECLINER, SOFFIT, CARPET, PLASTIC SHEETING AND PILE



1/3/2025 – 29B AND 29C

2 PILES





1/3/2025 19C

PORTLATES, WOOD DEBRIS, GENERAL TRASH, PART OF A PLASTIC SHED





1/4/2025 C18
REBAR, PVC PIPE, FLOWER POTS, CARPET AND BIMNI TOP





1/4/2025 C19
TWO PILES



1/4/2025 C19 A AND C CHANNELS
GANG BOX CONSTRUCTION DEBRIS, FLOWER POTS SIT CASES



1/6/2025 19A AND 15
SHEET PILE, FANS, GUTTER, FLOWER POTS, WOOD





1/6/2025 C20



1/6/2025 C14 AND C 20

OLD ROTTEN DOCK, RECYCLING BIN, TRASH CAN, FEW PILE STUBS



1/6/2025 MANGROVES

TRASH CANS, WOOD GENERAL, PLASTIC TRASH CAN



1/7/2025 1ST TOW



2ND TOW TO PILE



1/7/2025 EAST WALL
FLOATING DOCK



1/7/2025 EASTWALL
2 PILES



1/7/2025 MANGROVES
PLYWOOD ASSORTED BOARDS, PLASTIC CHAIRS WOODEN CHAIRS





1/7/2025 EASTWALL / NORTH END
SIGNS, WOOD DEBRIS, PILE STUBS, PVC PIPE





1/7/2025 NORTH END EAST WALL
TIRE, DOC BOX, WOOD, PLASTIC CHAIRS, WOODEN END TABLE

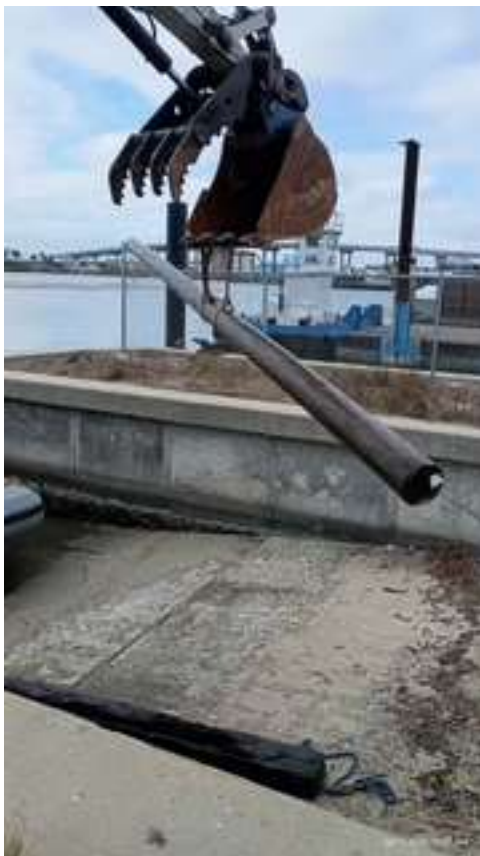


1/7/2025 NORTH END EASTWALL
MULTIPLE MATTRESSES, FLOORING, TRASH CANS, PILE STUBS





1/7/2025 EASTWALL NORTH
PILING



1/7/2025 EASTWALL
3RD PILING



1/7/2025 EASTWALL
PILING / ROPE



1/7/2025 NORTH END EASTWALL
MAST PARTS, STAYS, WOOD DEBRIS, HOUSEHOLD TRASH



1/7/2025 – EASTWALL NORTH END

SIGN, CONSTRUCTION DEBRIS



1/7/2025 EAST WALL NORTH
PILING



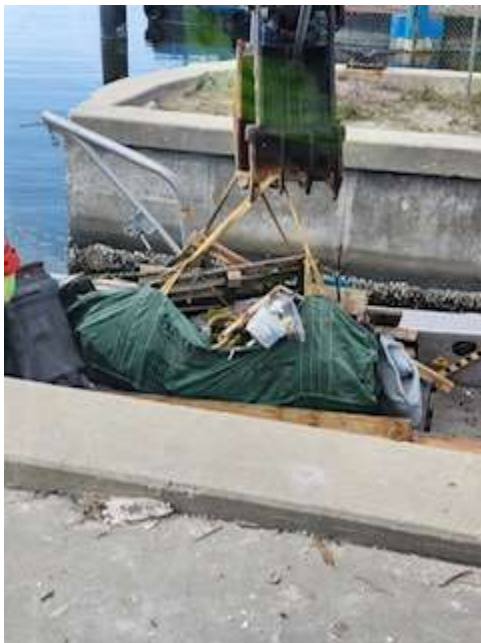
1/8/2025 – NORTH END EASTWALL
POOL, TOYS, WIRE CABLE, TRASH CAN, STYROFOAM



1/8/2025 CENTRAL EAST SIDE
GENERATOR COVER, MULTIPLE TRASH CANS, 5 GALLON BUCKETS, 5 GALLON
PAINT



1/8/2025 CENTRAL EAST BANK
LOVESEAT ASSORTMENT OF LUMBER 5 GALLONS OF PAINT, GENERAL TRASH







