



Fort Myers Beach Local Planning Agency

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

REVISED Agenda

Tuesday, April 8, 2025

9:00 AM

The LPA will be recessed approximately between Noon and 1:00 PM for lunch

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. APPROVAL OF MINUTES**
- VI. PUBLIC COMMENT**
- VII. PUBLIC HEARINGS**

- A. REZ20240275; 1011 Third Street

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REZONING OF PROPERTY LOCATED AT 1011 THIRD STREET, FORT MYERS BEACH, FLORIDA (STRAP NUMBER 24-46-23-W3-00202.0060) FROM DOWNTOWN TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH THREE DEVIATIONS: 1) REQUEST TO APPLY PROPERTY DEVELOPMENT REGULATIONS FOR THE DOWNTOWN ZONING DISTRICT, RATHER THAN THE RESIDENTIAL MULTI-FAMILY STANDARDS IN SEC. 34-943 REQUIRING USE OF THE RM DEVELOPMENT REGULATIONS, 2) REDUCTION OF THE REQUIRED 5-FOOT SIDE YARD SETBACKS TO ALLOW FOR DEVELOPMENT ON THE EASTERN PROPERTY LINE and 3) REQUESTING A FLOOR AREA RATIO (FAR) OF 1.7, AN INCREASE OVER THE 1.0 FAR ALLOWED IN SEC. 34-675(C)(3); PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. VAR20250027; 726 Estero Boulevard

726 ESTERO BOULEVARD: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250027, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 726 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.007B IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACK, AND BUILDING COVERAGE TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. VAR20250048; 1901 Estero

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE APPLICATION 20250027 FOR THE PROPERTY LOCATED AT 1901 ESTERO BLVD., FORT MYERS BEACH (STRAP NUMBER 19-46-24-W4-0090B.0080) FOR THE FOLLOWING 5 VARIANCES: 1) A VARIANCE OF 15 FEET TO ALLOW A FRONT SETBACK OF 25 FEET WHERE 5-10 FEET IS REQUIRED; 2) A VARIANCE OF 5 FEET TO ALLOW A REAR SETBACK OF 20 FEET WHERE 25 FEET IS REQUIRED; 3) A VARIANCE TO BUFFER REQUIREMENTS TO PROPOSE A BETTERMENT PLAN WITHOUT A BOUNDARY WALL; 4) A VARIANCE TO PARKING LOCATION REQUIREMENTS TO ALLOW BACK-OUT PARKING ALONG ESTERO BLVD. AND OHIO AVENUE; AND 5) A VARIANCE TO PARKING AMOUNT REQUIREMENTS FROM 22 REQUIRED PARKING SPACES TO 9 SPACES, FOR A PROPOSED MIXED-USE COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

D. VAR20250056, 2900/2902 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250056, REQUESTING FOUR VARIANCES FOR THE PROPERTY LOCATED AT 2900/2902 ESTERO BLVD., IN THE RM ZONING DISTRICT, AND GENERALLY REFERED TO AS STRAP NUMBER 30-46-24-W2-003M0.0140 IN FORT MYERS BEACH, 1) A VARIANCE OF 5 FEET FROM REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM ESTERO BLVD., TO ALLOW A PRIMARY STRUCTURE 20 FEET FROM ESTERO BLVD., 2) A VARIANCE OF 10 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM SEAVIEW ST., TO ALLOW A PRIMARY STRUCTURE 15 FEET FROM SEAVIEW ST. 3) A VARIANCE OF 15 FEET FROM THE

REQUIRED ACCESSORY STRUCTURE STREET SETBACK, IN DIVISION 4. TABLE 34-3, TO ALLOW AN AT-GRADE POOL WITHOUT SCREEN ENCLOSURE 10 FEET FROM SEAVIEW ST., 4) A VARIANCE FROM SEC. 34-1174(b) TO ALLOW A POOL CLOSER TO THE STREET THAN THE PRIMARY STRUCTURE; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

RECESS – MEETING WILL RECONVENE AT 1:00 PM

E. Arches Resort CPD

ARCHES COMMERCIAL PLANNED DEVELOPMENT: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET, 935, & 939 THIRD STREET, AND 401 OLD SAN CARLOS BLVD., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23-W3-0030A.0020 & 24-46-23-W3-0030A.0010 FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

F. Comprehensive Plan Amendment- Marina and Mixed Residential FLU to Pedestrian Commercial FLU

ARCHES COMPREHENSIVE PLAN AMENDMENT: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, FOR PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040 & 24-46-23-W3-0030A.0110, FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. RECESS AS LOCAL PLANNING AGENCY / CONVENE AS HISTORIC PRESERVATION BOARD TO APPROVE MINUTES

A. Historic Preservation Board - October 22, 2024

- IX. ADJOURN AS HISTORIC PRESERVATION BOARD / RECONVENE AS LOCAL PLANNING AGENCY**
- X. LPA MEMBERS ITEMS/REPORTS**
- XI. LPA ATTORNEY ITEMS/REPORTS**
- XII. COMMUNITY DEVELOPMENT ITEMS/REPORTS**
- XIII. ITEMS FOR NEXT MONTHS AGENDA**
- XIV. ADJOURNMENT**

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

ONE OR MORE TOWN COUNCIL MEMBERS MAY BE PRESENT AND PARTICIPATE IN THIS MEETING.

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

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



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



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Tuesday, March 11, 2025

Minutes

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

V. APPROVAL OF MINUTES

A. Local Planning Agency - February 11, 2025
LPA Member Sudduth moved to approve the minutes, seconded by LPA Member Eckmann.
The motion carried unanimously.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

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

A. VAR20250015, 702 Estero Boulevard

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250015, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 702 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.008E IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACKS, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Kara Stewart represented the contractor and noted the cottage lot had been in the family since 1981. The previous house was approximately 756 square feet, with an enclosed area below and a deck for 1,182 square feet. The applicant proposed 1,350 square feet with 1,080 square feet of living area.

They had no objections to the conditions.

Planner Lee noted that staff recommended approval and reviewed the criteria and conditions.

No public comment.

LPA Member Plummer moved to approve the nine-foot setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Sudduth.

The motion carried unanimously.

LPA Member Dunlap moved to approve the rear setback variance, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member McLean.

The motion carried unanimously.

LPA Member McLean moved to approve the five-foot side setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Dunlap.

The motion carried unanimously.

LPA Member Eckmann moved to approve the north side setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Sudduth.

B. VAR20250018, 154 Virginia Avenue

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250018, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 154 VIRGINIA AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-00090C.0040 IN FORT MYERS BEACH, TO VARY 6.8 FEET FROM REQUIRED 20 FOOT REAR SETBACK TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RC ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Community Development Planner Sarah Propst reviewed the background of the request as stated on the yellow sheet. She noted that the staff recommended denial because the applicant could choose a different design to fit on the parcel. She indicated there had been no objections from the neighbors.

Kara Stewart stated that the lot could have a home with 4,800 square feet of living space and they proposed 1,700 square feet. She felt the request was de minimis based on how large the house could be.

No public comment.

Planner Propst read the conditions.

LPA Member Dunlap moved to approve the resolution based on the findings and conclusions, consistency with the comp plan and the conditions, seconded by LPA Member Sudduth.

The motion carried unanimously.

VIII. ADMINISTRATIVE AGENDA

A. Discussion Only - Notices

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

Chair Cereceda commented that this ordinance and the next one were for discussion only. Town Attorney Stuparich noted that the town council would discuss the ordinances at their next M&P Session. After the discussion, the ordinances will come back to the LPA to consider adoption. Chair Cereceda read the title of the ordinance.

Town Attorney Stuparich indicated this would shift the burden of noticing to the applicant and developer.

Planner Propst stated that this was required before the hearing and if the applicant could not provide evidence that they did this, they would not be allowed to come before the LPA. She explained that people have been complaining that they did not receive the notice from the Town and it costs the town time and money to resend them. She added that many other communities were doing the same.

Proof from the applicant included an Affidavit of Compliance and identifying the criteria that needed to be satisfied. Planner Propst noted the town only charged to cover the printing and mailing and they did not make money. Instructions on completing the process were available and anyone with questions could call the town for advice. She described the process and noted it was simple. She added that the applicants could hire a business to send notices. LPA Member Eckmann commented that people will still say they did not receive a notice. LPA Member Dunlap responded that the town was still required to advertise and notice the agenda. LPA Member Sudduth thought the process was antiquated. LPA Member Eckmann agreed but thought it might be necessary for residents to find out what was happening that was relevant to their property.

Planner Propst noted that the permitting system will eventually change and it might be possible for people to sign up to receive alerts that could affect their property. Town Attorney Stuparich pointed out that subsection B. discussed notices using layperson's terms. For example, multi-family residents will state apartment buildings and restaurants rather than business zoning. The LPA supported the ordinance.

B. Application Review Fees and Payment

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

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich asked whether the LPA intended this and noted that it was quite broad. LPA Member Dunlap explained what he intended. Suppose someone asks for a variance to do something different and is allowed to do so under normal rights. In that case, they agree to comply with the conditions of approval and move forward with the development.

He felt that when applicants did not comply with what they agreed to do under other variances or ordinances, they should not be allowed to request variances on different properties. It was an abuse of time and respect for the process. The applicant's credibility was shot because they ignored the previous rules and agreements. If the Special Magistrate ordered a fee or lien on a property, they had to come into compliance before asking for anything else. His analogy was that he would not hire a bank robber to work in his bank just because his bank was not the one that they robbed. He clarified that this would not include people with outstanding parking fines. It was a land use approval issue. Chair Cereceda noted that the Special Magistrate process took some time and a person could come to the LPA during that gap. She asked whether they could include pending Special Magistrate hearings. LPA Member Dunlap did not have an answer. He wanted the applicants to prove that they had corrected their lousy behavior before asking for additional freedoms that could end up in front of the Special Magistrate again. He added that there were only a few out there, but they were big, and even though they had the resources, they chose bad behavior. LPA Members Plummer and Sudduth suggested that if they owe the town money for anything, they should come into compliance first. LPA Member Eckmann thought it was too general and that traffic tickets could be contested, which complicated the process. LPA Member Plummer supported keeping the ordinance intact. Chair Cereceda added that including everything simplified it and did not leave any holes open for people to walk through.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer said the Shrimp Parade was fabulous, and more people attended than she expected. She noticed that not as many kids or grandkids attended.

LPA Member McLean would like to discuss the proliferation of parking lots on undeveloped lots, such as at the old Shamrock. He indicated the town had issued citations. LPA Member Plummer added that the town had put barriers on some lots. Existing codes related to parking lots will be discussed later.

LPA Member Dunlap brought up creating places where he could dock his boat to drop off people at Times Square, similar to a ferry system. Chair Cereceda responded that the discussion was not new and that, at one time, a map identified locations for parking boats. LPA Member Dunlap suggested that a dock be designated to drop off people.

Chair Cereceda asked whether there was a way to request that developments include images of what their project would look like after completion. Planner Propst brought up 3D printing, but she was unsure about the cost. Chair Cereceda thought models should be a requirement rather than graphics. LPA Member Sudduth described how using the models could be a public benefit and LPA Member Eckmann mentioned using drones. LPA Member Sudduth stated they could ask for all the models they wanted, but if the town council continued to approve things without models, it would not matter.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Propst indicated they would need a second meeting in April. The second meeting was tentatively scheduled for April 29, 2025. She reviewed some of the projects that are coming forward. Planner Propst stated the library was opening this weekend. Senior Planner Smalley and the Corradino Group would set up a table for public outreach regarding the comp plan and the LDC. A flyer with a survey QR code and poster boards would be available for input. Chair Cereceda offered to help.

XII. ITEMS FOR NEXT MONTHS AGENDA

Mentioned above.

XIII. ADJOURNMENT

Chair Cereceda adjourned the meeting at 10:22 a.m.

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

Yellow Sheet Number: **2025-334**

1. Request:

Meeting Date: April 8, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REZONING OF PROPERTY LOCATED AT 1011 THIRD STREET, FORT MYERS BEACH, FLORIDA (STRAP NUMBER 24-46-23-W3-00202.0060) FROM DOWNTOWN TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH THREE DEVIATIONS: 1) REQUEST TO APPLY PROPERTY DEVELOPMENT REGULATIONS FOR THE DOWNTOWN ZONING DISTRICT, RATHER THAN THE RESIDENTIAL MULTI-FAMILY STANDARDS IN SEC. 34-943 REQUIRING USE OF THE RM DEVELOPMENT REGULATIONS, 2) REDUCTION OF THE REQUIRED 5-FOOT SIDE YARD SETBACKS TO ALLOW FOR DEVELOPMENT ON THE EASTERN PROPERTY LINE and 3) REQUESTING A FLOOR AREA RATIO (FAR) OF 1.7, AN INCREASE OVER THE 1.0 FAR ALLOWED IN SEC. 34-675(C)(3); PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The applicant wishes to reduce the number of dwelling units, but create a structure larger than what existed pre-storm which means that they cannot utilize post-disaster build-back policies without first obtaining a Special Exception.

What the action accomplishes:

Develop a larger, but less dense two-family structure with reduced setbacks adjacent to the Town's ROW/parking lot and use the building requirements in the Downtown Zoning District, rather than the RM District.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

Applicant wishes to redevelop a previously existing 4-unit residential structure into a 2-unit planned development, pushing the building towards the bridge/parking lot, using downtown as the underlying zoning requirements rather than the residential multi-family (RM) as called for in the code, and increase the floor area ration to accommodate a building with more square-footage than what existed pre-storm.

Attachments:

1. Final Ordinance 25-XX 1011 Third St (2)
2. Staff Report
3. Applicant Narrative
4. Revised MCP
5. RPD Schedule of Uses and Development Regulations
6. 1011 Third St Survey
7. LEEPA Tax Records
8. Full Architectural Plans
9. Architectural Elevations
10. Drainage Plan
11. Public Hearing Application

Financial Impact:

N/A

6. **Alternative Action**

Approve with Conditions

7. **Staff Recommendations:**

N/A

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: April 01, 2025

Frankie Kropacek, Operations & Compliance Director

Date: April 01, 2025

nancy stuparich, Town Attorney

Date: April 01, 2025

Amy Baker, Town Clerk

Date: April 01, 2025

ORDINANCE 25-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REZONING OF PROPERTY LOCATED AT 1011 THIRD STREET, FORT MYERS BEACH, FLORIDA (STRAP NUMBER 24-46-23-W3-00202.0060) FROM DOWNTOWN TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH THREE DEVIATIONS: 1) REQUEST TO APPLY PROPERTY DEVELOPMENT REGULATIONS FOR THE DOWNTOWN ZONING DISTRICT, RATHER THAN THE RESIDENTIAL MULTI-FAMILY STANDARDS IN SEC. 34-943 REQUIRING USE OF THE RM DEVELOPMENT REGULATIONS; 2) ELIMINATION OF THE REQUIRED 5-FOOT SIDE YARD SETBACKS TO ALLOW FOR A 0-FOOT SIDE-YARD SETBACK ON THE EASTERN PROPERTY LINE; AND 3) REQUESTING AN INCREASE IN THE FLOOR AREA RATIO (FAR) OF 0.7, FOR A FAR OF 1.7 FAR WHERE AN FAR OF 1.0 IS ALLOWED IN SEC. 34-675(C)(3); PROVIDING FOR 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, Matthew Noble ("Applicant"), on behalf of Merschman I LLC., owners of the property generally located at 1011 Third Street, Fort Myers Beach and bearing Strap Number 24-46-23-W3-00202.0060 (the "Property"), filed an application to rezone the Property from Downtown to Residential Planned Development ("RPD") in accordance with a proposed Schedule of Uses and Master Concept Plan (MCP) and deviations from Sections 34-943 ("Building placement, size, design and other property development regulations"), 34-674 (b)(1)(b) ("Building Placement") and 34-675(c)(3) ("Building Size") of the Land Development Code (LDC); and

WHEREAS, Exhibits A and B to this Ordinance contain a copy of the Master Concept Plan and Schedule of Uses for this RPD; and

WHEREAS, the Property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the owner as listed in the public records of Lee County Property Appraiser; and

WHEREAS, the requested deviations from the LDC include:

Deviation #1: A deviation is requested from LDC Section 34-943 to permit the use of the land use regulations applicable to the Downtown Zoning District found in Sec. 34-674 – Building

placement standards and LDC Section 34-675 – Building size, except for the requested deviation to the side-yard setback as modified through these deviations that are discussed below. The Applicant has submitted Property Development Regulations (PDRs) specific to this planned development based on the Downtown regulation standards found in sec. 34-674 and 34-675.

Deviation #2: A deviation from LDC sec. 34-674(b)(1)(b). for the eastern side setback from 5 feet to 0 feet.

Deviation #3: A deviation from sec. 34-675(c)(3) Floor area ratio (FAR) of 1.0 to permit a FAR of 1.70. The project as designed and presented represents a FAR of 1.61.

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 8th, 2025 and the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and found the requested rezoning with deviations to be consistent with the Fort Myers Beach Comprehensive Plan and Land Development Code; and

WHEREAS, the LPA voted XXX to XXX to recommend approval/ approval with conditions /denial of the request to rezone the Property from Downtown to RPD with deviations, and

WHEREAS, on the ____ day of _____, 2025 the Town Council held a first reading of the proposed Ordinance to rezone the Property with deviations, and gave full and complete consideration of the Applicant's request, the LPA's recommendation, including their finding of consistency with the Comprehensive Plan, staff's recommendation, 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 the ____ day of _____, 2025, which was noticed in the Fort Myers News-Press more than 10 days prior to the public hearing 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, as required by Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the Applicant has paid all fees associated with notice, advertisement, and consulting services required by the Town related to this rezoning request; and

WHEREAS, the Town Council finds that this request to rezone the property from Downtown to an RPD with a corresponding Schedule of Uses and Master Concept Plan (MCP) with three (3) deviations to the LDC in order to develop a two-family home is consistent with the Comprehensive Plan; and

WHEREAS, a Business Impact Estimate has been prepared and was published on the Town's website on the ____ day of _____, 2025; 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 three 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, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested rezoning request **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 RPD 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- Master Concept Plan (MCP)
- B- Schedule of Uses



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Residential Planned Development

CASE NUMBER: DCI Rezoning 20240275

CASE NAME: 1011 Third Street, rezoning to Residential Planned Development (RPD) with deviations.

LPA

HEARING DATE: April 8th, 2025

STAFF

RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Merschman I LLC./Matthew Noble

Request: Rezone the property at 1011 Third St to a Residential Planned Development to allow the development of a two-unit residential structure and request three deviations 1) remove the requirement that RPDs apply the zoning regulations for the Residential Multi-Family (RM) zoning district, and instead apply the development regulations for the Downtown zoning district (the current zoning of the lot); 2) reduce the side-yard setback on the east-side of the property from 5-feet to zero-feet and; 3) request an increase of the Floor Area Ratio (FAR) from 1.0 to 1.7.

Subject property: See Exhibit A

Physical Address: 1011 Third Street

STRAP #: 24-46-23-W3-00202.0060

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North:	DOWNTOWN Single-Family Home; Rental
South:	DOWNTOWN Commercial Restaurant
East:	RIGHT-OF-WAY Town Parking Lot
West:	DOWNTOWN Parking Lot

II. BACKGROUND AND ANALYSIS

The applicant, Matthew Noble on behalf of the property owner Merchman I LLC., is requesting to develop a two-unit residential structure located at 1011 Third St. While the lot would not be eligible for multiple residential dwelling units based on the parcel size, the applicant has shown compelling evidence that there did exist 4 dwelling units prior to the destruction caused by Hurricane Ian.

Based on Lee Property Appraiser (LEEPA) data, the pre-storm area of the structure was 2,212 sq.ft. and contained 4 dwelling units built between 1972 and 1984. Based on aerials available to staff it appears that the pre-storm structure would have compliant setbacks under today's code, although it appears that the western side-setback was less than the minimum 5' side setback required, and the rear setback was less than the 25-foot distance required within the Downtown zone. The Downtown zoning district requires setbacks of:

Front: 0-5-foot Build-To Line

Side: 5-feet

Rear: 25-feet

Maximum Height: 40-feet above Design Flood Elevation (DFE; BFE+1' freeboard)

The lot in question has an area of 3,212 sq.ft. (0.07 ac) and is located within the Town's commercial downtown core area. It is in the Pedestrian Commercial Future Land Use which allows a density of six dwelling units per acre and a maximum Floor Area Ratio (FAR) of 2.5. The surrounding lots are largely commercial in nature, sitting adjacent to parking lots, restaurants, and short-term rentals.

Analysis:

The site is located in the designated Downtown zoning district and with a "Pedestrian Commercial" land use designation on the Future Land Use (FLU) map. The Pedestrian Commercial land use category permits a maximum 1.2 F.A.R., however, LDC Section 34-953 requires that RPD rezonings apply the building placement, size, design, and all other property development regulations as required for the RM zoning district. The RM zoning district allows a maximum FAR of 1.0.

Deviations:

1. The applicant is requesting to use the Downtown zoning district Property Development Regulations (PDRs), found in sec. 34-674 and 34-675, as the underlying rules for the development of this site, rather than the Residential Multi-Family (RM) PDRs required by sec. 34-943.

- a. This will have the effect of reducing the baseline setbacks which are 6.5', 7.5' or 10' for one and two-family structures in the RM district, and replacing it with a 5' setback in Downtown, as well as providing for a greater baseline FAR as compared to the RM district. Staff is unclear why the applicant has chosen to request this deviation, considering that they are requesting a Planned Development with deviations for setbacks and FAR.
2. A request to reduce the setback on the east-side of the property from the required 5-foot distance to zero (0), effectively allowing the building to be on the property line directly adjacent to the Town's parking lot and the Matanzas Bridge right-of-way.
 - a. Staff has no concern about the request considering the uses surrounding the property are as intense –or more intense-- and the proposed residence poses little risk of any nuisances which may negatively affect the Town's parking lot. Any concerns with the bridge right-of-way would be dealt with during the permitting phase with the easement owner.
3. The applicant is requesting to increase the FAR from 1.0 allowed in sec. 34-675(c)(3) to 1.7 FAR to increase the allowed developable area of the lot. The actual FAR of the proposed structure is 1.61.
 - a. Staff recognizes that the lot in-question is relatively small and that any development would require taller more dense construction to make the project economically feasible. While the applicant is requesting additional FAR beyond what their project calls for, staff recognizes that the project is proposing less density than what existed prior to the hurricanes, even if the intensity of the project is increasing.

Neighborhood Compatibility:

The subject property is located approximately 0.14 mile from Times Square and is located directly within the Town's commercial core. The property fronts on Third St.; north of Crescent St. and directly adjacent to the Town's parking lot and the County's Matanzas Bridge right-of-way. The project is surrounded by vacant commercial properties, parking lots 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 structure which was destroyed during the storm was a 4-unit multifamily home which is being rebuilt with less density, but taller, and with additional square footage.

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

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

- (4) The testimony of any applicant.

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

- (6) The testimony of the public.

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

Staff response: The expanded Floor Area Ratio is consistent with the Town of Fort Myers Beach Comprehensive Plan Future Land Use designation. Policy 4-E-1 addresses Pre-Disaster Buildback, but does not speak to Post Disaster Buildback.

(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 and does not impact open space or preserves.

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

Staff response: The proposed density and intensity are compatible with surrounding uses.

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

Staff response: The location is compatible and due to the decrease in overall density staff would expect fewer trips to/ from the property.

(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 RPD 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 two dwelling units, are less intense than the previous four dwelling units and less intense than many uses allowed within the underlying Downtown zone.