1/8/2025 CENTRAL EAST WALL
BATTERY, ASSORTMENT OF WOOD, BOAT DEBRIS





1/8/2025 CENTRAL EAST BANK
PILE STUBS, ROPE, PLYWOOD, PVC PIPE, INTERIOR TRIM





1/13/2025 CANAL 20
GENERATOR COVER ADS PIPS



1/13/2025 – CANAL 20
BOAT PARTS



1/13/2025 C20
WOOD, TRASH CANS



1/13/2025 C20

TRASH CANS, FURNITURE, WOOD, DEBRIS, PLASTIC TOTES, PILE STUBS



1/13/2025 C20

CONSTRUCTION FENCE, WOOD, FLOATS, TRASH BINS



1/13/2025 C20

LOTS OF PLYWOOD, PLASTIC BUSKET, POOL, TOYS



1/13/2025 C20

CHAIRS, FLOATS, WOOD, PLASTIC CONTAINERS, BUCKETS



1/13/2025 C20

FORM STAKES, PLASTIC CHAIRS, DOOR FRAME, SILT FENCE



1/14/2025 C19 AND 20

TRASH CAN, MATTRESS, WHEEL BARROW, WATER HOSE, LAWN FURNITURE



1/15/2025 C19 – 29 A B C D

T TOP BOAT LIFT BOWS, LUANDRY BASKET, BOAT LIFT COVER, AWNING



1/15/2025 C19 – 29 A B C D

METAL SIDING OR ROOF, PILE STUBS, CONCRETE PARKING CURB, PVC PIPE







1/15/2025 C 13







1/16/2025 C28 D
LAWN CHAIRS, TIRE, SIGN, TRASH CANS, OUTDOOR CARPET, DOCK BOXES





1/16/2025 CANAL 27



1/16/2025 CANAL 24



1/16/2025 CANAL 21



1/16/2025 C26 AND 25
A/C UNIT, TRAFFIC CONES, TRAP, PALLETS





1/17/2025 C21
TRASH BINS, CHAIRS, PROPANE TANK, WOOD



1/17/2025 C21

PICTURE, PIPE, PALLET, ALUMINUM WALK BOARD, WOOD DEBRIS





1/18/2025 C21



1/18/2025 C22



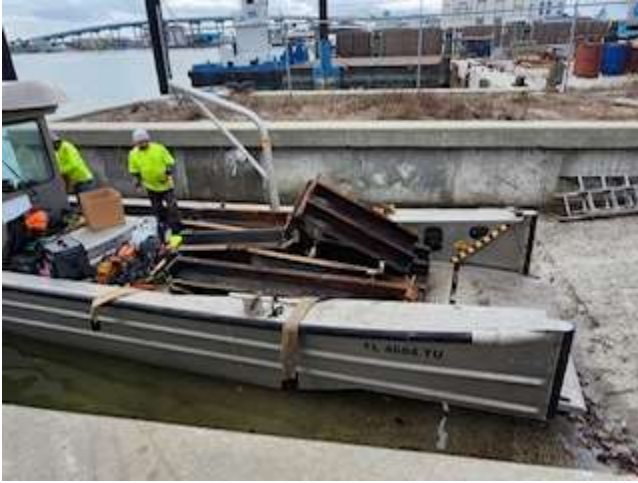
1/18/2025 C22



1/18/2025 FRONT OF SNOOK BITE MARINA



1/18/2025 CONNEX



1/20/2025 C21, 22, 23, 25
RECYCLE TRASH BINS, WOOD, DEBRIS, WATER HOSE



1/21/2025 C 30



1/21/2025 CONNEX FLOOR



1/21/2025 C30

LOTS OF WOOD DEBRIS, WATER HOSE, DOOR, TRIM