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 code 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: 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 RPD amendment meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC. Staff recommends **approval** of DCI20240275

VI. CONDITIONS OF APPROVAL

1) The applicant must work with the County and/ or State DOT to ensure that the proposed plan will not interfere with the bridge ROW.

2) All other LDC requirements shall be met.

ATTACHMENTS

Exhibit A: Master Concept Plan

Exhibit B: Schedule of Uses and Deviations

Matthew A. Noble, AICP, CFM.
1011 Third Street
Variance Narrative

Previous Use

In 1972 the site was developed with a single structure that contained 4 dwelling units. The applicant has attached information from the Lee County Property Appraisers Office detailing the use of the property prior to Hurricane Ian. This information indicates that the structure included 2,212 square feet of improvements that include the 4 dwelling units and associated porches and carport. This redevelopment effort would replace the 4 dwelling units with 2 dwelling units.

Proposed Project

The applicant proposes to develop a residential project on the site that contains 2 dwelling units above parking. The project proposes 2 stories over a parking garage, for a total of 3 stories. This configuration is consistent with Section 34-631, Building height and Figure 34-1-a. This figure depicts parking and storage only 1st story with residential use on the 2nd and 3rd stories. The proposed plan is exactly that, 1st story parking with residential use on the 2nd and 3rd stories. The plan includes a small pool on the roof of the structure. The pool is setback 5 feet from the edge of the roof.

As can be discerned from the 8-27-2024 survey of the lot, the subject property is approximately 40 feet wide and approximately 80 feet deep. The front property boundary is depicted as measuring 40.12 feet wide. The rear property boundary is depicted as measuring 40.16 feet wide. The left side property boundary is depicted as measuring 80.08 feet long. The right side property boundary is depicted as measuring 79.96 feet long. A parallelogram exists when it has pairs of opposite sides parallel and equal. That is not the case in this instance as demonstrated by the survey. The shape of the lot is exceptional or extraordinary conditions or circumstances that support granting the requested variance.

The survey of the property also documents that the property is setback from the parking lot by 11.3 feet at the rear and 12.0 feet at the front of the property. Granting the variance will have no impact on the parking lot given that the lot is already setback from the improved parking lot 11 to 12 feet. The location of the site adjacent to the Sky Bridge and public parking lot under the bridge is exceptional or extraordinary conditions or circumstances that support granting the requested variance.

Proposed Variance

The applicant seeks a variance to the side setback requirements to place the building on the property boundary along the Public Parking lot. Instead of providing a 5 foot side setback, the applicant seeks a 0 foot setback.

Building Placement

LDC Section 34-674 includes the build-to lines and setbacks that are established for the Downtown zoning district. Section 34-674 (a)(1)b. provides that built-to lines are 0 to five feet for all of First, Second, Third, and Fifth, and the south side of Estero Boulevard from the Sky Bridge to Miramar Street. The site plan demonstrates consistency with the build-to line as the proposed structure is proposed with a 0-foot front set back to maintain consistency with the requirement. The proposal will help frame Third Street with an attractive modern residential structure that meets floodplain standards.

Section 34-674(a)(b)(1)b. provides that the minimum side setbacks are five feet from side property lines. The proposed site plan demonstrates that the left side of the proposal meets the 5-foot setback.

Section 34-674(b)(1) provides that minimum rear setbacks are 25 feet from rear property lines. The proposed site plan demonstrates consistency with this provision of the LDC.

Building Height

Section 34-675(b) (2) provides that a maximum of 30 feet above base flood elevation and no taller than three stories. The building plans demonstrate that the proposed building is consistent with this requirement as the plan show less than 29 feet (28 10 ³/₄ feet) above base flood elevation.

Project Location

The subject site is located in Downtown on Third Street. The property is located immediately adjacent to the Sky Bridge and public parking lot. The subject site is located and connected by sidewalks and streets to the pedestrian activity areas of Times Square and the commercial areas located along Old San Carlos Boulevard. The subject site is located near to “people gathering places” from the Times Square to the plaza at the north end of Old San Carlos Boulevard. The site has easy pedestrian access to excursion boats, dinner cruises, charter fishing and party boats and water shuttles. The site is a short walk to the beach at Lynn Hall Memorial Park. The property is located in the main gateway to the Island.

The subject site is located in the Downtown Core Area. The Downtown Core Area contains tree shaded outdoor cafes, pedestrian streets and areas such as Time Square, Crescent Street, and Old San Carlos Boulevard. The proposed project assists in revitalizing the area and provides housing that capitalizes on its location in downtown and is consistent with Policy CD-1-A-1 and CD-a-A-

2. Policy CD-1-A-1 addresses having a mixture of uses in this core area. The proposal would result in 2 residential uses that complements the commercial uses in the area. Policy CD-1-A-2 addresses creating the Times Square Mixed-Use District:

Create The Times Square Mixed-Use District.

The Times Square Mixed-Use District is the main tourist/entertainment district which will accommodate the most growth in terms of height and density with a predominance of residential uses on the east side of Estero Boulevard and hotel lodging and commercial uses on the west side. It is the main gateway to the island. Entertainment and tourist supporting commercial uses should be clustered here to reduce the need to drive throughout the island and to encourage walking.

The proposal is consistent with Policy CD-1-A-2 and furthers the creation of the Times Square Mixed-Use District. The provision of residential use on the property supports and compliments the tourist uses, restaurants and cafes in the downtown area. The residents of the proposal will have access to the island from the surrounding pathways and access to the island bus system.

Comprehensive Plan & Zoning Designation

The subject site is in the Commercial (FKA Pedestrian Commercial) Future Land Use category. The site is in the Time Square proposed Mixed-Use District. The Beach's Comprehensive Plan in Policy CD-1-A-2 provides that the Times Square Mixed-Use District is the main tourist/entertainment district which will accommodate the most growth in terms of height and density with a predominance of residential uses on the east side of Estero Boulevard and hotel lodging and commercial uses on the west side. This policy further provides that it is the main gateway to the island. Entertainment and tourist supporting commercial uses should be clustered here to reduce the need to drive throughout the island and to encourage walking. The subject proposal is consistent and furthers this policy in providing modern residential units that are built to current standards.

Revised Policy FLU 1-B-7 provides that the Pedestrian Commercial is primarily a commercial district applied to the intense activity centers of Times Square including Old San Carlos and nearby portions of Estero Boulevard and the area around Villa Santini Plaza.

The site is zoned Downtown. The LDC, in Section 34-87, contains Findings that the town council must find that all of the following exist:

1. *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The exceptional or extraordinary conditions or circumstances are that the site is adjacent to the sky bridge and parking lot as well as the size and shape of the lot. These circumstances are unique to the lot. Rigid compliance is not essential to protect public policy. Only one or two other lots may have similar circumstances on the island so granting a variance is appropriate given the facts of this case.

2. *That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The lot was platted in February 1949. The Sky Bridge and public parking lot were developed several decades later. The property owner had no part in these decisions.

3. *That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Granting the variance will allow the applicant/owner the ability to redevelop the site to today's standards including flood regulations. This will permit the owner to develop a structure that is safer from flood events that may happen in the future.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The lot line is 11 to 12 feet setback from the developed public parking lot under the bridge. Granting the variance will result in the residential structure being setback 11 to 12 feet from the parking lot and will have no impact on the parking lot or the operation of the Sky Bridge.

5. *That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

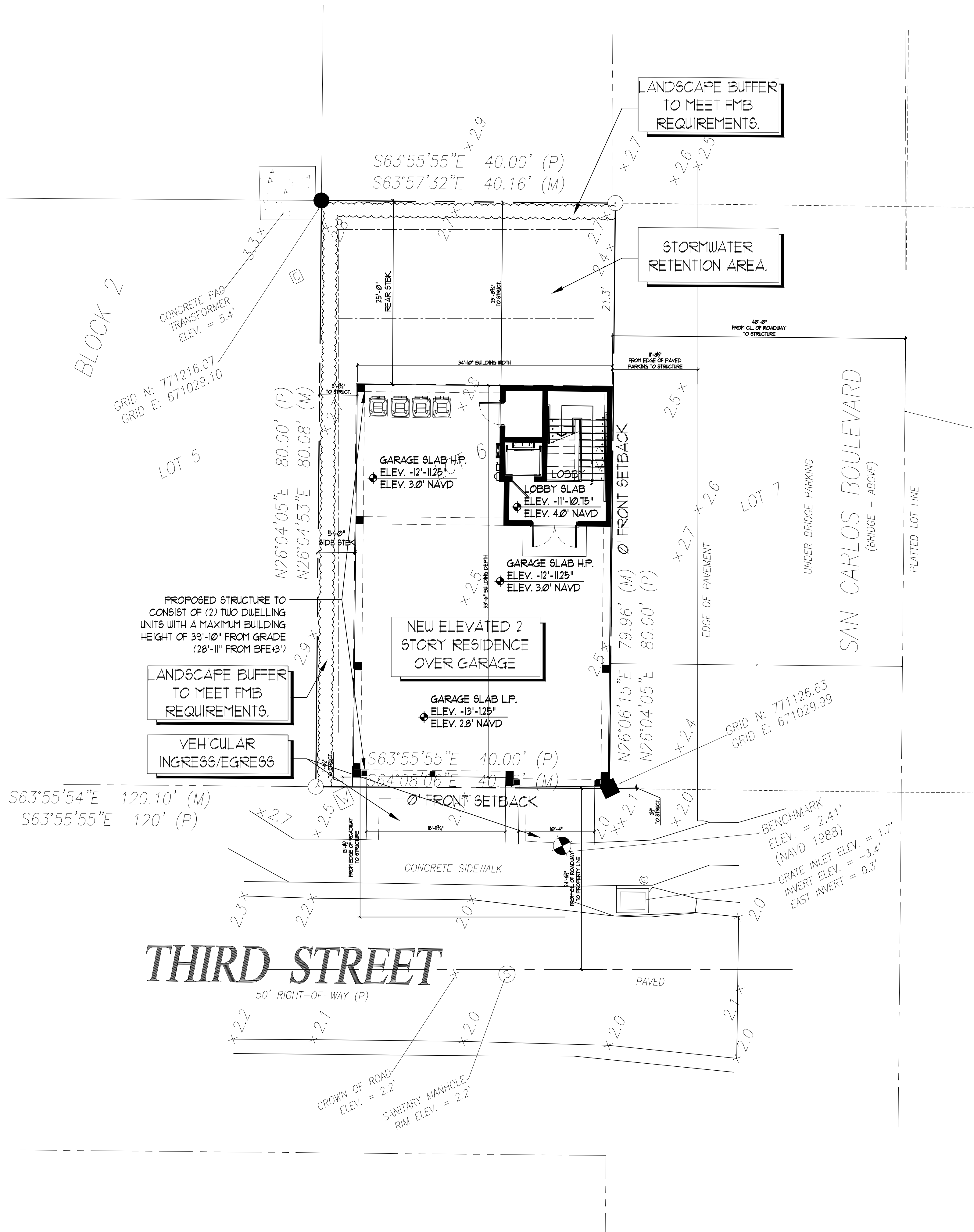
These conditions or circumstances are specific to the subject property. These circumstances are not of so general or recurrent a nature, so it is not reasonable and practical to amend the regulations.

Final Thoughts

The proposal is consistent with the Comprehensive Plan and Land Development Code as discussed above. The variance is the minimal variance required to permit the proposed residential structure.

The proposal does not impact the operation of the Sky Bridge or public parking lot. The proposed structure does not negatively impact the views from the bridge to the Gulf of Mexico. The height is consistent with the Land Development Code requirements and flood regulations.

The applicant is looking forward for the Local Planning Agencies assistance in achieving this beneficial project and encourages the LPA to approve this minor variance that has minimal impacts on adjacent uses, namely the Sky Bridge and public parking lot.



ZONING DATA	
ZONE:	
VILLAGE OF FORT MYERS BEACH	
ZONING: DOWNTOWN	
PRINCIPAL LAND USE: RESIDENTIAL (2 UNITS)	
FLOOD ZONE (2019):	
AE-II	1100' NAVD.
BFE:	14' NAVD.
D.F.E. +3.00'	15.9' NAVD.
PROPOSED HABITABLE FLOOR:	
MAX BUILDING HEIGHT:	
ALLOWABLE:	30'-0" FROM D.F.E.
PROPOSED:	28'-11" FROM D.F.E.
TWO HABITABLE FLOORS ABOVE TERRA	
MEASURED FROM B.F.E. +3' TO TOP OF PARAPET WALL.	
DENSITY:	
TWO DUELLING UNITS	
A/C AREA: 1689 SF. PER UNIT	
3 BEDROOMS PER UNIT	
CONSTRUCTION TO BE COMPLETED IN ONE PHASE.	

LOT COVERAGE CALCULATIONS		
LOT SIZES INCREMENTS OR PORTION (INCREMENT IN SQUARE FEET)	MAX. BUILDING AREA (% OF LOT AREA)	LOT SIZE IN SQUARE FEET*
LOT SIZE		3212
MAX PERMITTED IMPERVIOUS AREA	61%	2,058
PROVIDED IMPERVIOUS AREA		
PROVIDED FOOTPRINT OF STRUCTURE		1819
PROVIDED FLOOR AREA RATIO	161	



Date

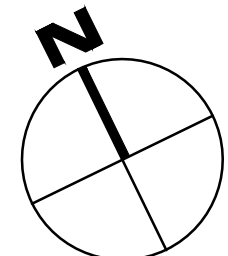
Revisions

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA



ARCHITECT:
BECK ARCHITECTURAL
GROUP, LLC.
804 ANCHOR RODE DR.
NAPLES, FL 34103
CONTACT: KYLE VAYDA
EMAIL: KYLE@BECK
ARCHITECTURAL.COM
PHONE: (239) 431-1686

PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24



MASTER CONCEPT PLAN
SCALE: 1/8"=1'-0"

REVIEW SET

FL LICENSE NUMBER AA102813

(239) 431.1686

WWW.BECKARCHITECTURAL.COM

NAPLES, FLORIDA

804 ANCHOR RODE DRIVE

Schedule of Uses

Dwelling unit:

Two-family

Property Development Regulations

Built-to lines are 0 to five feet for Third Street.

Building frontage shall be at least 35 percent of the lot frontage.

Minimum rear setbacks are 25 feet from rear property lines.

Minimum side setbacks are five feet from side property lines, except they may be 0 feet adjacent to the parking lot under the Sky Bridge.

Building height shall be limited to 30 feet above base flood elevation plus 1 additional foot and no taller than three stories.

Floor area ratio (FAR) shall not exceed 1.7.

LEGEND

- = BENCHMARK, SET PK NAIL AND DISK - "CHW INC. LB 5075"
- = FOUND 5/8" REBAR - NO IDENTIFICATION
- = FOUND PK NAIL AND DISK - "LB 642"
- = SET 5/8" REBAR AND CAP - "CHW INC. LB 5075"
- = FOUND 5/8" REBAR AND CAP - "PLS 5463"
- = FOUND 5/8" REBAR AND CAP - "PLS 3196"
- = FOUND 4" X 4" CONCRETE MONUMENT WITH 1/4" REBAR
- (C) = CALCULATED DATA
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA
- GRID N: = STATE PLANE NORTHING COORDINATE (FLORIDA WEST ZONE)
- GRID E: = STATE PLANE EASTING COORDINATE (FLORIDA WEST ZONE)
- +3.1 = SPOT ELEVATION, NAVD 1988
- = WOOD UTILITY POLE
- = CABLE BOX
- = SANITARY SEWER MANHOLE
- = SANITARY SEWER CLEAN-OUT
- = ELECTRIC BOX OR PANEL
- = GAS VALVE
- = WATER METER
- = ROYAL PALM
- = COCONUT PALM

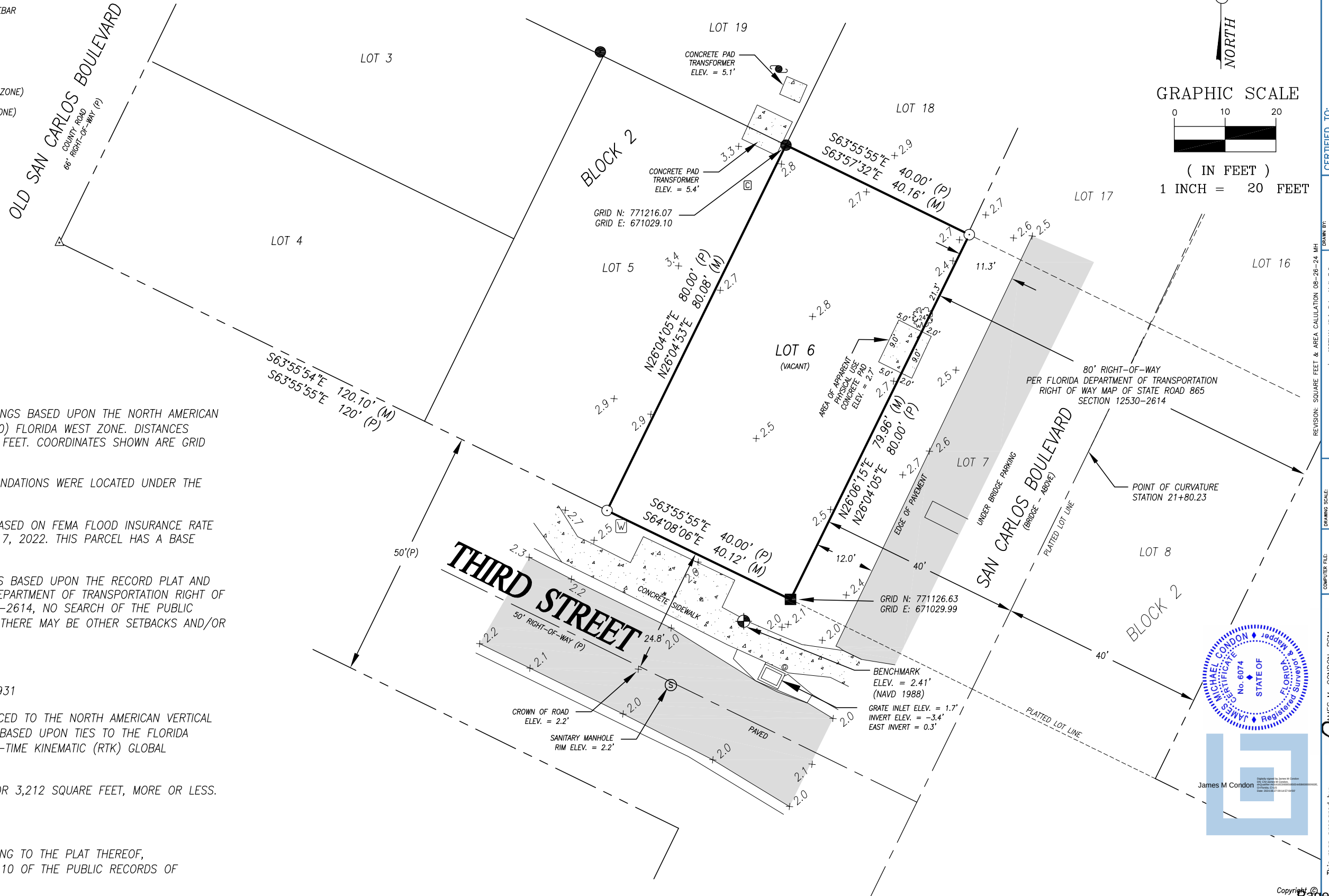
SURVEYOR'S NOTES

- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD83/90) FLORIDA WEST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES.
- NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.
- THIS PARCEL LIES IN FLOOD ZONE "AE" BASED ON FEMA FLOOD INSURANCE RATE MAP PANEL 12071C0554G, DATED NOVEMBER 17, 2022. THIS PARCEL HAS A BASE FLOOD ELEVATION OF 11.0' (NAVD 1988).
- BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED, AND FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE ROAD 865 SECTION 12530-2614, 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 STREET ADDRESS IS:
1011 THIRD STREET 1-4
FORT MYERS BEACH, FLORIDA 33931
- ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD '88). ELEVATIONS ARE BASED UPON TIES TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK.
- PARCEL SURVEYED CONTAINS 0.074 ACRE, OR 3,212 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION

LOT 6, BLOCK 2, BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE(S) 9 AND 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

MAP OF BOUNDARY SURVEY OF
LOT 6, BLOCK 2, BUSINESS CENTER, LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

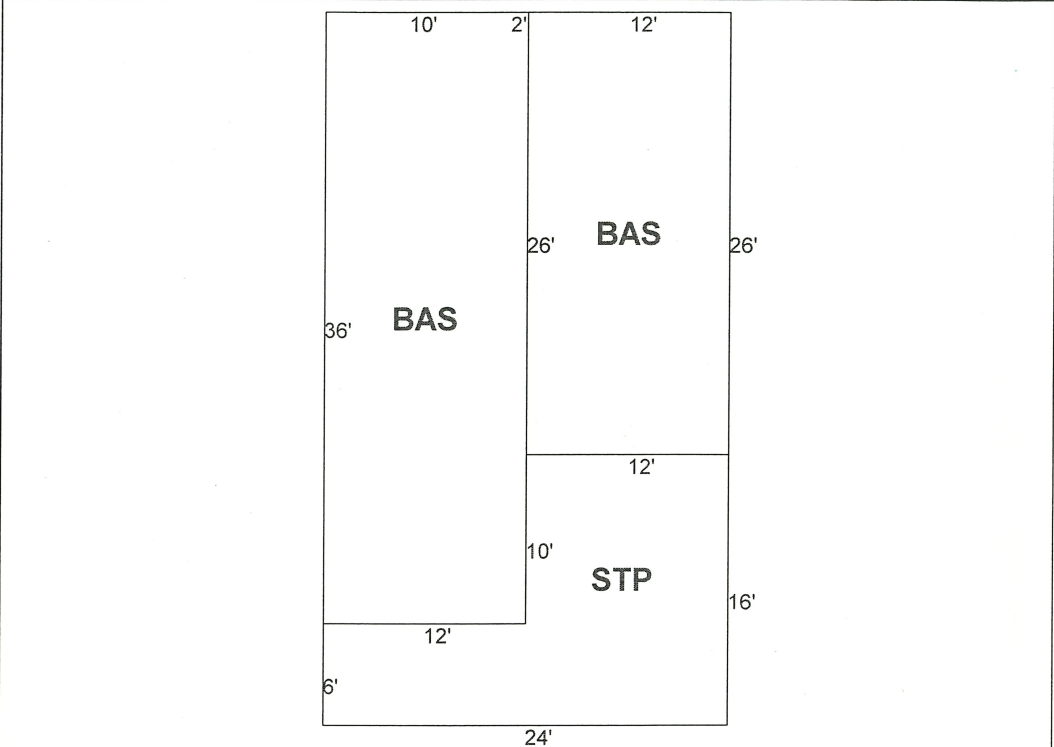


JOB NO.: 23-0720 SHEET NO.: 1 OF 1	
CERTIFIED TO: AFONOVA NELSON DESIGN GROUP	
DRAWN BY: FA	CHECKED BY: JL
DATE: 08/27/2024	REVISION: N/A
REVISION: SQUARE FEET & AREA CALCULATION 08-28-24 MH	
DRAWING SCALE: 1"=20'	
COMPUTER FILE: 230720	REVISION DATE: 08/27/24
SURVEY DATE: 11/21/2023	REVISION BY: MH
This map prepared by: JAMES M. CONDON, PSM NOT VALID WITHOUT THE SIGNATURE OF THE SURVEYOR AND MAPPER LICENSED SURVEYOR AND MAPPER	
James M. Condon, PSM Professional Surveyor & Mapper Florida License No. 6074 Professional Seal	

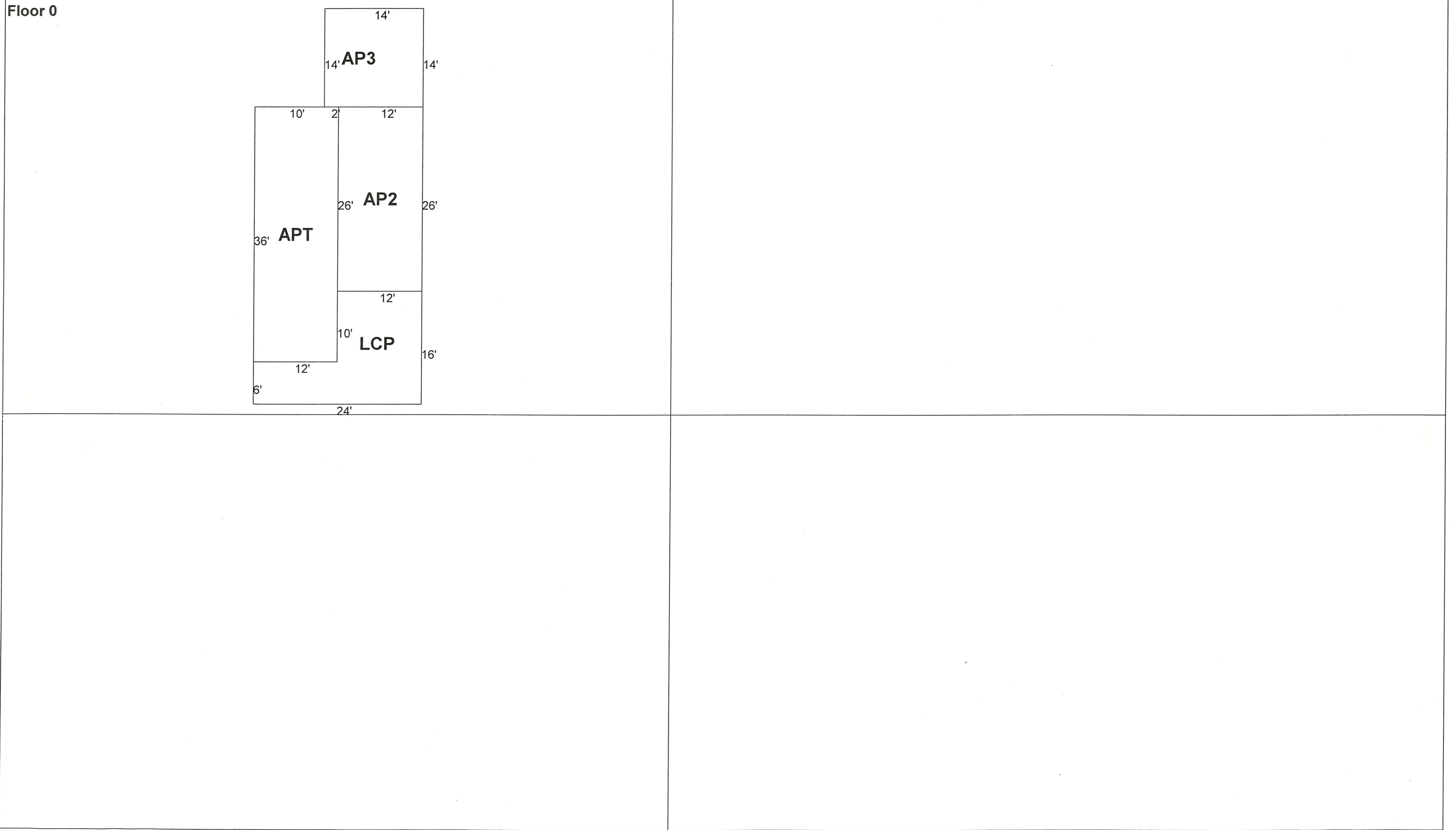
EXTERIOR WALL	26	VINYL/ALUMINUM SIDING	
EXTERIOR WALL	0	NONE	
ROOF STRUCT	14	ELONGATED HIP	
ROOF COVER	12	MODULAR METAL SHINGLE	
DRIVEWAY	*3	FOUNDATION	*1
ELEVATION	*6	STORIES	1
INTERIOR WALL	4	PLYWOOD PANEL	
INTERIOR WALL	0	NONE	
INT FLOOR	9	PINE/LAMINATE/LUXURY VINYL	
INT FLOOR	0	NONE	
HEATING FUEL	4	ELECTRIC	
HEATING TYPE	3	FORCED AIR-NOT DUCTED	
AIR COND TYPE	2	WINDOW UNIT	
CENTRAL VAC		X A/C UNIT	
QUALITY	3	AVERAGE	
CONDITION	*1		
BEDROOMS	3	X SHOWER	
BATHROOMS	4	X SINK	
FULL BATH		X URINAL	
½ BATH		X TOILET	
¾ BATH		X BIDET	
CEILING HT	*4	X KITCHEN	3
TRAY CEILINGS		WET BAR/UTILITY	
OUTDOOR SHOWER		SPRINKLER (Y/N)	N

BUILDING SUBAREA DETAIL						
AREA	YEAR	GROSS	PCT	ADJ	CAP	COST
TYPE	BUILT	AREA	BASE	AREA		VALUE
BAS	1972	432	100	432	-	31,810
BAS	1972	312	100	312	-	22,974
APT	1972	432	100	432	-	31,810
AP2	1972	312	100	312	-	22,974
AP3	1972	196	100	196	-	14,432
STP	1972	264	10	26	-	1,914
LCP	1972	264	5	13	-	957
TOTALS:		2,212		1,723		126,872

SITE ADDRESS 1011 THIRD ST 1-4 33931											
ASSESSOR PB		INSPECTOR 124		INSPECTION DATE Tuesday, September 21, 2021							
EFF AREA	STRUCT INDEX	EFF BASE RATE	REPLACEMENT COST NEW	ACTUAL YR BLT	EFF YR BLT	ECON OBS	FUNC OBS	NORMAL DEPR	REMAINING WORTH	COST VALUE	
1,723	0.88	116.88	201,384	1972	1984	0%	0%	37%	63%	126,872	
IMP TYPE 114 FAMILY CONVERSION						MODEL 1 SINGLE FAMILY RESIDENTIAL					



P E R M I T	NUMBER	DATE	CO/CC	ASGN	VALUE	NOTE				
	S A L E S	BOOK/PAGE OR INSTRUMENT #	DATE	TYPE INST	OVR CODE	V I	SALE PRICE	COST SUMMARY	2022	2021
2021000264538		08/2021	01 01	01 01	I	1,050,000	BUILDING COST VALUE	126,872	108,300	
2020000182526		08/2020	01 01	01 01	I	675,000	BUILDING EXTRA FEATURES	0	0	
2018000207442		08/2018	01 01	01 01	I	480,000	LAND EXTRA FEATURES	0	0	
4358/1095		06/2004	06 06	06 06	I	335,000				
3576/2091		01/2002	06 06	06 06	I	290,000	LAND VALUE	185,580	112,000	
3372/3762		01/2001	08 08	08 08	I	66,600				
3356/3190		01/2001	06 06	06 06	I	257,500				
3224/2044		01/2000	06 06	06 06	I	143,400				
2948/3935		04/1998	06 06	06 06	I	175,000	COST APPROACH VALUE	312,452	220,300	
724 /326		08/1971				14,000	INCOME APPROACH VALUE	*	*	
							SALES APPROACH VALUE	525,306	352,262	
							OVERRIDE BUILDING VALUE	-	-	
							OVERRIDE LAND VALUE	-	-	
							MARKET VALUE	525,306	352,262	



1011 THIRD STREET

FORT MYERS BEACH, FLORIDA



FRONT (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"

ABBREVIATIONS LIST

ABV.	ABOVE	LAV.	LAVATORY
ALUM.	ALUMINUM	LIN.	LINEN
ARCH.	ARCHITECTURAL OR ARCHITECT	L.P.	LIQUID PROPANE
BLDG.	BUILDING	L.P.	LOWER POINT
BM.	BEAM	(M)	MEASURE
C.C.C.L.	COASTAL CONSTRUCTION CONTROL LINE	MANUF.	MANUFACTURER
CLG.	CEILING	MAX.	MAXIMUM
C.M.U.	CONCRETE MASONRY UNIT	M.D.	MOTORIZED DRAPERY
CONC.	CONCRETE	MECH.	MECHANICAL
D.D.	DECK DRAIN	MIN.	MINIMUM
DECO.	DECORATIVE	MIRR.	MIRROR
D.E.P.	DEPARTMENT OF ENVIRONMENTAL PROTECTION	NAVD.	NORTH AMERICAN VERTICAL DATUM
DISP.	DISPOSAL	O.C.	ON CENTER
DIST.	DISTANCE	PLATTED	(P)
D.S.	DOWN SPOUT	R.D.	ROOF DRAIN
DUGS.	DRAWINGS	REF.	REFER
ELEV.	ELEVATION	REF.	REFRIGERATOR
ELEV.	ELEVATOR	RES.	RESIDENCE OR RESIDENTIAL
ELEC.	ELECTRICAL	SECT.	SECTION
ENG.	ENGINEER	SHUR.	SHOWER
EQUIP.	EQUIPMENT	S.P.	SPRINGS POINT
FF.	FINISHED FLOOR	SPECS.	SPECIFICATIONS
FIN.	FINISHED	STO.	STORAGE
FLR.	FLOOR	STRUC.	STRUCTURAL
FRZ.	FREEZER	T. & G.	TONGUE AND GROOVE
G.C.	GENERAL CONTRACTOR	T.O.	TOP OF
GWB.	GYPSPUM WALL BOARD	TYP.	TYPICAL
GYP. BD.	GYPSPUM BOARD	U.C.	UNDER COUNTER
HABIT.	HABITABLE	VEST.	VESTIBULE
H.B.	HOSE BIB	W.C.	WATER CLOSET
HDR.	HEADER	WD.	WARMER DRAWER
H.P.	HIGH POINT	WH.	WATER HEATER
HVAC.	HEATING, VENTILATING & AIR CONDITIONING	W.I.C.	WALK IN CLOSET
ID.	INTERIOR DESIGNER		

ARCHITECT SHEET INDEX

A1	COVER SHEET / STREET ELEVATION
A2	SITE PLAN
A3	GROUND FLOOR SLAB PLAN
A4	GROUND FLOOR NOTE PLAN
A5	GROUND FLOOR DIMENSION PLAN
A6	FIRST FLOOR SLAB PLAN
A7	FIRST FLOOR NOTE PLAN
A8	FIRST FLOOR DIMENSION PLAN
A9	SECOND FLOOR SLAB PLAN
A10	SECOND FLOOR NOTE PLAN
A11	SECOND FLOOR DIMENSION PLAN
A12	ROOF TOP NOTE PLAN
A13	ROOF TOP DIMENSION PLAN
A14	FRONT 1 SIDE ELEVATIONS
A15	REAR 1 SIDE ELEVATIONS
A16	BUILDING SECTIONS
A17	WALL SECTIONS
A18	WINDOW AND DOOR SCHEDULES
A19	WINDOW 4 DOOR DETAILS
E1	GROUND FLOOR ELECTRICAL PLAN
E2	FIRST FLOOR ELECTRICAL PLAN
E3	SECOND FLOOR ELECTRICAL PLAN
E4	ROOF DECK ELECTRICAL PLAN

GENERAL NOTES

- DO NOT SCALE THESE DRAWINGS; IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DIMENSIONS AND VERIFY THE BUILDING POSITION WITHIN THE SETBACK LINES PRIOR TO COMMENCING CONSTRUCTION.
- FOR ARCHITECTURAL REFERENCE, ELEVATIONS SHOWN HEREFTER ARE BASED ON ELEV. 0'-0" EQUAL TO 15.9' NAVD.
- ALL INFORMATION SHOWN HEREON IS TAKEN FROM A SURVEY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL EXISTING CONDITIONS. ALL EXISTING CONDITIONS ARE NOT NECESSARILY SHOWN HEREON.
- ALL TRADES SHALL BE RESPONSIBLE TO READ ALL DETAILS AND SPECIFICATIONS, AND PLANS - ARCHITECTURAL, STRUCTURAL, MECHANICAL, ETC. FOR PROPER COORDINATION. IF ANY CONFLICTS EXIST, THAT TRADE SHALL NOTIFY THE CONTRACTOR OF THE SAME PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL DIRECT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO CONSTRUCTION, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR WORK WHICH PROCEEDS WITHOUT DUE COURSE AND COORDINATION.
- SMOKE DETECTORS ARE SHOWN ON THE ELECTRICAL PLAN.
- ACCESSIBILITY REQUIREMENTS: ACCESSIBLE BATHROOM DOORS SHALL HAVE A 29" CLEAR OPENING - A 2'-8" DOOR PROVIDES A 29" CLEAR OPENING. ALL BATHROOMS ARE ACCESSIBLE IN THIS FLOOR PLAN.
- EGRESS WINDOWS ARE SHOWN ON ELEVATIONS (IF APPLICABLE).

RESIDENTIAL CODE INFORMATION

ALL RESIDENTIAL CONSTRUCTION SHALL COMPLY WITH 2023 FLORIDA BUILDING CODE, BUILDING, PLUMBING, MECHANICAL, FUEL GAS, THE CODE IS COMPILED WITH THE 2011 ADDITION OF THE NATIONAL ELECTRICAL CODE ADOPTED BY REFERENCE. THE NATIONAL ELECTRICAL CODE IS REFERENCED STANDARD NFPA-70A.

RESIDENTIAL POOL SAFETY ACT - CHAPTER 41 OF THE FBC 2023 RESIDENTIAL

- ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT.
- ALL SCREEN DOORS ARE TO BE SELF LATCHING AND SELF CLOSING. LATCH MECHANISM SHALL BE MOUNTED AT 54" AFF.
- ALARMS SHALL BE INSTALLED ON SCREEN DOORS.
- THE G.C. IS TO VERIFY THAT ALL ACCESS TO THE POOL AREA MEET THE SWIMMING POOL SAFETY ACT.

BUILDING DATA

- WIND LOAD DATA:
REFER TO DRAWINGS BY STRUCTURAL ENGINEER
- ELEVATION OF FIRST HABITABLE FLOOR IS 15.9
- APPLICABLE FLOOD ZONE: AE-1
- COUNTY ZONING: FORT MYERS BEACH
- BUILDING TYPE OF CONSTRUCTION: 3-B
- MAX BUILDING HEIGHT: 30'
TO MEAN ROOF HEIGHT OR TOP OF PARAPET
- LOT COVERAGE CALCULATIONS:
REFER TO SITE PLAN SHEET A-2

LEGAL DESCRIPTION

LOT 6, BLOCK 2, BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE(S) 9 AND 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVISION LOG

NO.	DESCRIPTION	DATE

SITE REQUIREMENTS

- REQUIRED BUILDING SETBACKS:
FRONT SETBACK: 0'-0"
REAR SETBACK: 25'-0"
SIDE SETBACK: 5'-0"
SIDE SETBACK: 0'-0"
- FMB WATER AND SEWER

SQUARE FOOTAGE CALCS.

GROUND FLOOR LOBBY:	247 SF.
FIRST FLOOR A/C:	1659 SF.
SECOND FLOOR A/C:	1659 SF.
TOTAL A/C SQUARE FOOTAGE	3369 SF.
STORAGE:	40 SF.
GARAGE:	1596 SF.
ROOF TOP DECK:	1596 SF.
TOTAL NON A/C AREA:	3231 SF.
GROSS AREA:	6,796 SF.

DESIGN PROFESSIONALS

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14091 OAK HAMMOCK LANE
FORT MYERS, FLORIDA 33905
CONTACT: CHRIS SCOTT MILLER
EMAIL: CS@SOUTHERNENGINEERING.COM
PHONE: (239) 288-5292

CIVIL ENGINEER:
GODDARD ENGINEERING, LLC
CONTACT: MATTHEW GODDARD
EMAIL: MG@GODDARDPEERMAIL.COM
PHONE: (239) 716-2608



Date
1.14.25

Revisions
ADDENDUM A: FMB STAFF COMMENTS

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

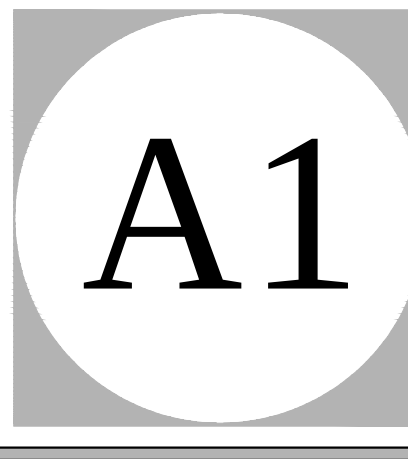


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PHONE: (239) 431-1686

PROJ. #: 2404-05

DRAWN BY: K.A.V.

DATE: 9.18.24



REVIEW SET

30'-0"
FEMA. HABITABLE FLOOR + 3'-0" RESILIENCY
PROVISION

1. G.C. TO COORDINATE REMOVAL OF EXISTING VEGETATION.
2. ALL DOORS & WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT.
3. ALL SCREEN DOORS (IF APPLICABLE) ARE TO BE SELF LATCHING AND SELF CLOSING. LATCH MECHANISM SHALL BE MOUNTED @ 54".
4. ALARMS SHALL ALSO BE INSTALLED ON SCREEN DOORS (IF APPLICABLE) G.C. TO VERIFY THAT ALL EXITS TO THE BACKYARD MEET SWIMMING POOL SAFETY ACT.
5. TO VERIFY ALL EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOT ALL EXISTING CONDITIONS ARE NECESSARILY SHOWN ON THIS PLAN.
6. REFER TO SURVEY FOR EXISTING CONDITIONS.
7. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR INFORMATION ON THE POOL, LANDSCAPING AND OTHER SITE FEATURES.
8. REFER TO SITE DRAINAGE PLANS BY CIVIL ENGINEER FOR PROPOSED SITE ELEVATIONS, GRADING, ETC.
9. ALL INFORMATION SHOWN HEREON IS TAKEN FROM A SURVEY; IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL EXISTING CONDITIONS. ALL EXISTING CONDITIONS ARE NOT NECESSARILY SHOWN HEREON.

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA



PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24

REVIEW SET

A2

FL LICENSE NUMBER AA102813

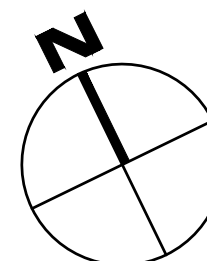
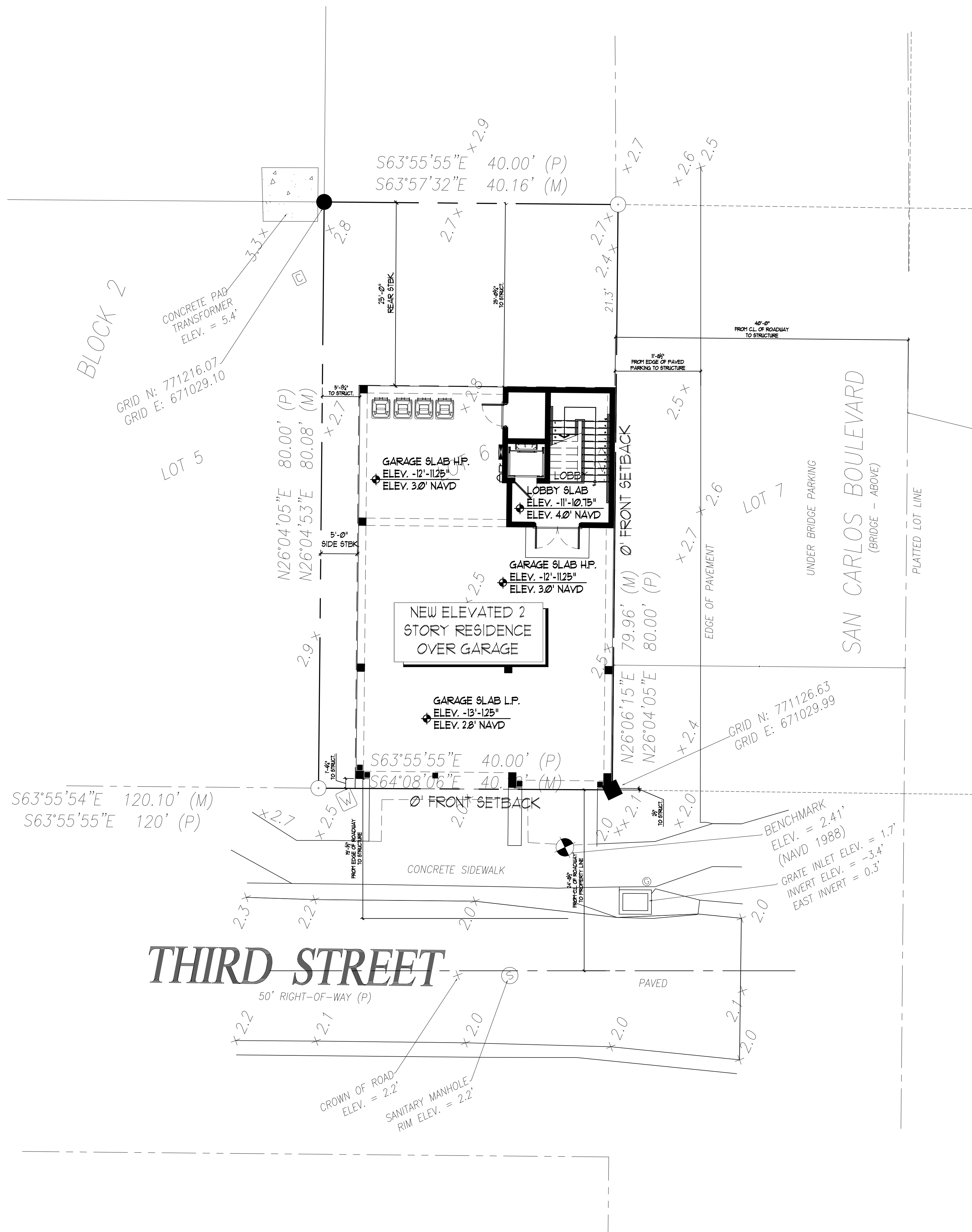
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VAPIES FLORIDA