1/21/2025 C30



1/22/2025 C14

TRASH CANS, WICKER, FURNITURE



1/22/2025 C14

CARPET, WICKER FURNITURE, WASHING MACHINE



1/22/2025 C9
PIECE OF DOC



1/22/2025 C9
BOX SPRINGS, DRESSER, ASSORTED LUMBER



1/23/2025 C9
PVC, FENCE, VIYNL SIDING, CARPET



1/23/2025 C14
WIRE RACKS, HOUSEHOLD FURNITURE





1/23/2025 C15

SHEET PILE, TRASH CAN, ROLL ROOFING, WOOD, DEBRIS



1/23/2025 C15

AC COVER, SILT FENCE, CHAIRS



1/24/2025 C15

OUTSIDE A/C UNIT, TIRE, PALLET, TRASH



1/24/2025 C14

DOCK PIECE, LAWN MOWER, ELECTRIC COVER FOR UNDER UNDERGROUND



1/24/2025 C30

MATRESS, TRASH CAN, ASSORTED WOOD DEBRIS, TIRE HOUSEHOLD GARBAGE



1/25/2025 C30

CONCRETE AC PAD TRASH CAN HOUSEHOLD GARBAGE



1/25/2025 C30

PEX PIPE, BABOO DEBRIS, TRASH CAN, PLYWOOD, PLASTIC BUILDING



1/25/2025 C30
FLOATING DOC



1/25/2025 C30
PALLET, KAYAK, TRASH CANS, TRAFFIC CONE



1/25/2025 C8

MICROWAVE, COUNTER TOP AND OTHER KITCHEN STUFF



1/27/2025 C30

BOAT LIFT CANOPY, PALLET, PLYWOOD, ASSORTED BOARDS, WOODEN BEAM



1/27/2025 C5 AND C6



1/27/2025 C30



1/27/2025 C8
POLE



1/27/2025 C8
PORTA POTTY, SILT FENCE



1/27/2025 C8



1/28/2025 C3

PAN ROOFING, PLYWOOD, WOOD, DEBRIS, FENCING



1/28/2025 C9

WOOD, DEBRIS, A/C COVER, PALLET



1/28/2025 C8

16X20 DOCK, TOP RAIL FOR CHAIN LINK FENCE, PVC PIPE



1/28/2025 C8

PLYWOOD PILE STUBS, PLASTIC STORAGE BIN, WHICKER CHAIR



1/28/2025 C6 AND C8

WHICKER CHAIRS, PLASTIC CHAIRS, ASSORTED BOARDS



1/29/2025 C10

PLYWOOD, FLWER POTS, PLASTIC TOTES, POOL CLEANER



1/29/2025 C14

TRASH CANS, PLASTIC BUCKET, PLASTIC CHAIRS



1/30/2025 C5