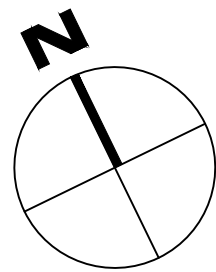
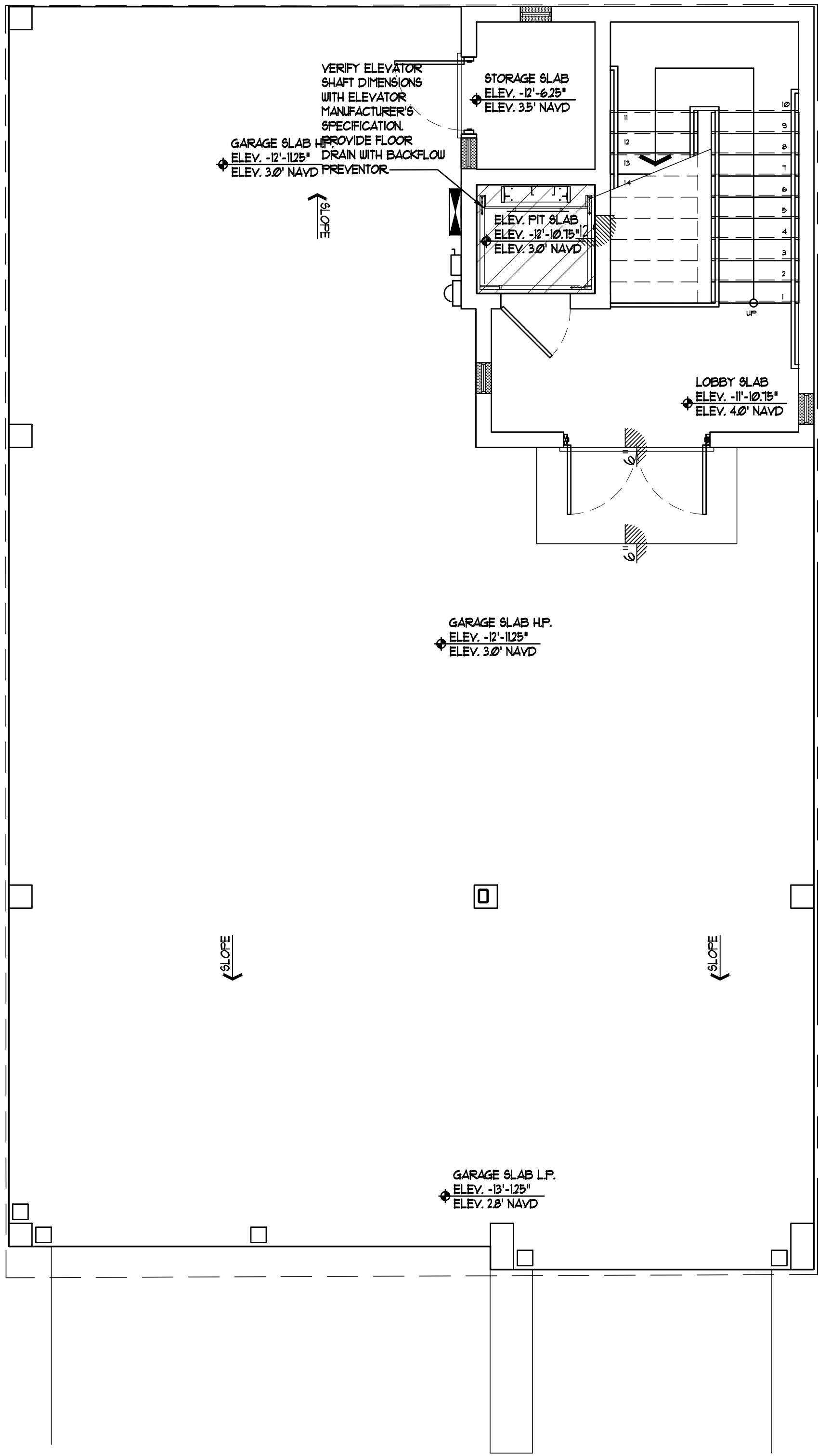
804 ANCHOR BODE DRIVE

Page 34 of 484



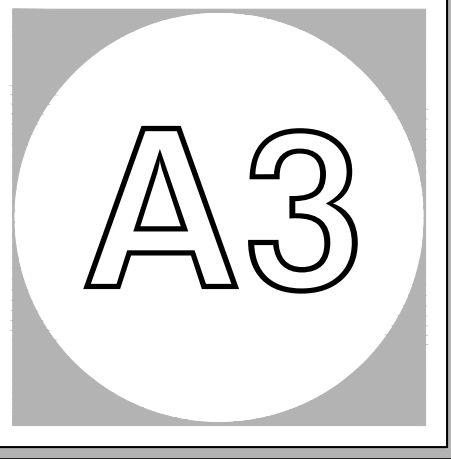
SITE PLAN

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



GROUND FLOOR SLAB PLAN
SCALE: 1/4"=1'-0"

REVIEW SET



PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24

ARCHITECT:
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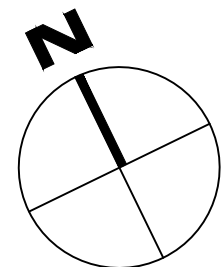
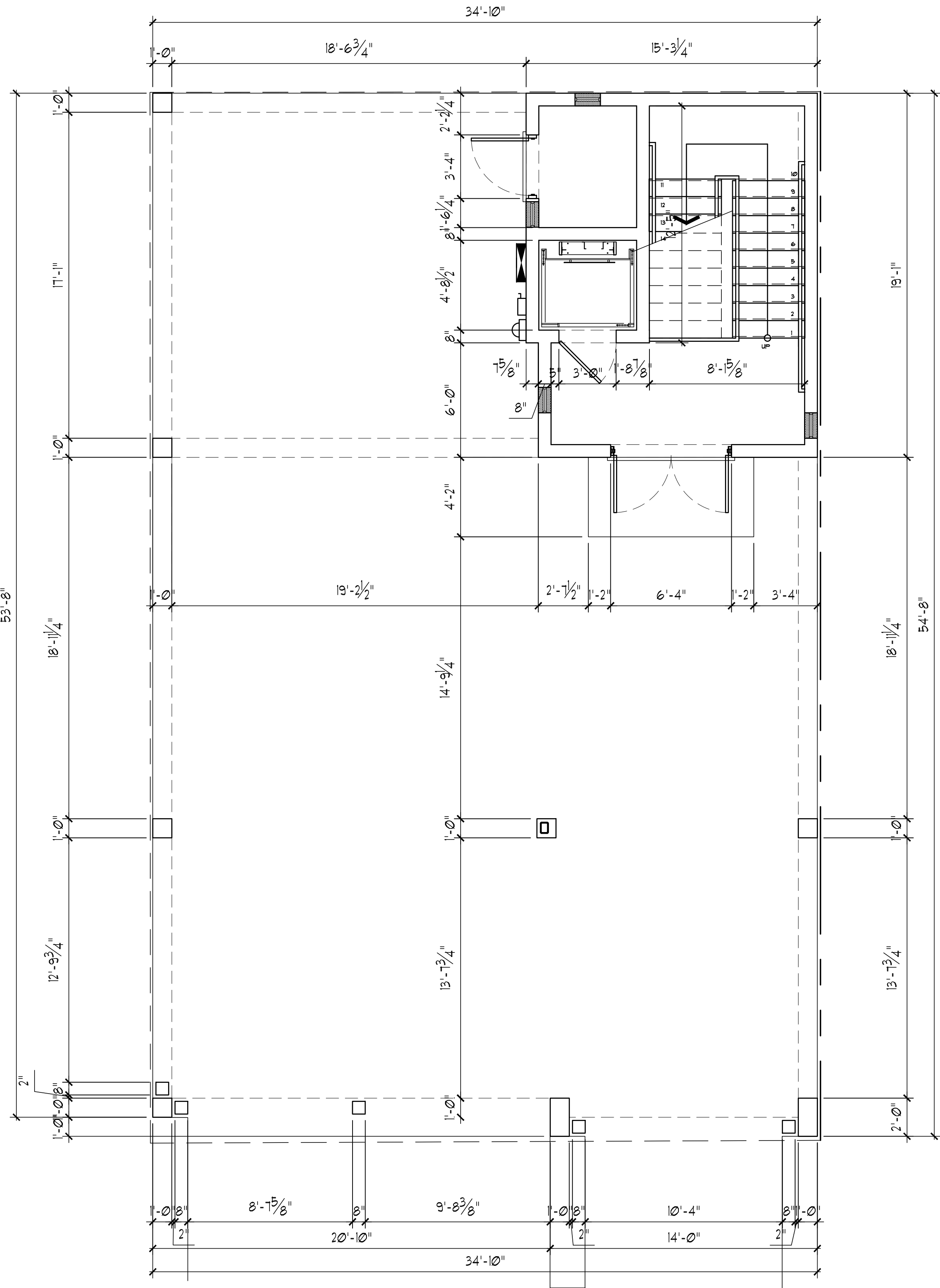
1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

Revisions

Date



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GROUND FLOOR DIMENSION PLAN
SCALE: 1/4"=1'-0"

REVIEW SET



PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24

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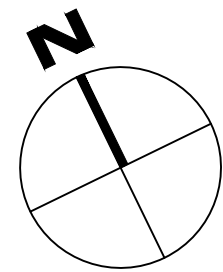
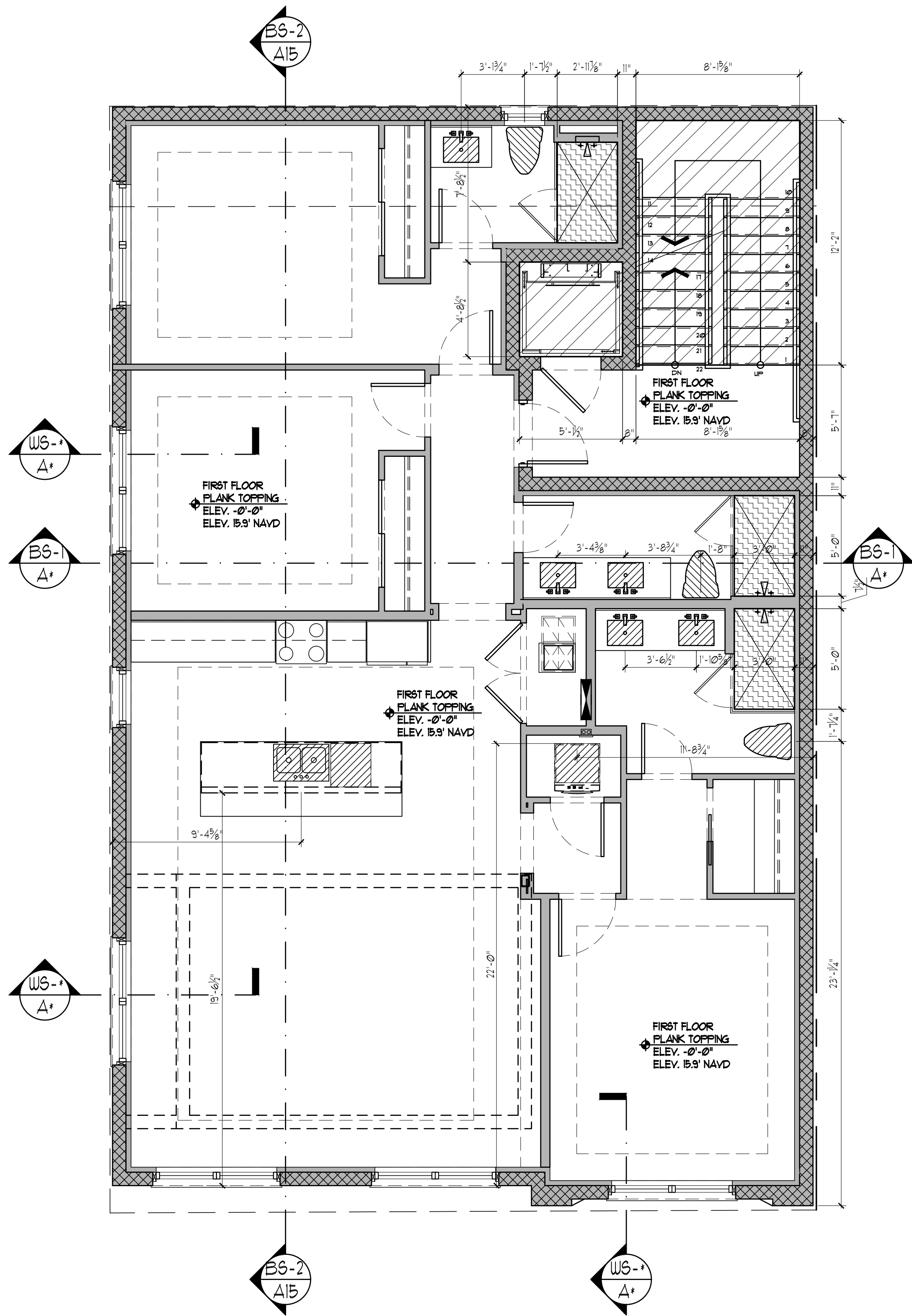
1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

Revisions

Date

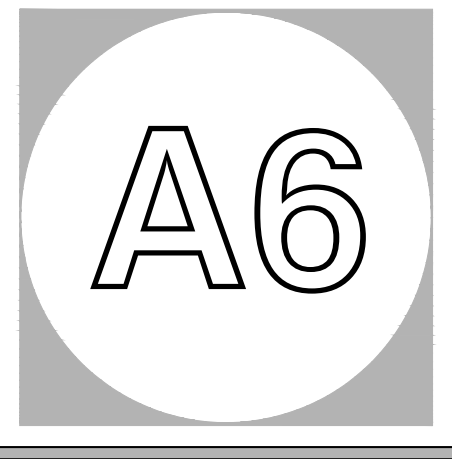


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FIRST FLOOR SLAB PLAN
SCALE: 1/4"=1'-0"

REVIEW SET



PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24

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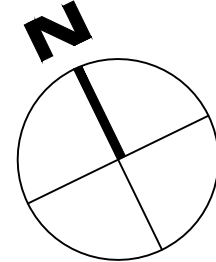
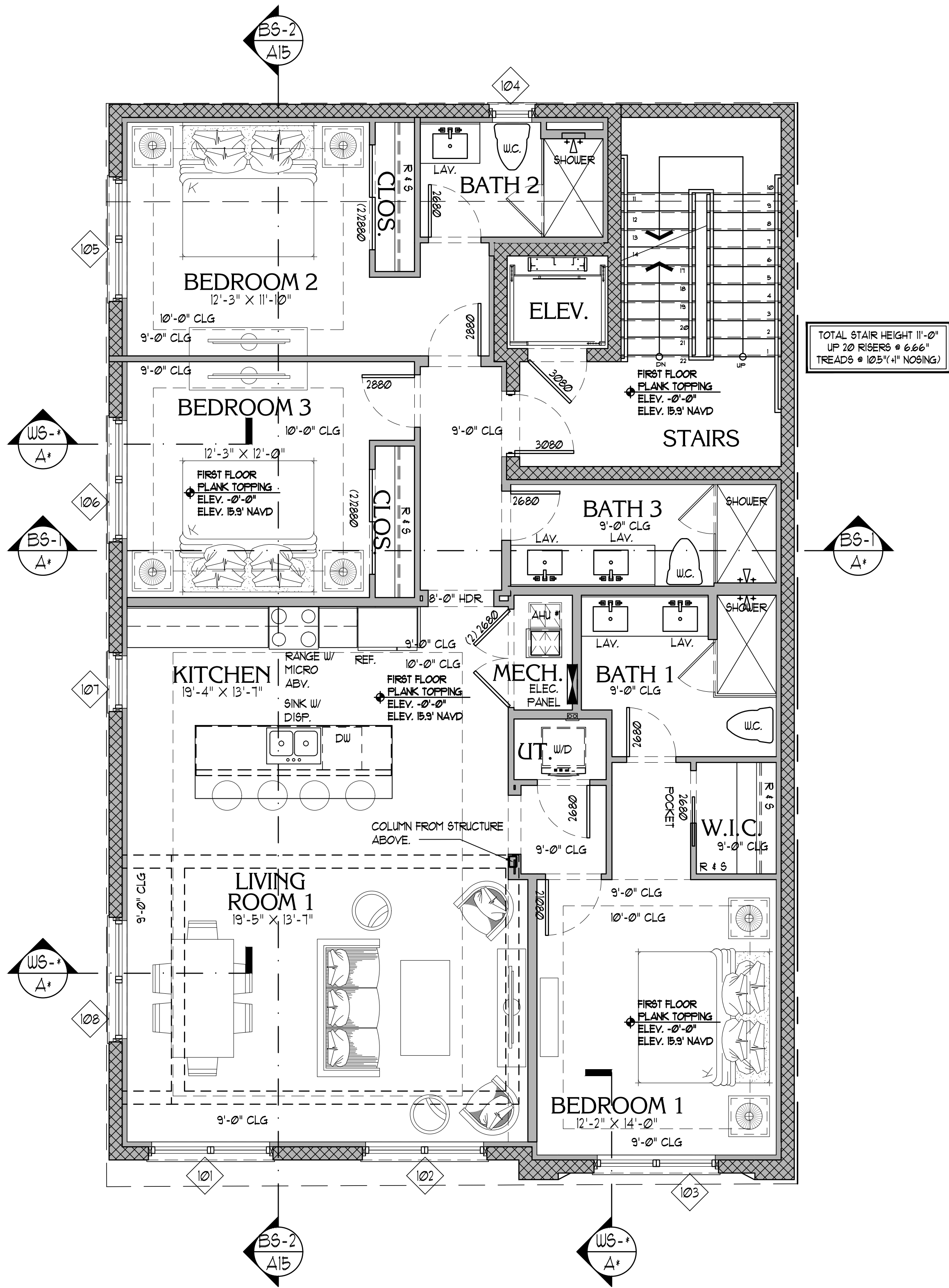
1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

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FIRST FLOOR NOTE PLAN

SCALE: 1/4"=1'-0"

LEGEND

3" INTERIOR WALL FURRING SYS.
(REFER TO WALL SECT.)

REINFORCED CMU WALL SYSTEM

STONE CLADDING ON CMU WALL.
SEE PLAN FOR DIM. & LOCATIONS.

STUCCO ON CMU WALL, TYP.
SEE PLAN FOR LOCATIONS.

CONCRETE COLUMN WALL.
REFER TO STRUCT. PLANS.

INTERIOR STUD BEARING WALL

INTERIOR STUD WALL

TUBULAR STEEL COLUMN, REF.
STRUCT. FOR SIZE & LOCATION.

GANG STUD COLUMN, REF.
STRUCT. FOR SIZE & LOCATION.

FLOOD VENT, SEE PLAN
FOR NUMBER & LOCATIONS.

GENERAL NOTES

1. THE G.C. IS TO VERIFY ALL WINDOW AND DOOR ROUGH OPENING SIZES WITH INSTALLATION REQUIREMENTS PRIOR TO INSTALL.

2. ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESSSES FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT. (CHAPTER 45, FBC 2023 RESIDENTIAL EDITION)

3. ALL WINDOWS AND FRENCH DOORS SHALL BE IMPACT RESISTANT. GARAGE DOORS SHALL BE IMPACT RESISTANT. MAHOGANY ENTRY DOORS SHALL ALSO BE IMPACT RESISTANT.

4. ALL SCREEN DOORS ARE TO BE SELF LATCHING, SELF CLOSING AND HAVE ALARMS. G.C. IS TO VERIFY THAT ALL EXITS TO THE POOL AREA MEET THE POOL SAFETY ACT.

5. G.C. PROVIDE SOUND INSULATION FOR ALL INTERIOR WALLS AND CEILINGS, AND INSULATE ALL EXTERIOR WALLS.

6. POOL DESIGN AND LANDSCAPING BY OTHERS.

7. A 40" HIGH AFF. (BALCONY) AND 36" HIGH (STAIR) ALUMINUM OR COMPOSITE RAILING SHALL BE CONSTRUCTED SUCH THAT A 4" SPHERE SHALL NOT PASS THROUGH AT ANY POINT (11P.1)(SECTION R302 OF THE FBC 2023). G.C. TO VERIFY HANDRAIL IS INSTALLED TO MEET A CIRCULAR CROSS SECTION WITH A DIAMETER OF 1-1/4" - 2" OR PROVIDE A NONCIRCULAR CROSS SECTION WITH EQUIVALENT GRASP ABILITY PERFORMANCE TO MEET THE FBC 2023 R301.18.3.

8. THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE BY NOT LESS THAN 1/2" TYPE "X" GYPSUM BOARD, AND 5/8" TYPE "X" GYPSUM BOARD FROM HABITABLE ROOMS ABOVE THE GARAGE AS PER RESIDENTIAL FBC 2023 R302.6.

9. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH SOLID WOOD DOORS NOT LESS THAN 1 3/8" IN THICKNESS, SOLID OR HONEY COMB-CORE STEEL DOORS NOT LESS THAN 1 3/8", OR 20 MIN. FIRE-RATED DOORS, EQUIPPED WITH A SELF-CLOSING DEVICE, PER SEC. R302.5.1

10. DUCT WORK WHICH PENETRATE THE WALLS BETWEEN THE GARAGE AND THE RESIDENCE SHALL BE CONSTRUCTED OF A MIN. OF NO. 26 GAGE SHEET METAL OR OTHER APPROVED MATERIAL AS PER R302.5.2. OF THE RESIDENTIAL 2023 F.B.C.

11. ALL FIRST FLOOR ELEVATIONS REFERENCED FROM FINISHED CONCRETE SLAB ELEV. 0'-0" (B.S. NAVD).

12. G.C. TO VERIFY POSITIVE SLOPE OF FINISHED FLOOR TO ENSURE PROPER DRAINAGE AT LANAIS, COVERED ENTRY, OUTDOOR LIVING, BALCONIES, AND GARAGES.

13. G.C. TO PROVIDE ICYNENE INSULATION AT THE UNDERSIDE OF ALL ROOF TRUSSES INCLUDING GARAGES, LANAIS, AND BALCONIES IF APPLICABLE. G.C. TO ALSO PROVIDE MAKE UP AIR EQUAL TO ULTRA AIR ADEQUATE FOR THIS SYSTEM. G.C. TO PROVIDE (2) VENTS INSTALLED INSIDE THE GARAGE OPEN TO THE ATTIC SPACE.

14. MAKE UP AIR FOR KITCHEN HOOD WILL BE PROVIDED BY A BROWN UNIVERSAL AUTOMATIC MAKE-UP AIR DAMPER SIZED AT A RATE APPROX. EQUAL TO THE EXHAUST AIR RATE. MAKEUP AIR SYSTEM SHALL BE EQUIPPED WITH A MEANS OF CLOSURE AND SHALL BE AUTOMATICALLY CONTROLLED TO START AND OPERATE SIMULTANEOUSLY WITH THE EXHAUST SYSTEM AS REQUIRED PER M1503.4.

15. G.C. TO COORDINATE W/ ELECTRICAL DRAWINGS FOR SIZE & LOCATION OF A/C PADS, POOL EQUIPMENT, ELECTRICAL METER, ELECTRICAL PANELS & H.B.

16. ALL ELECTRICAL, PLUMBING AND MECHANICAL EQUIPMENT TO BE SLAB ON GRADE AND ABOVE ELEVATION +2.00' NAVD.

17. REFER TO STRUCTURAL DRAWINGS FOR EXACT LOCATION OF STRUCTURAL WALLS, COLUMNS, AND BEAMS.

18. REFER TO LOW ROOF PLAN FOR WET DECK SLOPE / DRAINAGE LOCATIONS.

19. REFER TO INTERIOR DRAWINGS FOR FINAL CEILING HEIGHTS AND INFORMATION.

20. ALL STEAM SHOWERS SHALL HAVE A SLOPED CEILING AT A MIN 1/2" PER FT. G.C. TO COORDINATE LOCATION OF EQUIPMENT WITH ARCHITECT AND/OR INTERIOR DESIGNER PRIOR TO INSTALLATION.

KYLE A. VAYDA

CERTIFICATE

Nº AR102813

STATE OF FLORIDA

REGISTERED ARCHITECT

Date

Revisions

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

BECK

ARCHITECTURAL GROUP

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BECK ARCHITECTURAL GROUP, LLC.
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PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24

A7

REVIEW SET

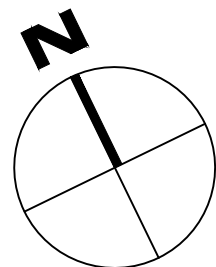
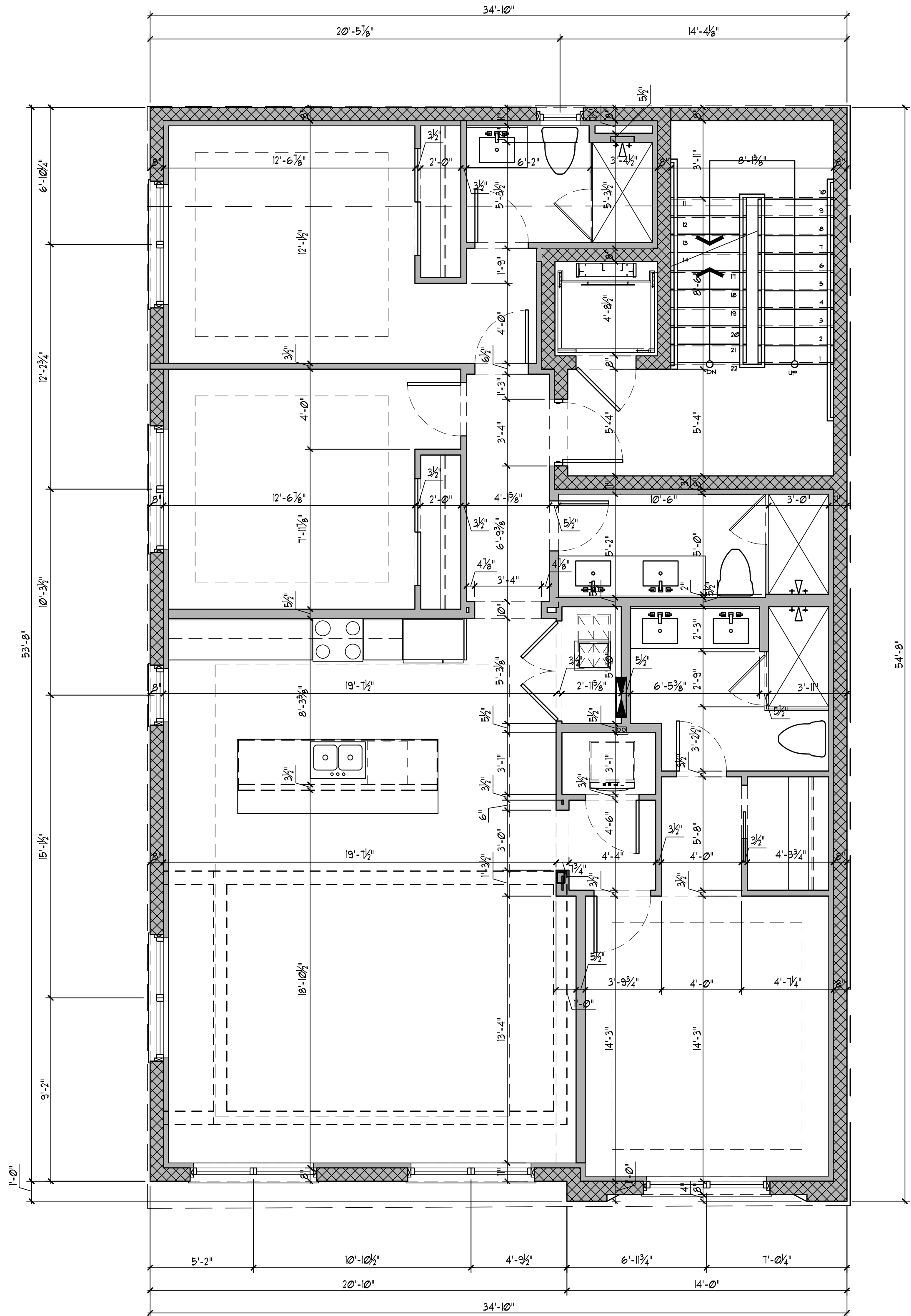
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FL LICENSE NUMBER AA102813

Page 39 of 484



FIRST FLOOR DIMENSION PLAN
SCALE: 1/4"=1'-0"

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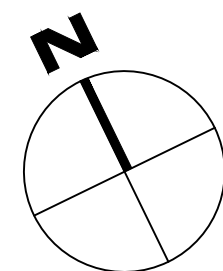
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Date



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SCALE: 1/4"=1'-0"



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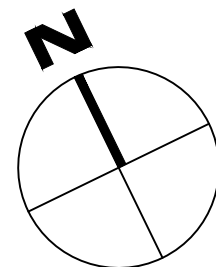
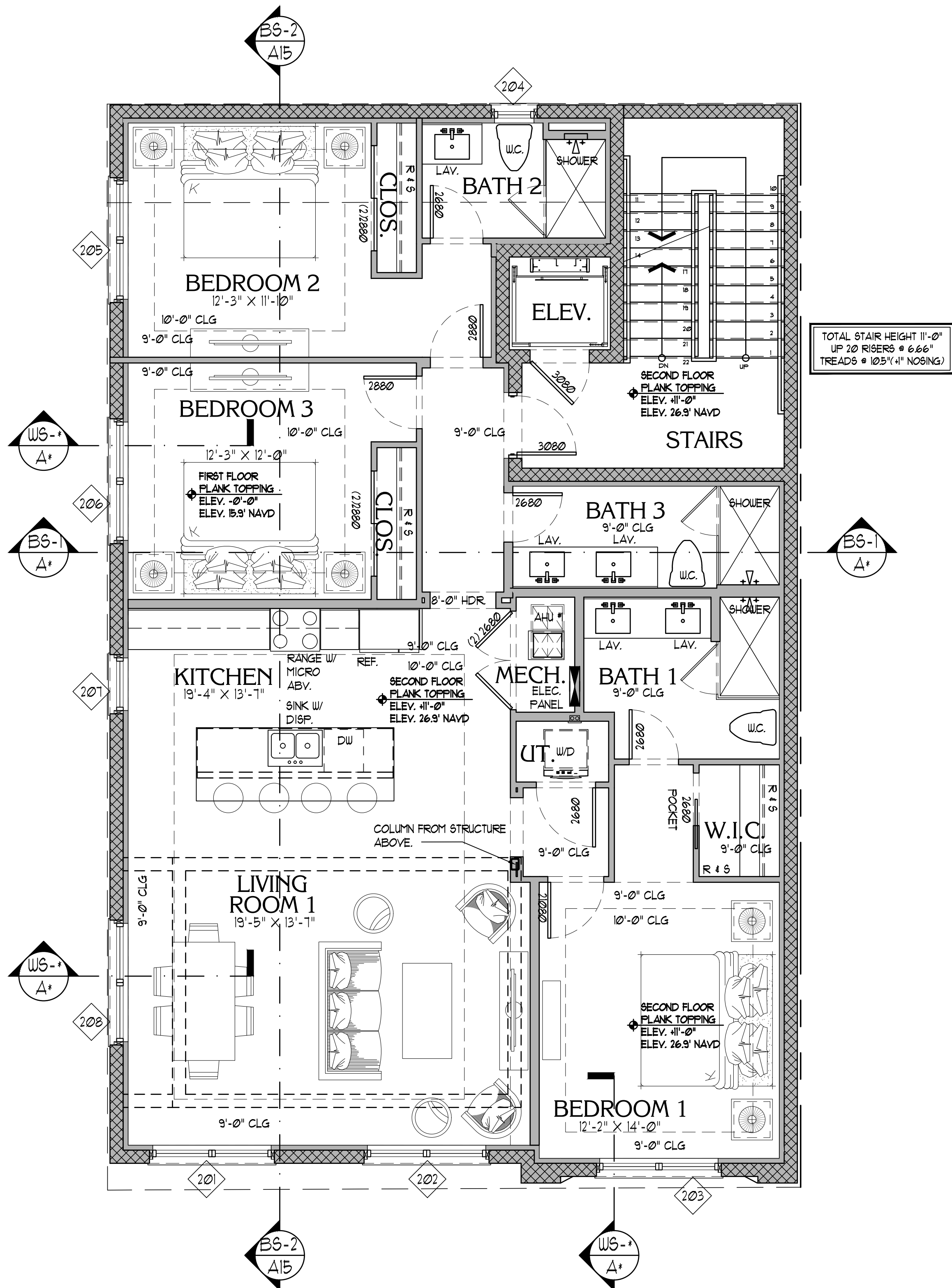
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SECOND FLOOR NOTE PLAN

SCALE: 1/4"=1'-0"

LEGEND	
	3" INTERIOR WALL FURRING SYS. (REFER TO WALL SECT.)
	REINFORCED CMU WALL SYSTEM
	STONE CLADDING ON CMU WALL. SEE PLAN FOR DIM. & LOCATIONS.
	STUCCO ON CMU WALL. TYP. SEE PLAN FOR LOCATIONS.
	CONCRETE COLUMN WALL. REFER TO STRUCT. PLANS.
	INTERIOR STUD BEARING WALL
	INTERIOR STUD WALL
	TUBULAR STEEL COLUMN. REF. STRUCT. FOR SIZE & LOCATION.
	GANG STUD COLUMN. REF. STRUCT. FOR SIZE & LOCATION.
	FLOOD VENT. SEE PLAN FOR NUMBER & LOCATIONS.

GENERAL NOTES	
1.	THE G.C. IS TO VERIFY ALL WINDOW AND DOOR ROUGH OPENING SIZES WITH INSTALLATION REQUIREMENTS PRIOR TO INSTALL.
2.	ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESSSES FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT. (CHAPTER 45, FBC 2023 RESIDENTIAL EDITION)
3.	ALL WINDOWS AND FRENCH DOORS SHALL BE IMPACT RESISTANT. GARAGE DOORS SHALL BE IMPACT RESISTANT. MAHOGANY ENTRY DOORS SHALL ALSO BE IMPACT RESISTANT.
4.	ALL SCREEN DOORS ARE TO BE SELF LATCHING, SELF CLOSING AND HAVE ALARMS. G.C. IS TO VERIFY THAT ALL EXITS TO THE POOL AREA MEET THE POOL SAFETY ACT.
5.	G.C. PROVIDE SOUND INSULATION FOR ALL INTERIOR WALLS AND CEILINGS, AND INSULATE ALL EXTERIOR WALLS.
6.	POOL DESIGN AND LANDSCAPING BY OTHERS.
7.	A 40" HIGH AFF. (BALCONY) AND 36" HIGH (STAIR) ALUMINUM OR COMPOSITE RAILING SHALL BE CONSTRUCTED SUCH THAT A 4" SPHERE SHALL NOT PASS THROUGH AT ANY POINT (11P) (SECTION R302 OF THE FBC 2023). G.C. TO VERIFY HANDRAIL IS INSTALLED TO MEET A CIRCULAR CROSS SECTION WITH A DIAMETER OF 1-1/4" - 2" OR PROVIDE A NONCIRCULAR CROSS SECTION WITH EQUIVALENT GRASP ABILITY PERFORMANCE TO MEET THE FBC 2023 R301.83.
8.	THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE BY NOT LESS THAN 1/2" TYPE "X" GYPSUM BOARD, AND 5/8" TYPE "X" GYPSUM BOARD FROM HABITABLE ROOMS ABOVE THE GARAGE AS PER RESIDENTIAL FBC 2023 R302.6.
9.	OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH SOLID WOOD DOORS NOT LESS THAN 1 3/8" N. THICKNESS, SOLID OR HONEY COMB-CORE STEEL DOORS NOT LESS THAN 1 3/8", OR 20 MIN. FIRE-RATED DOORS, EQUIPPED WITH A SELF-CLOSING DEVICE, PER SEC. R302.51
10.	DUCT WORK WHICH PENETRATE THE WALLS BETWEEN THE GARAGE AND THE RESIDENCE SHALL BE CONSTRUCTED OF A MIN. OF NO. 26 GAGE SHEET METAL OR OTHER APPROVED MATERIAL AS PER R302.52, OF THE RESIDENTIAL 2023 F.B.C.
11.	ALL SECOND FLOOR ELEVATIONS REFERENCED FROM FINISHED CONCRETE SLAB ELEV. 41'-0" (26'-9" NAVD).
12.	G.C. TO VERIFY POSITIVE SLOPE OF FINISHED FLOOR TO ENSURE PROPER DRAINAGE AT LANAIS, COVERED ENTRY, OUTDOOR LIVING, BALCONIES, AND GARAGES.
13.	G.C. TO PROVIDE ICYNENE INSULATION AT THE UNDERSIDE OF ALL ROOF TRUSSES INCLUDING GARAGES, LANAIS, AND BALCONIES IF APPLICABLE. G.C. TO ALSO PROVIDE MAKE UP AIR EQUAL TO ULTRA AIR ADEQUATE FOR THIS SYSTEM. G.C. TO PROVIDE (2) VENTS INSTALLED INSIDE THE GARAGE OPEN TO THE ATTIC SPACE.
14.	MAKE UP AIR FOR KITCHEN HOOD WILL BE PROVIDED BY A BROAN UNIVERSAL AUTOMATIC MAKE-UP AIR DAMPER SIZED AT A RATE APPROX. EQUAL TO THE EXHAUST AIR RATE. MAKEUP AIR SYSTEM SHALL BE EQUIPPED WITH A MEANS OF CLOSURE AND SHALL BE AUTOMATICALLY CONTROLLED TO START AND OPERATE SIMULTANEOUSLY WITH THE EXHAUST SYSTEM AS REQUIRED PER MIB034.
15.	G.C. TO COORDINATE W/ ELECTRICAL DRAWINGS FOR SIZE & LOCATION OF A/C PADS, POOL EQUIPMENT, ELECTRICAL METER, ELECTRICAL PANELS & H.B.
16.	ALL ELECTRICAL, PLUMBING AND MECHANICAL EQUIPMENT TO BE SLAB ON GRADE AND ABOVE ELEVATION 42.00' NAVD.
17.	REFER TO STRUCTURAL DRAWINGS FOR EXACT LOCATION OF STRUCTURAL WALLS, COLUMNS, AND BEAMS.
18.	REFER TO LOW ROOF PLAN FOR WET DECK SLOPE / DRAINAGE LOCATIONS.
19.	REFER TO INTERIOR DRAWINGS FOR FINAL CEILING HEIGHTS AND INFORMATION.
20.	ALL STEAM SHOWERS SHALL HAVE A SLOPED CEILING AT A MIN 1/2" PER FT. G.C. TO COORDINATE LOCATION OF EQUIPMENT WITH ARCHITECT AND/OR INTERIOR DESIGNER PRIOR TO INSTALLATION.

REVIEW SET

Date

Revisions

1011 THIRD STREET

FORT MYERS BEACH, FLORIDA

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PROJ. #: 2404-05

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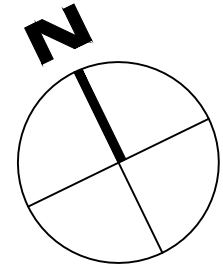
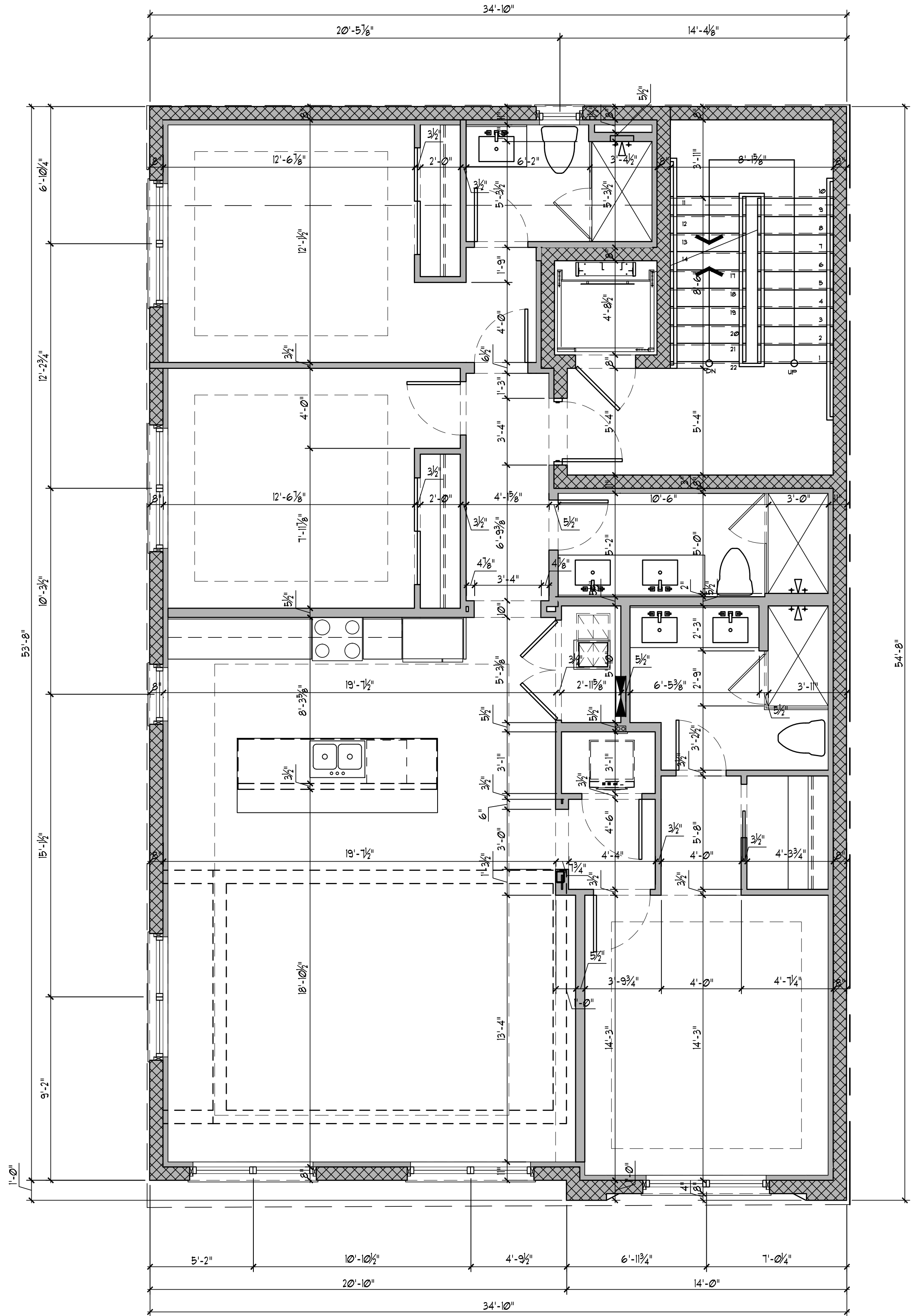
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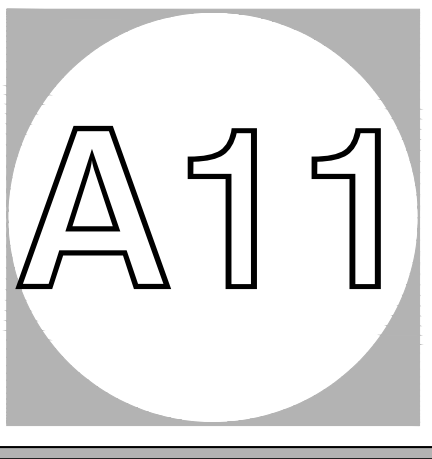
(239) 431.1686

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SECOND FLOOR DIMENSION PLAN
SCALE: 1/4"=1'-0"

REVIEW SET



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DRAWN BY: K.A.V.
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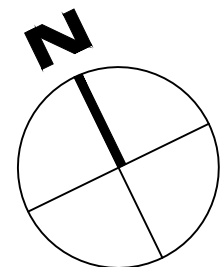
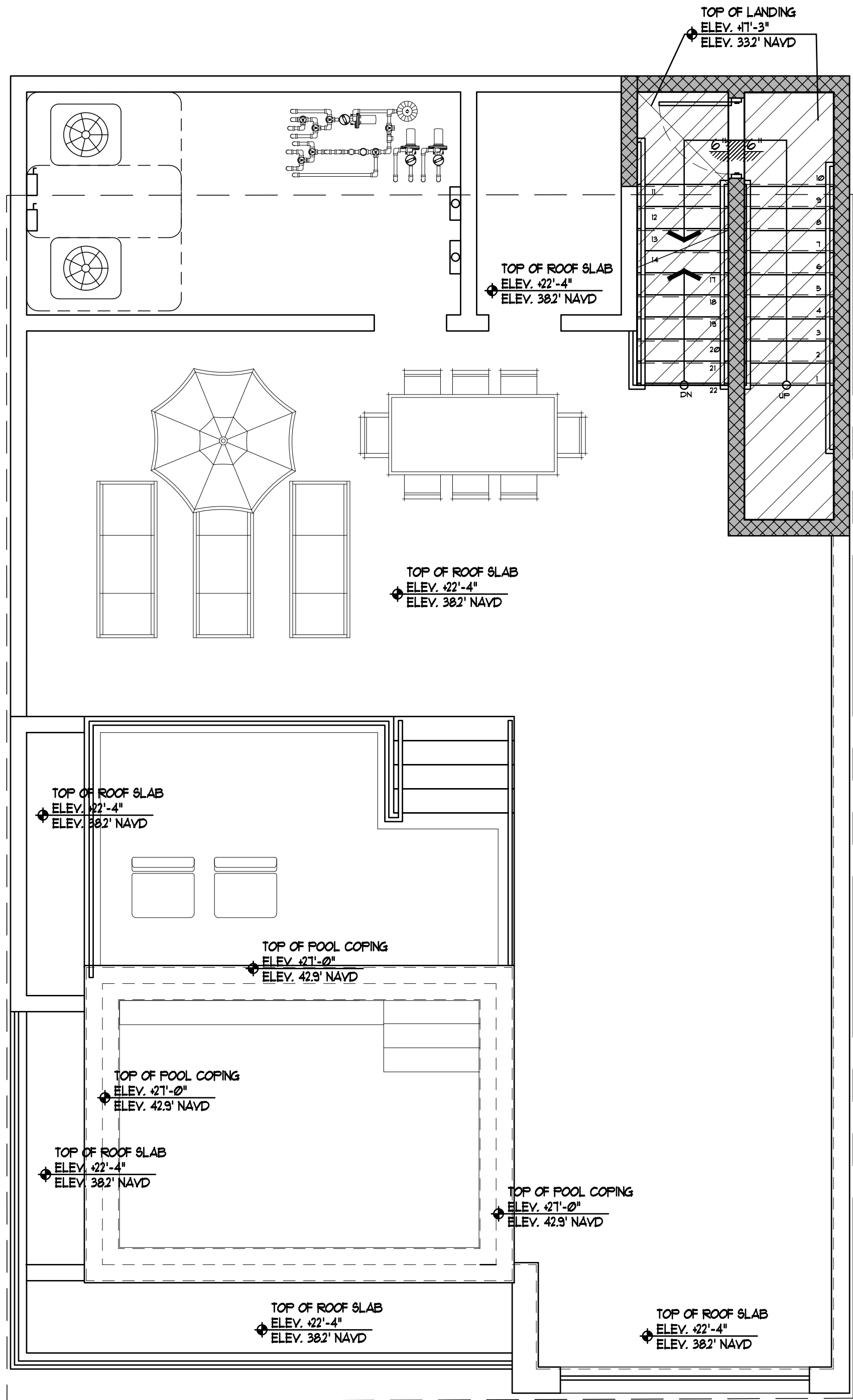
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THIRD FLOOR SLAB PLAN
SCALE: 1/4"=1'-0"

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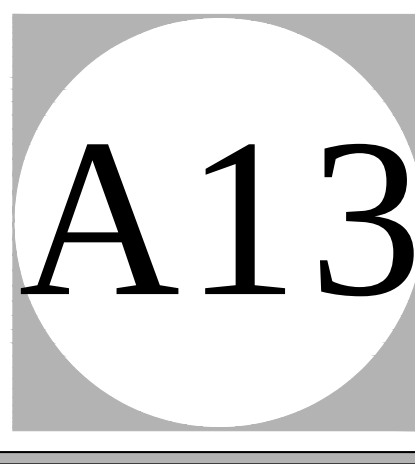
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1011 THIRD STREET
FORT MYERS BEACH, FLORIDA