HOTEL LAUNDRY CART, PLASTIC STORAGE BUILDING PARTS, PAN ROOFING



1/30/2025 C19 CONSTRUCTION DEBRIS, AT FLOATING CANOE AND KAYAK DOC



1/31/2025 C19

DOCK DEBRIS PILE, GRILL COVER, BEDDING MATERIAL



1/31/2025 C30

WOOD DEBRIS PLASTIC, PLYWOOD



2/1/2025 29A
DOCK BOX, FISH CLEANING STATION



2/1/2025 C19
TIRE, PLYWOOD, VIYNL SIDING



2/3/2025 C3



2/1/2025 C19



2/1/2025 C3-6







2/3/2025 C29 B C AND D
BOAT LIFT CANOPY AND FRAME, PLASTIC BUCKET, PLASTIC STORAGE SHED
PIECES, PILE



2/3/2025 C 27



2/4/2025 C29 AND 29D FLOWER POTS MISC DEBRIS



2/4/2025 C15
LAWN CHAIRS, PILE PACKS FENCE





02/04/2025 C15

DRYER, PVC FENCE, LANAI PARTS



2/4/2025 C24, 25



2/4/2025 C14 PICNIC TABLE



2/6/2025 C1







02/6/2025 C1
CONSTRUCTION MATERIALS, ROOFING MATERIALS, TRASH CANS



2/6/2025 C2
LAWN CHAIRS, KITCHEN STUFF, TRASH CANS



2/6/2025 C3
ROOFING MATERIALS, VIYNL SIDING, MISC BOARDS



2/7/2025 C1
LAWN CHAIRS, PVC, FENCE, REALTOR SIGN



2/7/2025 C2
HOUSE DEBRIS



2/8/2025 C2
METAL ROOF, METAL SIDING, FLOWER POTS, PLASTIC STORAGE SHED



2/8/2025 C30 A

LADDERS, TOOLS, KITCHEN SUPPLIES, WOOD, DEBRIS





2/10/2025 C6 C7
TAR ROOF, PILE, DOCK BOARDS



C-6







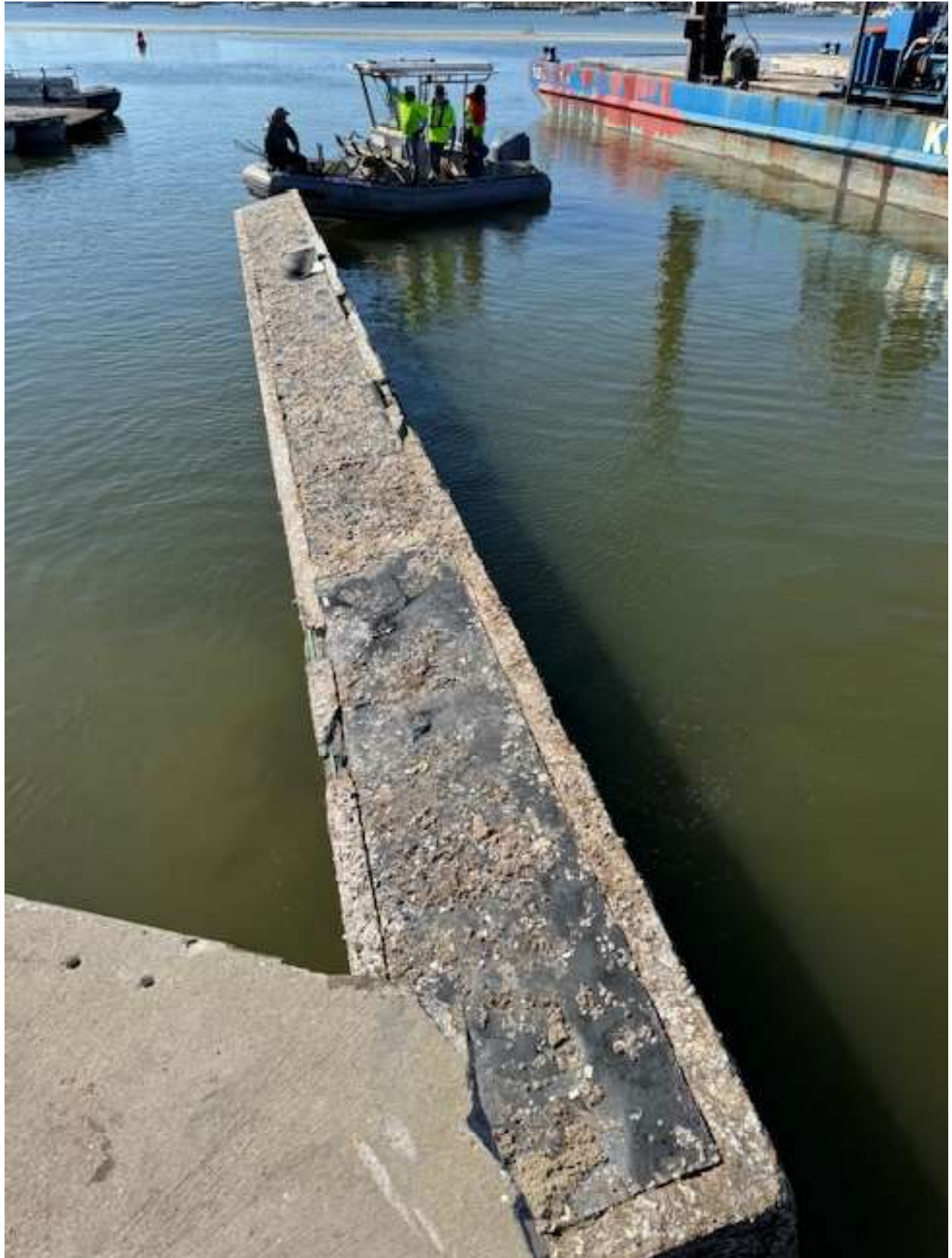




















1. **Request:**

Meeting Date: March 3, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF A VALVE EXERCISER FROM E. H. WACHS UTILITY PRODUCTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$93,185.20; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