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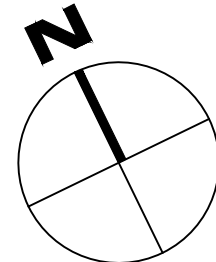
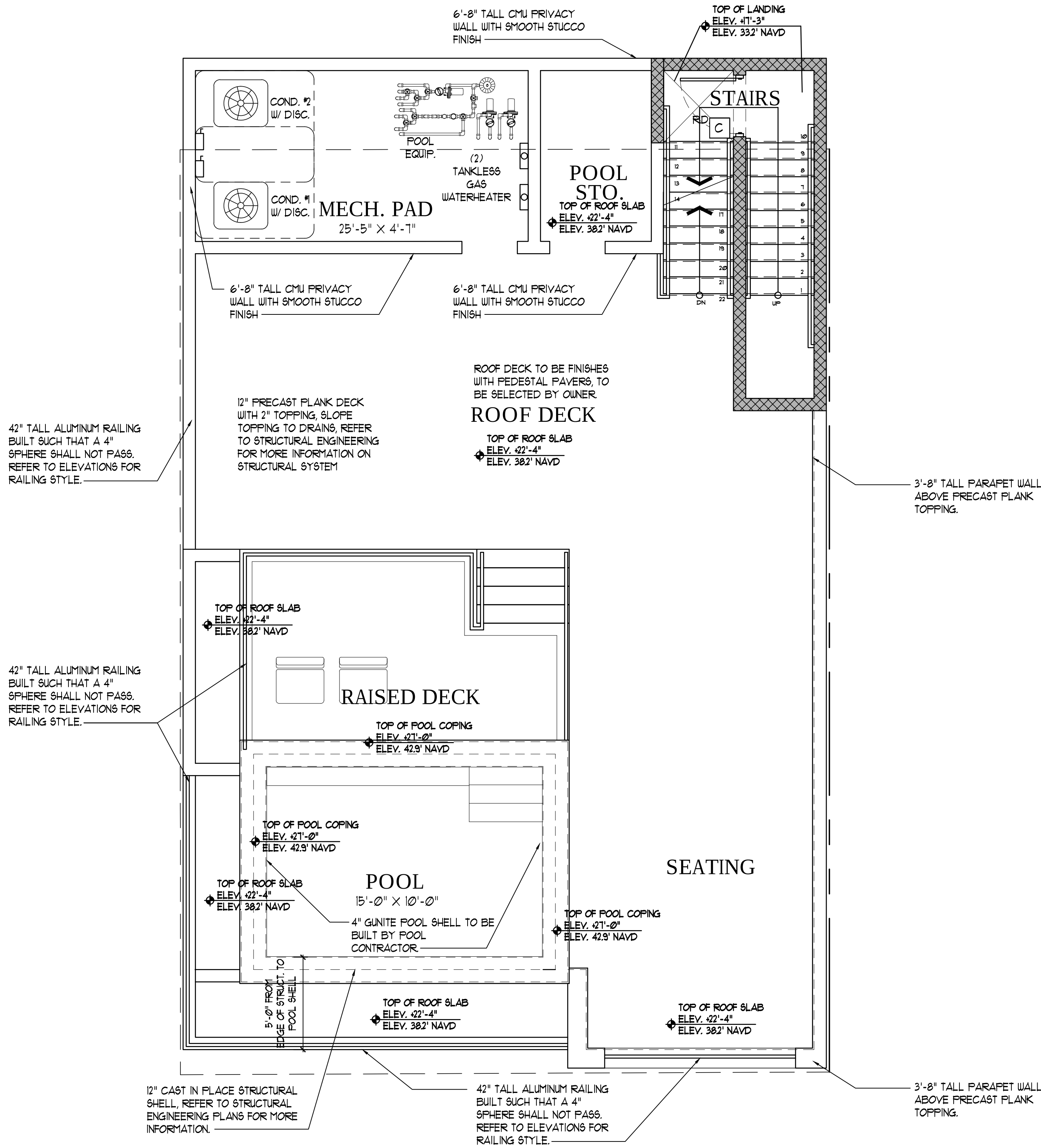
804 ANCHOR RODE DRIVE

LEGEND

- 3" INTERIOR WALL FURRING SYS.
(REFER TO WALL SECT.)
- REINFORCED CMU WALL SYSTEM
- STONE CLADDING ON CMU WALL.
SEE PLAN FOR DIM. & LOCATIONS.
- STUCCO ON CMU WALL, TYP.
SEE PLAN FOR LOCATIONS.
- CONCRETE COLUMN WALL.
REFER TO STRUCT. PLANS.
- INTERIOR STUD BEARING WALL
- INTERIOR STUD WALL
- TUBULAR STEEL COLUMN, REF.
STRUCT. FOR SIZE & LOCATION.
- GANG STUD COLUMN, REF.
STRUCT. FOR SIZE & LOCATION.
- FLOOD VENT, SEE PLAN
FOR NUMBER & LOCATIONS.

GENERAL NOTES

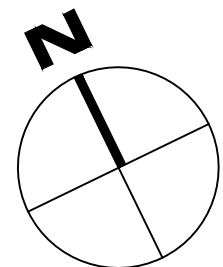
- THE G.C. IS TO VERIFY ALL WINDOW AND DOOR ROUGH OPENING SIZES WITH INSTALLATION REQUIREMENTS PRIOR TO INSTALL.
- ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT. (CHAPTER 45, FBC 2023 RESIDENTIAL EDITION)
- ALL WINDOWS AND FRENCH DOORS SHALL BE IMPACT RESISTANT. GARAGE DOORS SHALL BE IMPACT RESISTANT. HADGASANY ENTRY DOORS SHALL ALSO BE IMPACT RESISTANT.
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- G.C. PROVIDE SOUND INSULATION FOR ALL INTERIOR WALLS AND CEILINGS, AND INSULATE ALL EXTERIOR WALLS.
- POOL DESIGN AND LANDSCAPING BY OTHERS.
- A 40" HIGH AFF. (BALCONY) AND 36" HIGH (STAIR) ALUMINUM OR COMPOSITE RAILING SHALL BE CONSTRUCTED SUCH THAT A 4" SPHERE SHALL NOT PASS THROUGH AT ANY POINT (TYP.) (SECTION R302 OF THE FBC 2023). G.C. TO VERIFY HANDRAIL IS INSTALLED TO MEET A CIRCULAR CROSS SECTION WITH A DIAMETER OF 1-1/4" - 2" OR PROVIDE A NONCIRCULAR CROSS SECTION WITH EQUIVALENT GRASP ABILITY PERFORMANCE TO MEET THE FBC 2023 R301.83.
- THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE BY NOT LESS THAN 1/2" TYPE "X" GYPSUM BOARD, AND 5/8" TYPE "X" GYPSUM BOARD FROM HABITABLE ROOMS ABOVE THE GARAGE AS PER RESIDENTIAL FBC 2023 R302.6.
- OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH SOLID WOOD DOORS NOT LESS THAN 1 3/8" N. THICKNESS, SOLID OR HONEY COMB-CORE STEEL DOORS NOT LESS THAN 1 3/8", OR 20 MIN. FIRE-RATED DOORS, EQUIPPED WITH A SELF-CLOSING DEVICE, PER SEC. R302.51
- DUCT WORK WHICH PENETRATE THE WALLS BETWEEN THE GARAGE AND THE RESIDENCE SHALL BE CONSTRUCTED OF A MIN. OF NO. 26 GAGE SHEET METAL OR OTHER APPROVED MATERIAL AS PER R302.52, OF THE RESIDENTIAL 2023 F.B.C.
- ALL FIRST FLOOR ELEVATIONS REFERENCED FROM FINISHED CONCRETE SLAB ELEV. 0'-0" (1130' NAVD).
- G.C. TO VERIFY POSITIVE SLOPE OF FINISHED FLOOR TO ENSURE PROPER DRAINAGE AT LANAIS, COVERED ENTRY, OUTDOOR LIVING, BALCONIES, AND GARAGES.
- G.C. TO PROVIDE ICYNENE INSULATION AT THE UNDERSIDE OF ALL ROOF TRUSSES INCLUDING GARAGES, LANAIS, AND BALCONIES IF APPLICABLE. G.C. TO ALSO PROVIDE MAKE UP AIR EQUAL TO ULTRA AIR ADEQUATE FOR THIS SYSTEM. G.C. TO PROVIDE (2) VENTS INSTALLED INSIDE THE GARAGE OPEN TO THE ATTIC SPACE.
- MAKE UP AIR FOR KITCHEN HOOD WILL BE PROVIDED BY A BROAD UNIVERSAL AUTOMATIC MAKE-UP AIR DAMPER SIZED AT A RATE APPROX. EQUAL TO THE EXHAUST AIR RATE. MAKEUP AIR SYSTEM SHALL BE EQUIPPED WITH A MEANS OF CLOSURE AND SHALL BE AUTOMATICALLY CONTROLLED TO START AND OPERATE SIMULTANEOUSLY WITH THE EXHAUST SYSTEM AS REQUIRED PER M1603.4.
- G.C. TO COORDINATE W/ ELECTRICAL DRAWINGS FOR SIZE & LOCATION OF A/C PADS, POOL EQUIPMENT, ELECTRICAL METER, ELECTRICAL PANELS & H.B.
- ALL ELECTRICAL, PLUMBING AND MECHANICAL EQUIPMENT TO BE SLAB ON GRADE AND ABOVE ELEVATION +3.00' NAVD.
- REFER TO STRUCTURAL DRAWINGS FOR EXACT LOCATION OF STRUCTURAL WALLS, COLUMNS, AND BEAMS.
- REFER TO LOW ROOF PLAN FOR WET DECK SLOPE / DRAINAGE LOCATIONS.
- REFER TO INTERIOR DRAWINGS FOR FINAL CEILING HEIGHTS AND INFORMATION.
- ALL STEAM SHOWERS SHALL HAVE A SLOPED CEILING AT A MIN 1/2" PER FT. G.C. TO COORDINATE LOCATION OF EQUIPMENT WITH ARCHITECT AND/OR INTERIOR DESIGNER PRIOR TO INSTALLATION.



ROOF DECK PLAN

SCALE: 1/4"=1'-0"

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SCALE: 1/4"=1'-0"

A14

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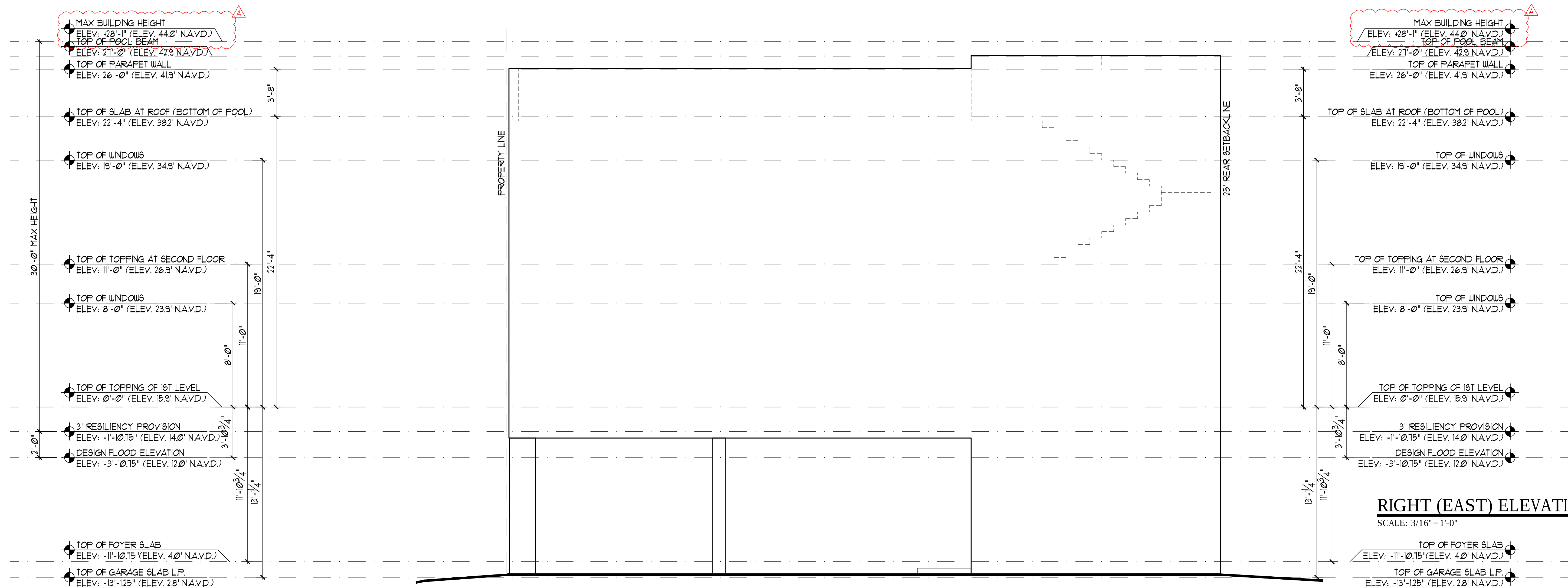
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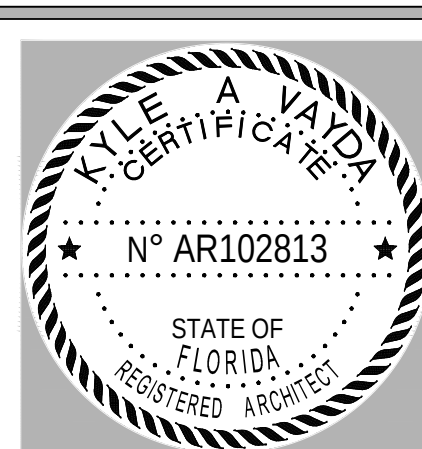
1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

Revisions	Date

[illegible]



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Date 1.14.25

Revisions
ADDENDUM A. FMB STAFF COMMENTS

10111 THIRD STREET

FORT MYERS BEACH, FLORIDA



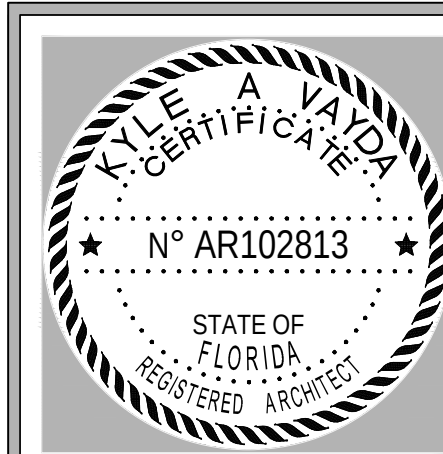
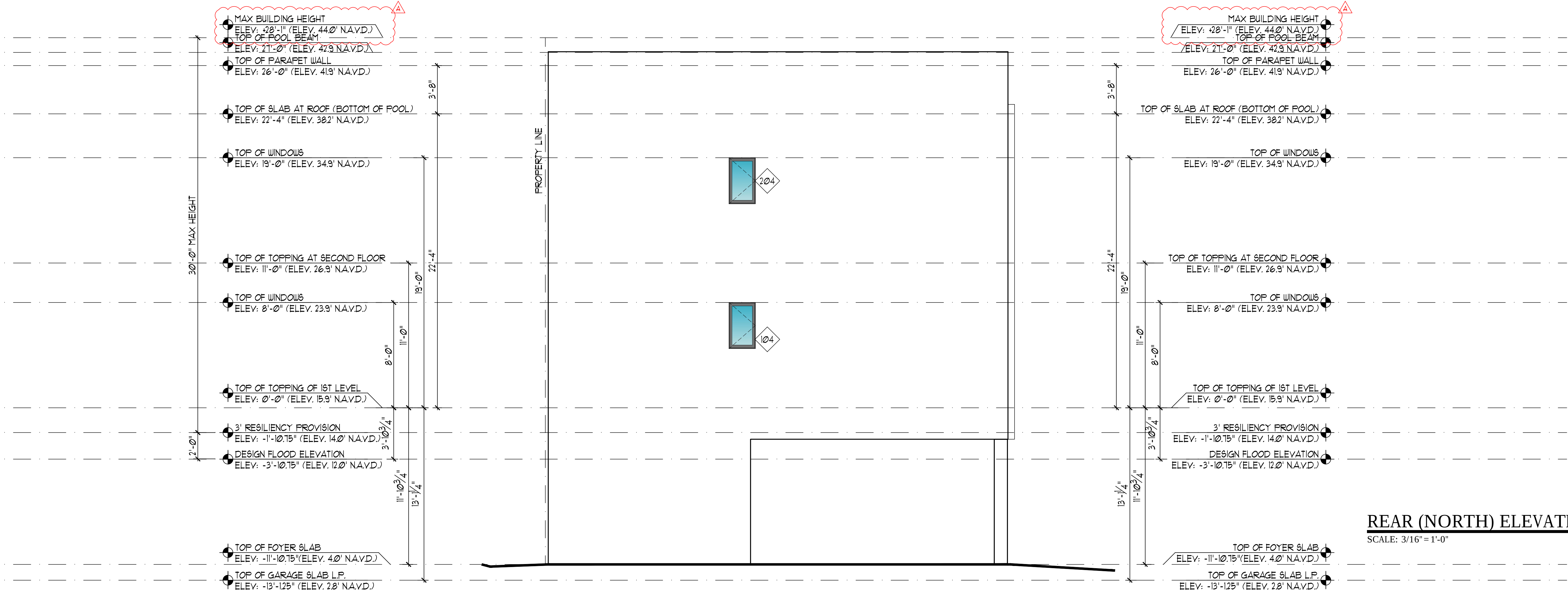
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PROJ. #: 2404-05

DRAWN BY: K.A.V.

DATE: 9.18.24

A16



Date
1.14.25

Revisions
ADDENDUM A: FME STAFF COMMENTS

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1011 THIRD STREET
FORT MYERS BEACH, FLORIDA



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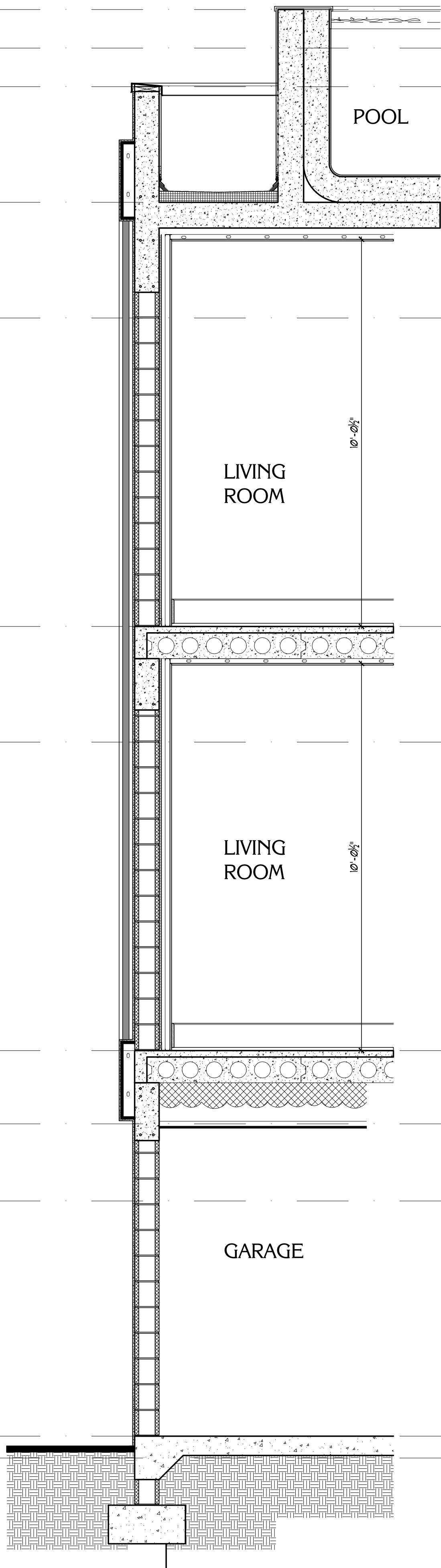
PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24



REVIEW SET

- MAX BUILDING HEIGHT
ELEV: +28'-1" (ELEV. *** NAVD.)
- TOP OF POOL BEAM
ELEV: 27'-0" (ELEV. **** NAVD.)
- TOP OF PARAPET WALL
ELEV: 26'-0" (ELEV. **** NAVD.)
- TOP OF PARAPET WALL
ELEV: 25'-0" (ELEV. **** NAVD.)
- TOP OF SLAB AT ROOF (BOTTOM OF POOL)
ELEV: 22'-0" (ELEV. **** NAVD.)
- TOP OF WINDOWS
ELEV: 19'-0" (ELEV. **** NAVD.)
- TOP OF TOPPING AT SECOND FLOOR
ELEV: 11'-0" (ELEV. **** NAVD.)
- TOP OF WINDOWS
ELEV: 8'-0" (ELEV. **** NAVD.)
- TOP OF TOPPING OF 1ST LEVEL
ELEV: 0'-0" (ELEV. **** NAVD.)
- 3' RESILIENCY PROVISION
HEIGHT RELIEF
ELEV: -1'-10" (ELEV. 140' NAVD.)
- DESIGN FLOOD ELEVATION
ELEV: -3'-10" (ELEV. 120' NAVD.)
- TOP OF FOYER SLAB
(ELEV.5.3' NAVD.)
- TOP OF GARAGE SLAB L.P.
(ELEV.5.4' NAVD.)

WS-1 WALL SECTION 1
SCALE: 1/2"=1'-0"



- MAX BUILDING HEIGHT
ELEV: +28'-1" (ELEV. *** NAVD.)
- TOP OF POOL BEAM
ELEV: 27'-0" (ELEV. **** NAVD.)
- TOP OF PARAPET WALL
ELEV: 26'-0" (ELEV. **** NAVD.)
- TOP OF PARAPET WALL
ELEV: 25'-0" (ELEV. **** NAVD.)
- TOP OF SLAB AT ROOF (BOTTOM OF POOL)
ELEV: 22'-0" (ELEV. **** NAVD.)
- TOP OF WINDOWS
ELEV: 19'-0" (ELEV. **** NAVD.)
- TOP OF TOPPING AT SECOND FLOOR
ELEV: 11'-0" (ELEV. **** NAVD.)
- TOP OF WINDOWS
ELEV: 8'-0" (ELEV. **** NAVD.)
- TOP OF TOPPING OF 1ST LEVEL
ELEV: 0'-0" (ELEV. **** NAVD.)
- 3' RESILIENCY PROVISION
HEIGHT RELIEF
ELEV: -1'-10" (ELEV. 140' NAVD.)
- DESIGN FLOOD ELEVATION
ELEV: -3'-10" (ELEV. 120' NAVD.)
- TOP OF FOYER SLAB
(ELEV.5.3' NAVD.)
- TOP OF GARAGE SLAB L.P.
(ELEV.5.4' NAVD.)

WS-2 WALL SECTION 2
SCALE: 1/2"=1'-0"



Date

Revisions

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA



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PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24



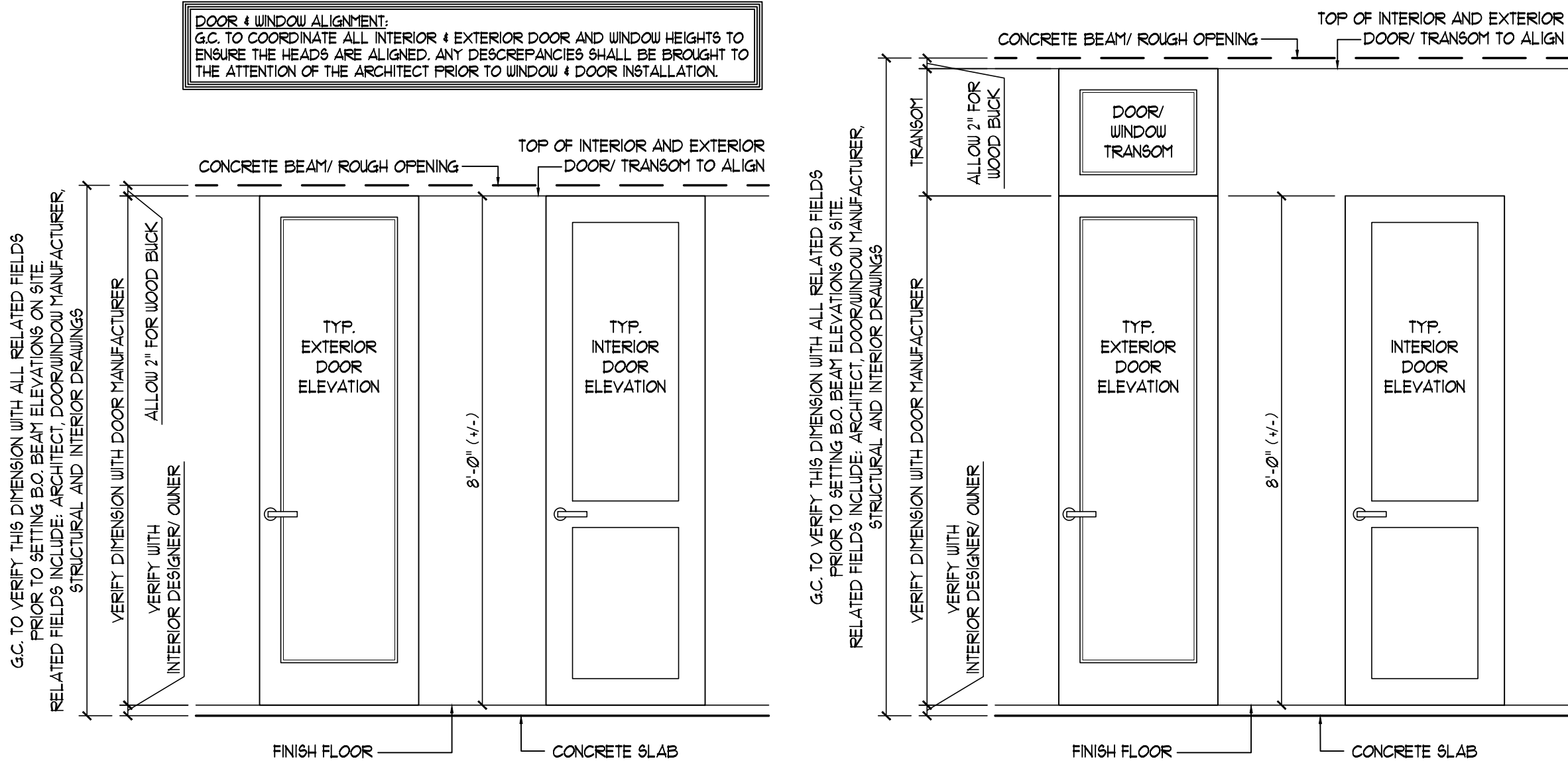
REVIEW SET

EXTERIOR WINDOW SCHEDULE								
WIN. NO.	WINDOW SIZE	TRANSOM	TYPE	HEAD HEIGHT	MANUFACTURER	LOCATION	PROTECTION	REMARKS:
FIRST FLOOR:								
101	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS
102	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS
103	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	MASTER BEDROOM	IMPACT	SEE ELEVATIONS
104	(1) 2'-0" X 3'-6"	N/A	C8MT.FIXED	8'-0"	PGT	BATH 2	IMPACT	
105	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	BEDROOM 12	IMPACT	SEE ELEVATIONS
106	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	BEDROOM 15	IMPACT	SEE ELEVATIONS
107	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	KITCHEN	IMPACT	SEE ELEVATIONS
108	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS
SECOND FLOOR:								
201	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS
202	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS
203	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	MASTER BEDROOM	IMPACT	SEE ELEVATIONS
204	(1) 2'-0" X 3'-6"	N/A	C8MT.FIXED	8'-0"	PGT	BATH 2	IMPACT	
205	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	BEDROOM 12	IMPACT	SEE ELEVATIONS
206	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	BEDROOM 15	IMPACT	SEE ELEVATIONS
207	(2) 3'-0" X 5'-0"	N/A	OPP. CASEMENT	8'-0"	PGT	KITCHEN	IMPACT	SEE ELEVATIONS
208	(2) 3'-0" X 7'-0"	N/A	FIXED	8'-0"	PGT	LIVING ROOM	IMPACT	SEE ELEVATIONS

EXTERIOR DOOR SCHEDULE								
UNIT No.	SIZE	DESCRIPTION	TRANSOM	DOOR FRAME	MANUFACTURER	LOCATION	PROTECTION	REMARKS:
GROUND FLOOR:								
A	(2) 3'-0" X 8'-0"	CUSTOM ENTRY DOOR	N/A	ALUM.	PGT	LOBBY	IMPACT	
B	3'-0" X 8'-0"	OUTSWING FIBERGLASS DOOR	N/A	FIBERGLASS	PLASTPRO	STORAGE	IMPACT	
ROOF TOP DECK:								
C	3'-0" X 8'-0"	OUTSWING FIBERGLASS DOOR	N/A	FIBERGLASS	PLASTPRO	STORAGE	IMPACT	

NOTES:
SHOP DRAWINGS AND DOCUMENTED WINDOW TESTING SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE ARCHITECT.
HEAD HEIGHTS ARE MEASURED FROM CONCRETE SLAB TO TOP OF WINDOW FRAME.
ALL PGT EXTERIOR COLOR SHALL BE WHITE, VERIFY WITH OWNER PRIOR TO ORDERING.

GLAZING SPECIFICATION:
ALL GLAZING SHALL MEET OR EXCEED PERFORMANCE DATA BELOW:
IMPACT-RESISTANT GLASS. LAMINATED & INSULATED GLASS (DUAL-PANE)
U-FACTOR VALUE: 0.33 SHGC: 0.29
NOTE: ANY GLAZING ALTERNATIVES MUST BE APPROVED BY ARCHITECT & COMPLY WITH ENERGY CALCULATION REQUIREMENTS



REVIEW SET



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1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

Date

Revisions



ALL REVIEWS, REVISIONS, APPROVALS, AND SIGNATURES ON THIS DRAWING SHALL BE MADE BY THE ARCHITECT OR ANOTHER REGISTERED ARCHITECT IN THE STATE OF FLORIDA. THE ARCHITECT'S SIGNATURE SHALL BE PLACED ON THE DRAWING IN THE SPACE PROVIDED FOR THE ARCHITECT'S SIGNATURE. THE ARCHITECT'S SIGNATURE SHALL BE PLACED ON THE DRAWING IN THE SPACE PROVIDED FOR THE ARCHITECT'S SIGNATURE. THE ARCHITECT'S SIGNATURE SHALL BE PLACED ON THE DRAWING IN THE SPACE PROVIDED FOR THE ARCHITECT'S SIGNATURE.



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Revisions

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

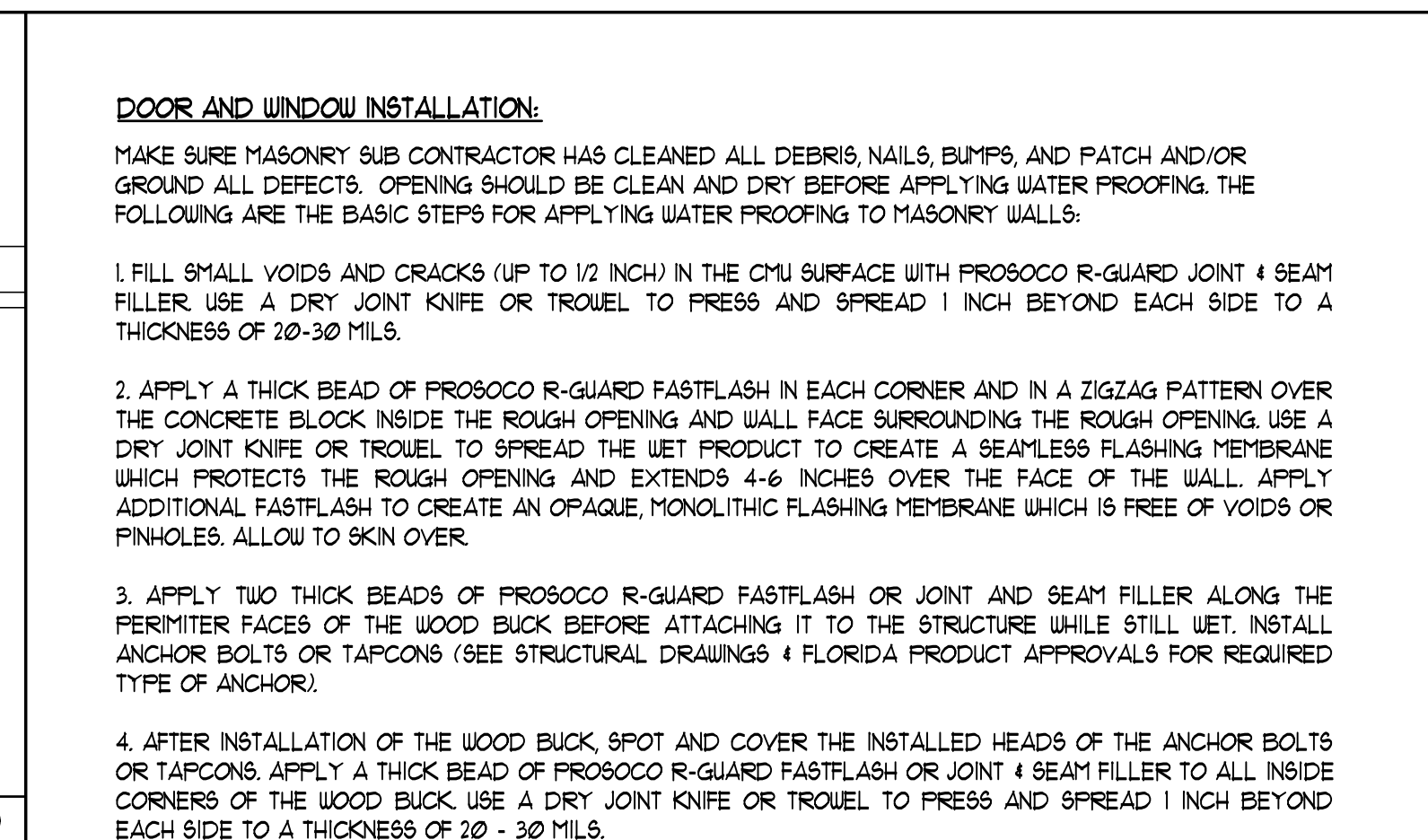
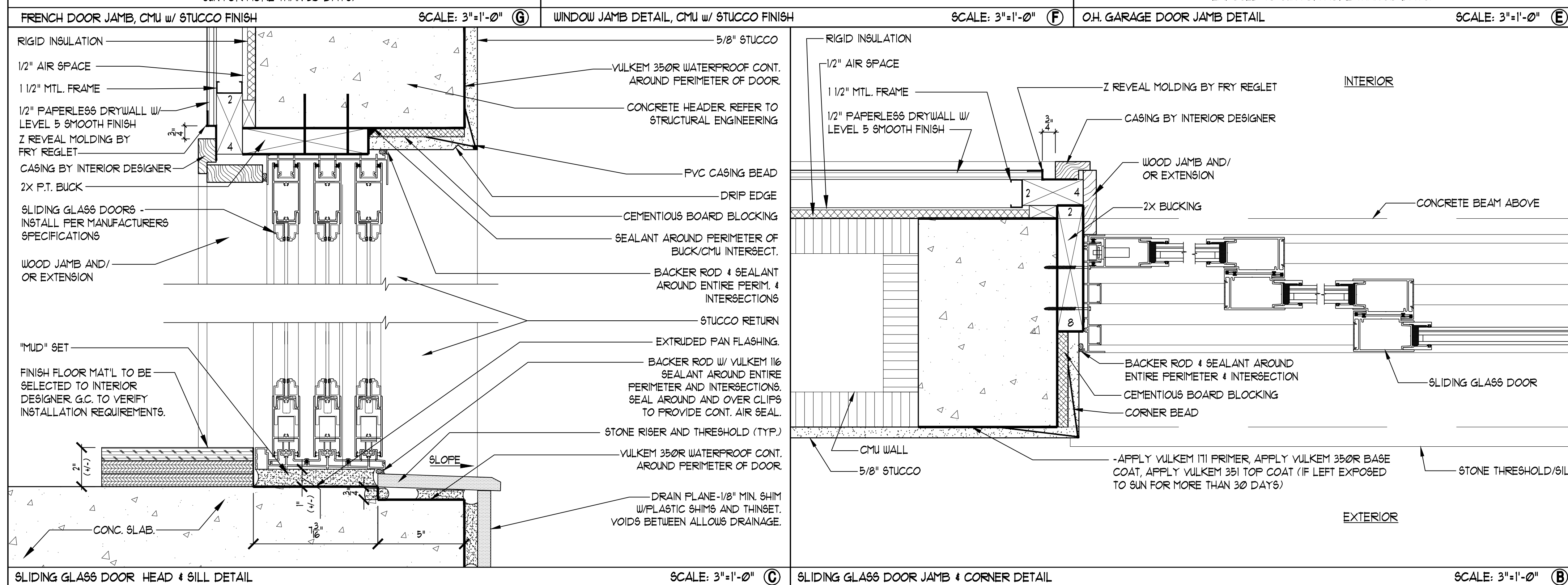
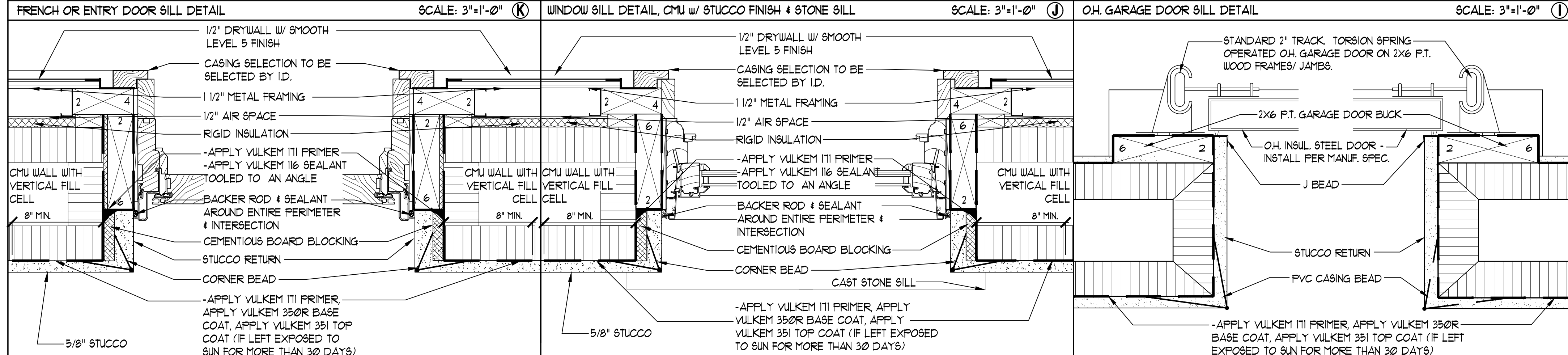
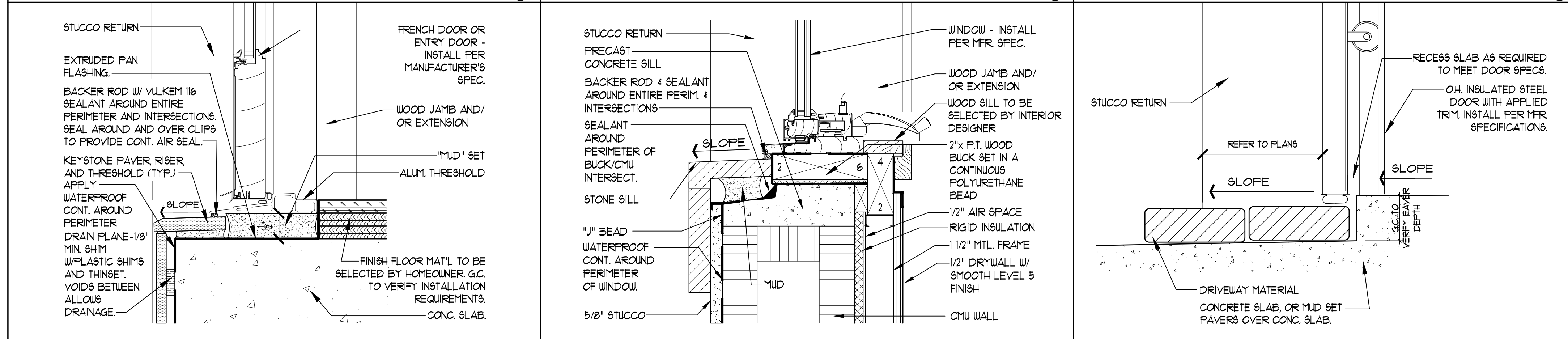
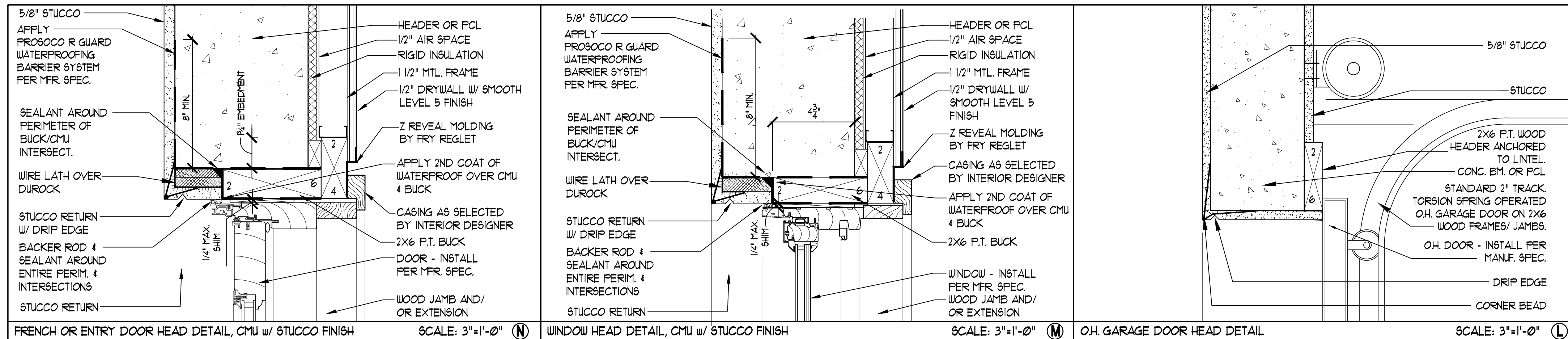


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A19

REVIEW SET



DOOR AND WINDOW INSTALLATION

MAKE SURE MASONRY SUB CONTRACTOR HAS CLEANED ALL DEBRIS, NAILS, BUMPS, AND PATCH AND/OR GROUND ALL DEFECTS. OPENING SHOULD BE CLEAN AND DRY BEFORE APPLYING WATER PROOFING. THE FOLLOWING ARE THE BASIC STEPS FOR APPLYING WATER PROOFING TO MASONRY WALLS:

1. FILL SMALL VOIDS AND CRACKS (UP TO 1/2 INCH) IN THE CMU SURFACE WITH PROSOCO R-GUARD JOINT & SEAM FILLER. USE A DRY JOINT KNIFE OR TROWEL TO PRESS AND SPREAD 1 INCH BEYOND EACH SIDE TO A THICKNESS OF 20-30 MILS.

2. APPLY A THICK BEAD OF PROSOCCO R-GUARD FASTFLASH IN EACH CORNER AND IN A ZIGZAG PATTERN OVER THE CONCRETE BEAD INSIDE THE ROUGH OPENING AND WALL FACE SURROUNDING THE ROUGH OPENING. USE A DRY JOINT KNIFE OR TROUPEL TO SPREAD THE WET PRODUCT TO CREATE A SEAMLESS FLASHING MEMBRANE WHICH PROTECTS THE ROUGH OPENING AND EXTENDS 4-6 INCHES OVER THE FACE OF THE WALL. APPLY ADDITIONAL FASTFLASH TO CREATE AN OPAQUE, MONOLITHIC FLASHING MEMBRANE WHICH IS FREE OF VOIDS OR PINHOLE. ALLOW TO SKIN OVER

3. APPLY TWO THICK BEADS OF PROSOCCO R-GUARD FASTFLASH OR JOINT AND SEAM FILLER ALONG THE PERIMETER FACES OF THE WOOD BUCK BEFORE ATTACHING IT TO THE STRUCTURE WHILE STILL WET. INSTALL ANCHOR BOLTS OR TAPCONS (SEE STRUCTURAL DRAWINGS & FLORIDA PRODUCT APPROVALS FOR REQUIRED TYPE OF ANCHOR).

4. AFTER INSTALLATION OF THE WOOD BUCK, SPOT AND COVER THE INSTALLED HEADS OF THE ANCHOR BOLTS OR TAPCONS. APPLY A THICK BEAD OF PROSCCO R-GUARD FASTLASH OR JOINT & SEAM FILLER TO ALL INSIDE CORNERS OF THE WOOD BUCK. USE A DRY JOINT KNIFE OR TROUPEL TO PRESS AND SPREAD 1 INCH BEYOND EACH SIDE TO A THICKNESS OF 20 - 30 MILS.