Without this equipment, utility technicians will continue to turn valves manually and with great difficulty, which slows down the process and causes delays in shutting off the water supply to the location of water main break. It also allows utility technicians to function more efficiently.

What the action accomplishes:

Authorizing this purchase will provide the equipment necessary to expedite the process of turning valves, thus minimizing potential damage caused by water main breaks, as well as increasing the overall efficiency of the utility technicians, and facilitating compliance with the requirement to exercise valves on an annual basis.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Joe Onzick, Finance Director

5. **Background:**

The Town of Fort Myers Beach Water Utility Department needs to replace the equipment used to turn and/or exercise water main valves, in order to expedite the action when necessary, thereby minimizing potential damage caused by water main breaks, as well as to facilitating compliance with the requirement to exercise valves on an annual basis.

Attachments:

1. ns 25-60, Sole Source Purchase of Wachs Valve Exerciser for Water Lines
2. 25-60, Sole Source Wachs Valve Exerciser for Water Lines - Purchase Order
3. 25-60, Sole Source Wachs Valve Exerciser for Water Lines - Quote HC230333
4. 25-60, Sole Source Wachs Valve Exerciser for Water Lines - Sole Source

Financial Impact:

The cost of the Valve Exerciser is \$93,185.20, and will be funded by insurance proceeds for the water distribution system.

6. **Alternative Action**

The Town Council may choose not to purchase the valve exercising equipment.

7. **Management Recommendations:**

Management recommends approval of this purchase.

8. **Recommended Approval:**

Joe Onzick, Finance Director
Jeff Hauge, Community Services Director
Joe Onzick, Finance Director

Created/Initiated - 2/12/2025
Approved - 2/12/2025
Approved - 2/12/2025

nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 2/13/2025
Approved - 2/21/2025
Final Approval - 2/21/2025

RESOLUTION NUMBER 25-60

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF A VALVE EXERCISER FROM E. H. WACHS UTILITY PRODUCTS AS A SOLE SOURCE PROVIDER AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$93,185.20; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Town of Fort Myers Beach needs equipment to automate the turning or exercising of water main valves to expedite the action when necessary and minimize damage caused by water main breaks; and

WHEREAS, funding is available in the form of insurance proceeds for the water distribution system, which would be appropriate to use to fund equipment for its maintenance; and

WHEREAS, Section 2-480(c)(1)(a) of the Town of Fort Myers Beach Code of Ordinances provides that when it is in the best interest of the Town of Fort Myers Beach, a contract may be awarded without competition when the town manager, with the recommendation of the finance department director and department director, determines after conducting a good faith review of available sources that there is only one source for the required supply, equipment, service, or construction item; and

WHEREAS, Wachs Utility Products has provided a document certifying that they are the sole provider (source) of the patented “Wachs Valve Maintenance Trailer,” which is the valve exerciser the town needs; and

WHEREAS, it is in the best interest of the residents of the Town of Fort Myers Beach to execute a Purchase Order with Wachs Utility Products in the amount not to exceed \$93,185.20 for a Wachs Valve Maintenance Trailer.

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

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

Section 2. The Town Council hereby approves the sole source purchase from Wachs Utility Products for the Valve Maintenance Trailer in the amount not to exceed \$93,185.20 and authorizes the Town Manager or his designee to execute any documentation related to the purchase order, which is attached hereto as “Attachment A.”

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

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Council Member Woodson, 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 3rd day of March 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

Attachment A



Town of Fort Myers Beach Purchase Requisition

Requested By:	Jeff Hauge	PO No:	
Department:	Water Department	Request Date:	2/12/2025

Vendor Name:	E. H. Wachs Utility Products
Vendor Address:	600 Knightsbridge Parkway, Lincolnshire, Illinois 60069
Vendor Phone:	847-537-8800
Vendor ID (if known):	

Include as much detail as possible to explain why this purchase is needed.

Item Number	Description	Qty	Price	Extended Price
77-000-36	Standard LX (Gas) - VMT (RH) Single Turner Valve Maintenance Trailer	1.00	88,750.00	88,750.00
79-430-20	1 day field training	1	-	-
Delivery		1	4,435.20	4,435.20
				-
				-
Total:				93,185.20
Detailed Description:	Valve exerciser needed to automate the turning/exercising of water main valves, so as to expedite the			
turning of valves and minimize potential damage caused by water main breaks.				
This equipment will be paid for out of insurance proceeds for the water distribution system.				

Account Coding: 13-40-533-64000

Payment Type: Invoice Store Account Pcard Suntrust
(circle one)

Director's Signature:

Date: 2.12.25

Required Documents: \$5000-\$10,000 - 3 verbal quotes
\$10,000-\$75,000 - 3 written quotes
\$75,000-over - Sealed competitive bid**
**\$35,000-over for FEMA Reimbursable Purchases

If contract has been awarded, attach contract
If STA has been approved, attach STA
Sole source

Form Included
Yes

Invoices and packing slips must be provided to Finance upon receipt of goods/services.

Please send invoices to Invoices@fmbgov.com

Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

TO: **Vanessa Kraft**
 Town of Fort Myers Beach
 2525 Estero Blvd
 Fort Myers Beach, FL 33931

Date: 2/12/2025
 Quotation Number: HC230333
 Payment Terms: Net 30 Days
 Shipping Terms: FCA Origin
 Valid Through: 4/13/2025
 Estimated Ship Date: 8 Weeks ARO
 Reference: HC219110

E.H. Wachs is pleased to offer the following quotation.

Item Number	Description	Qty	U/M	Unit Price (USD)	Disc%	Line Total (USD)
1	77-000-36 Standard LX (Gas) – VMT (RH): Single turner valve maintenance trailer; includes Wachs 750 Ft/lb (1020 Nm) Extended Reach Valve operator for those preventive maintenance activities, telescoping valve key and Wachs ruggedized TC-100 with GPS controller/datalogger. A 27 HP (20 kW) gasoline powered Kohler overhead cam air cooled engine provides ample power for all contained functions, including an auxiliary HTMA Class II circuit; 10 gallon (38 L) reservoir, fan cooled heat exchanger, continuous duty rated for 8 GPM (30.3 LPM) @ 2,000 PSI (140 bar). A positive displacement blower provides 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum, with spoils containment provided by a 250 (950 L) gallon tank with power hydraulic dump (rear discharge) and latching rear door. Also driven from the common power train is a 2.5 GPM (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 3 gallon (11.4 L) anti-freeze tank and 95 gallon (360 L) water tank. Includes 2-1/2" (63.5mm), 1-1/4" (31.75mm) & 7/8" (22mm) suction wands and one each short and long wash-down guns. The LX package bundles the service light bar with arrow board, 45' (14 M) auxiliary hydraulic hose reel for operation of hydraulic power tools & Bluetooth tethering module (installed in ERV-750) for wireless communication between the exerciser and Controller/Data Logger and 24" (61cm) X 18" (46cm) x 18" (46cm) aluminum job box.	1	EA	88,750.00		88,750.00
2	79-430-20 Field training - 1 day program. Training topics range from field operation of the mechanical systems like hydro-excavation and Valve operator; to training of computerized controllers and preventive maintenance software like VITALS. Field crews and participants will be shown, in detail, standard procedures for safe and efficient operation and use of valve maintenance tools.	1	EA	2,495.00	100.0%	0.00
3	DELIVERY Pool Delivery Rate (Per Mile) with a minimum of 300 miles. Rate calculated is 1344.00 MILE from Lincolnshire, IL to final destination.			3.30		4,435.20
Total (USD)						\$93,185.20

Note: Shipping is an estimate and will be adjusted upon departure.

We will prepay and add shipping charges to your order, or we can ship collect via your choice of carrier service. If you have any questions please feel free to call Hassan Cruz at 847-778-8824 or call me at 847-484-2611.

If you are tax exempt, please supply your identification number and certificate with your order. If your exempt number is not on file, tax will be added to your invoice.

Please reference this quote number when placing your order. Thank you.

Leanne Sanchez
 Technical Sales Representative
 847-484-2611
 leanne.sanchez@ehwachs.com

Sales of E.H. Wachs products and services are expressly limited to and made conditional on acceptance of its current Terms and Conditions of Sale, found at ehwachs.com ("Terms"). Any additional or different terms are hereby rejected. Commencement of work by E.H. Wachs or acceptance of delivery of products by you constitutes your acceptance of the Terms.

January 15, 2024

To whom it may concern,

This letter serves as a Sole Source document for the EH Wachs Valve Maintenance Trailer (VMT) and for the EH Wachs Valve Maintenance Skids (VMS) products including Hydro Excavation versions Designed, Engineered, and Manufactured by EH Wachs Utility Products, at 600 Knightsbridge Pkwy Lincolnshire, Illinois 60069.

Our unique VMT/VMS products have been awarded multiple US Patents:

- Position Locking System for valve operating system Patent number 9,523,443
- Dual Arm Valve Operating Machine Patent number 9,038,667
- Vehicle Mountable Arm for valve operating machine Patent number 8,025,078
- Positioning System for valve operating system Patent number 9,188,240
- Computer Controlled System for controlling valve machine (Expired)
- Sliding Valve Operator (Expired)

In North America Regional Distribution is through Direct Regional Account Managers or Exclusive Dealers; in your territory Hassan A. Cruz is the only outlet to purchase these products and be provided OEM support.

Thank you for your consideration

At your service,



John R Gruntfest
North America Sales Manager
Wachs Utility Products