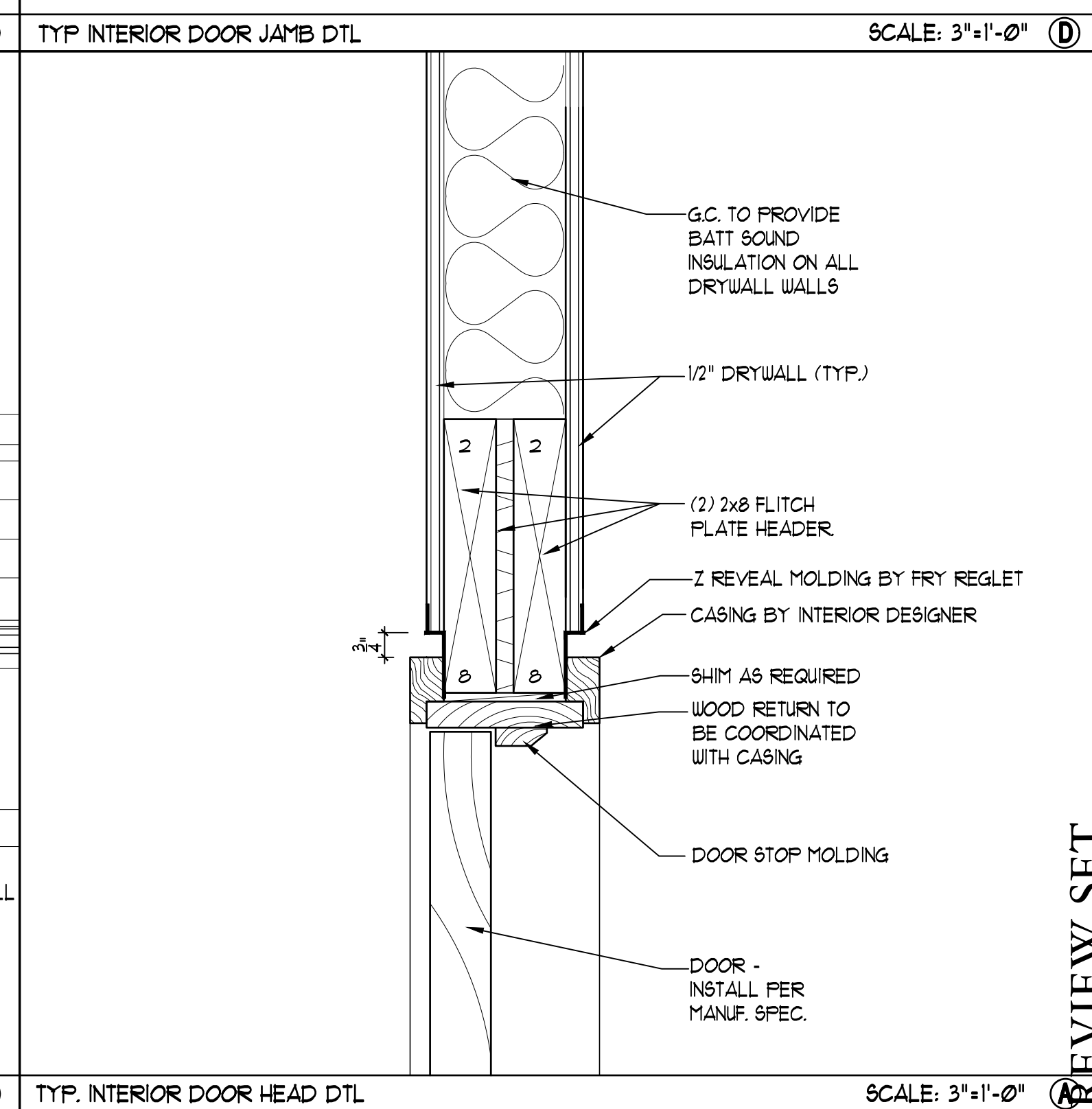
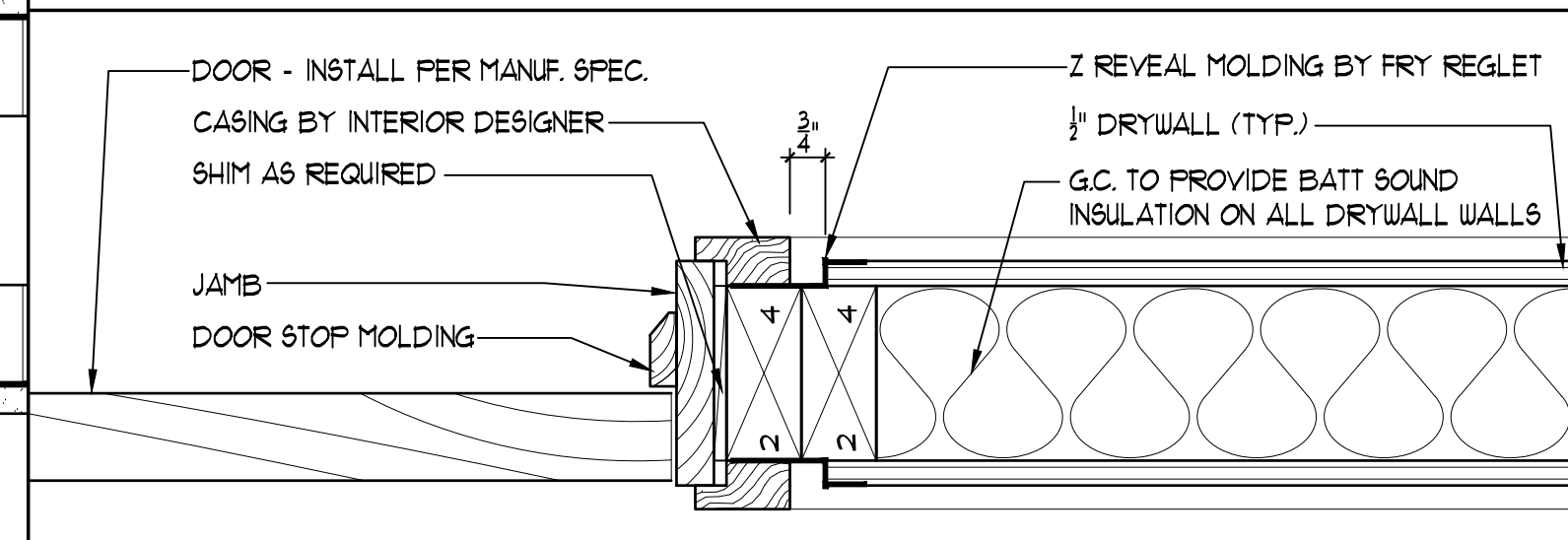
5. APPLY A THICK BEAD OF PROSCOCO R-GUARD FASTPLAST OR JOINT 1 SEAM FILLER TO THE PERIMETER JOINT BETWEEN THE WOOD BUCK AND THE CMU WALL. USE A DRY TROUDEL OR SPATULA TO TOOL AND SEAL THE JOINT. CREATE A PROFILE THAT DIRECTS BULK WATER AWAY FROM THE JOINT. ALLOW JOINT 4 SEAM FILLER TO SKIN OVER. APPLY A THICK BEAD OF PROSCOCO R-GUARD FASTPLAST OVER THE INSIDE OF THE WOOD BUCK EXTENDING IT ON TO THE WALL SURROUNDING THE ROUGH OPENING. USE A DRY JOINT KNIFE OR TROUDEL TO TOOL THE BEAD. THE BEAD SHOULD CREATE A SLEEVING FLASHING MEMBRANE WHICH PROTECTS THE WOOD BUCK AND EXTENDS 4-6 INCHES OVER THE FACE OF THE WALL.

APPLY ADDITIONAL FASTPLAST AS NEEDED TO CREATE AN OPAQUE, MONOLITHIC FLASHING MEMBRANE WHICH IS FREE OF JOIDS OR PINHOLE.

MANUFACTURER'S SPECIFICATIONS & FLORIDA PRODUCT APPROVALS
FOR INSTALLATION OF ALL COMPONENTS SUPERCEDE THESE DETAILS

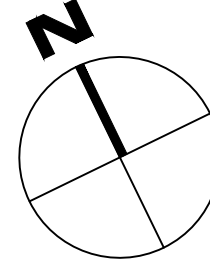
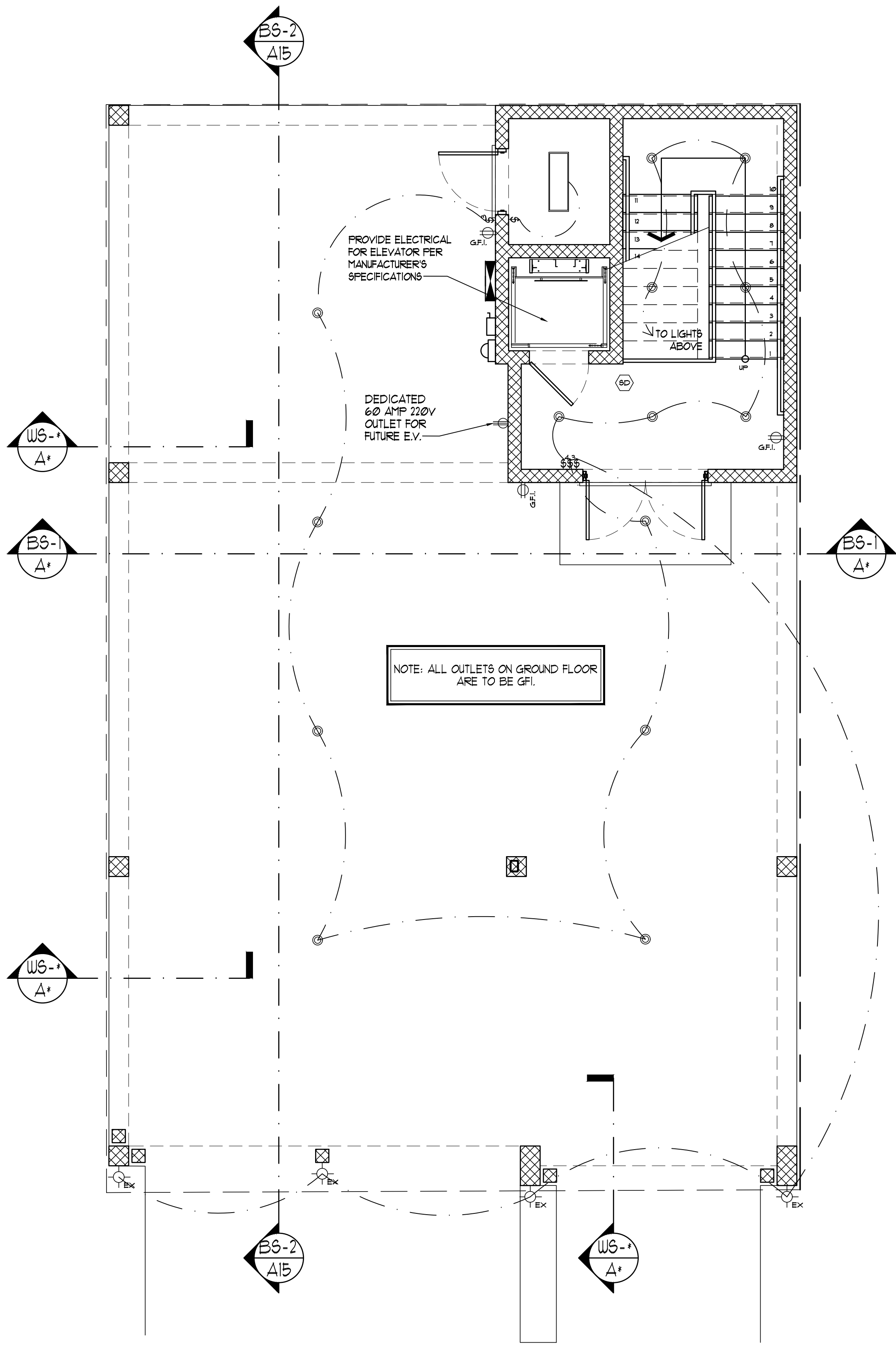
STUCCO HEADER ALTERNATE: REPLACE MORTAR BED W/ 5/8" STEEL TROWEL SMOOTH STUCCO. ALL OTHER COMPONENTS REMAIN THE SAME

GENERAL NOTES

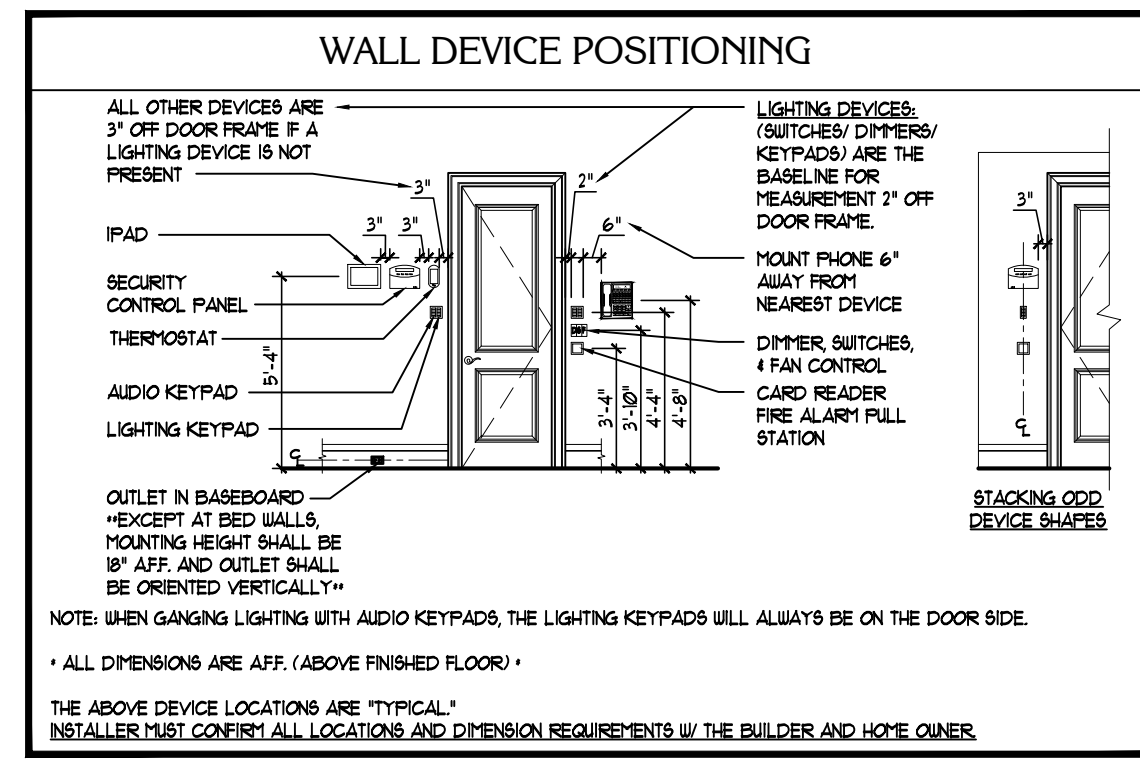
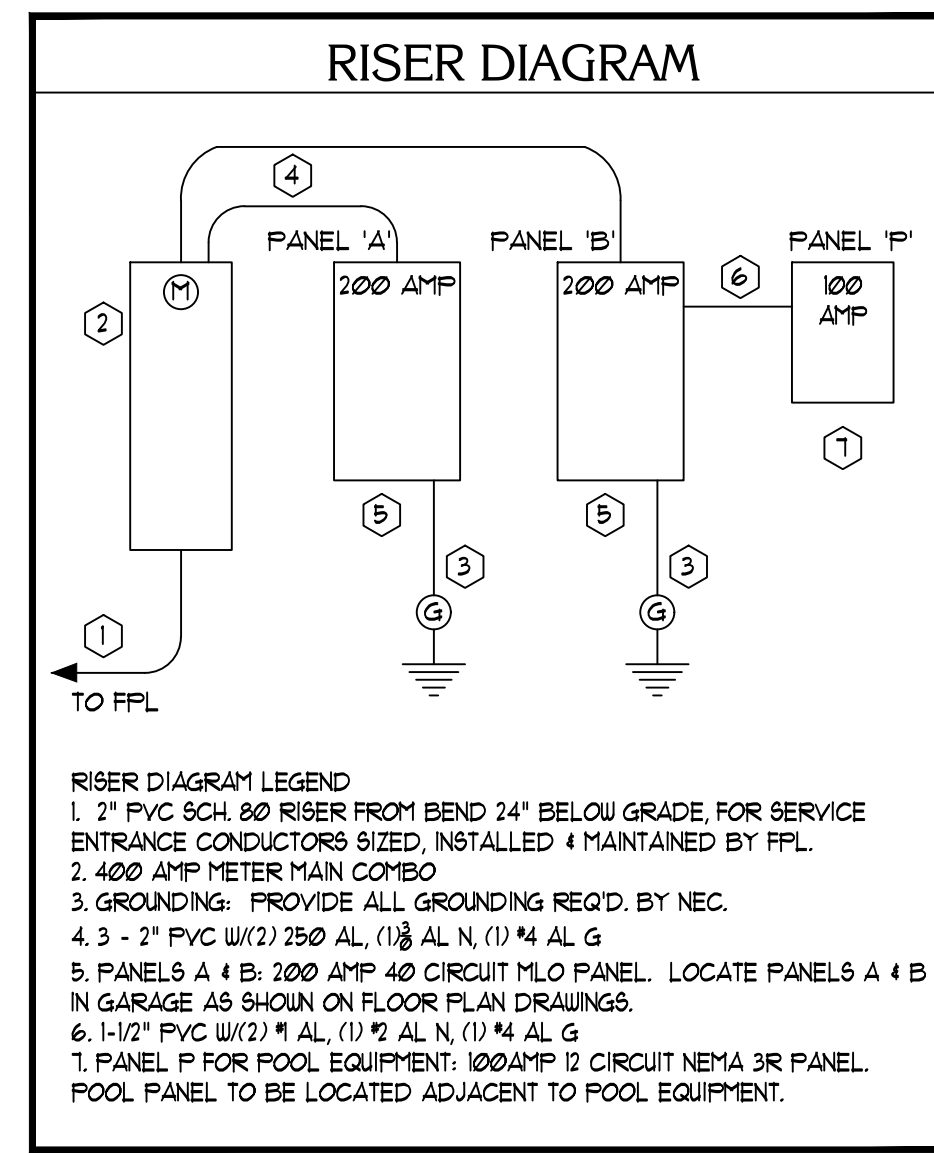


ELECTRICAL NOTES

1. DRAWINGS ARE DIAGRAMMATIC AND SHALL NOT BE SCALED. REFER TO ARCHITECTURAL PLANS AND ELEVATIONS FOR EXACT LOCATION OF ALL EQUIPMENT. ELECTRICAL CONTRACTOR SHALL FURNISH AND INSTALL ALL ITEMS REQUIRED FOR COMPLETE AND ACCEPTABLE WORKING INSTALLATION.
2. ALL WORK SHALL COMPLY WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND SHALL COMPLY WITH ALL LOCAL RULES AND ORDINANCES HAVING JURISDICTION.
3. MINIMUM WIRE SIZE SHALL BE #2 AWG, UNLESS OTHERWISE NOTED. ALL CONDUCTORS SHALL BE COPPER WITH THIN OR THIN INSULATION.
4. ALL MATERIAL SHALL BE NEW AND BEAR THE UNDERWRITERS LABEL (UL) WHERE APPLICABLE.
5. THE ELECTRICAL SYSTEM SHALL BE COMPLETELY AND EFFECTIVELY GROUNDED AS REQUIRED IN ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE.
6. THE ELECTRICAL, TELEPHONE, AND CABLE TELEVISION INSTALLATIONS SHALL MEET ALL REQUIREMENTS BY THE LOCAL UTILITY COMPANIES.
7. ALL DISCONNECT SWITCHES SHALL BE RATED FOR 100,000 A.I.C. UNLESS OTHERWISE NOTED. ALL FUSES SHALL BE RATED FOR 100,000 A.I.C. AND SHALL BE CURRENT LIMITING.
8. OUTLET BOXES SHALL BE PRESSSED STEEL IN DRY LOCATIONS. PLASTIC BOXES MAY BE USED IN LIEU OF THE STEEL BOX AS PERMITTED BY LOCAL CODES. IN DAMP OR WET LOCATIONS BOXES SHALL BE MADE FROM CAST ALLOY WITH THREADED HUBS. SPECIAL ENCLOSURES ARE REQUIRED FOR OTHER CLASSIFIED AREAS.
9. SEPARATE WIRE AND CONDUIT SYSTEM MAY BE SUBSTITUTED WITH FACTORY FABRICATED ASSEMBLY ON INSULATED CONDUCTORS IN A FLEXIBLE METALLIC ENCLOSURE ("MC" CABLE) WHERE PERMITTED BY LOCAL CODES. PROVIDE BCD ALTERNATE.
10. MOTOR STARTERS SHALL BE MANUAL OR MAGNETIC WITH OVERLOAD RELAYS IN EACH HOT LEG. IT SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR TO PROVIDE ALL STARTERS AS REQUIRED BY CODE.
11. ELECTRICAL CONTRACTOR IS TO FURNISH AND INSTALL DISCONNECT SWITCHES, OVER CURRENT PROTECTION, AND WIRING FOR THE AIR CONDITIONING SYSTEM AS PER MANUFACTURER RECOMMENDATIONS. CONTROLS ARE TO BE SUPPLIED BY THE AIR CONDITIONING CONTRACTOR AND CONNECTED BY THE ELECTRICAL CONTRACTOR.
12. ALL EXTERIOR RECEPTACLES SHALL BE WEATHERPROOF AND GFI.
13. ALL EXTERIOR DISCONNECT SWITCHES SHALL BE WEATHERPROOF.
14. ALL 120V, 15 AND 20 AMP BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, GREAT ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS SHALL BE PROTECTED BY AFCI CIRCUIT BREAKERS AS REQUIRED BY NEC 210.2.
15. REFER TO DEVICE INSTALLATION DIAGRAM FOR SUGGESTED PLACEMENT OF DEVICES.
16. RECEPTACLES AND/ OR JUNCTION BOXES SHALL NOT BE PLACED IN A BACK TO BACK CONFIGURATION.
17. ALL RECESSED CANS MUST BE IC RATED FIXTURES WITH NO BULB LARGER THAN 75 WATTS.
18. ALL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR IN A FIRST CLASS WORKMANLIKE MANNER.
19. ALL WORK SHALL BE COORDINATED WITH OTHER TRADES TO AVOID INTERFERENCE WITH THE PROGRESS OF CONSTRUCTION.
20. THE ELECTRICAL CONTRACTOR SHALL GUARANTEE ALL MATERIALS AND WORKMANSHIP FREE FROM DEFECTS FOR A PERIOD OF NOT LESS THAN (1) YEAR FROM THE DATE OF ACCEPTANCE. CORRECTION OF ANY DEFECTS SHALL BE COMPLETED WITHOUT ADDITIONAL CHARGE, AND SHALL INCLUDE REPLACEMENT OR REPAIR OF ANY OTHER PHASE OF THE INSTALLATION WHICH MAY HAVE BEEN DAMAGED THEREBY.
21. G.C. TO COORDINATE LOCATIONS OF ALL LIGHTS, SWITCHES & OUTLET LOCATIONS WITH HOMEOWNER.



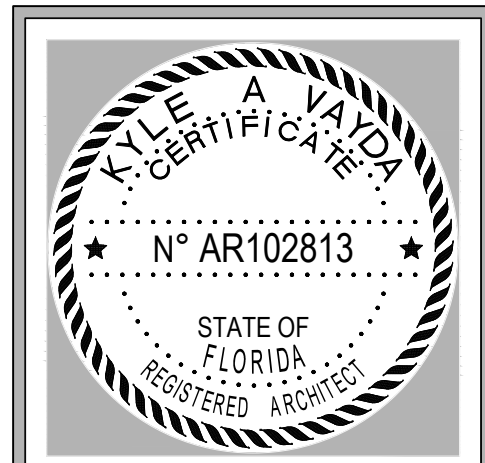
GROUND FLOOR ELECTRICAL PLAN
SCALE: 1/4"=1'-0"



- ELECTRICAL LEGEND
- WALL OR CEILING MOUNTED LIGHT FIXTURE
 - AUTOMATIC LIGHT
 - WALL OR CEILING MOUNTED EXT. LIGHT FIXTURE
 - RECESSED LIGHT FIXTURE
 - VAPOR RESISTANT RECESSED LIGHT FIXTURE
 - RECESSED LIGHT FIXTURE W/ DIRECTIONAL TRIM
 - SURFACE MOUNTED LED FIXTURE
 - JUNCTION BOX
 - CABINET LIGHTING
 - CEILING FAN WITH LIGHT
 - EXHAUST FAN VENTED TO EXTERIOR
 - SNOOZE & CARBON MONOXIDE DETECTOR
 - 220 VOLT RECEPTACLE
 - DUPLEX OUTLET
 - DUPLEX OUTLET - HALF SWITCHED
 - DUPLEX OUTLET AT COUNTER HEIGHT
 - GFI DUPLEX OUTLET AT COUNTER HEIGHT
 - GFI DUPLEX OUTLET
 - WEATHER PROOF DUPLEX OUTLET
 - FLOOR RECEPTACLE OUTLET
 - CABLE TELEVISION JACK
 - TELEPHONE JACK
 - WALL SWITCH AT 48\"/>

SERVICE LOAD CALCS.

4293 SF. @ 3 WATT/SF.	12.9
(4) SMALL APPLIANCE @ 15	6.0
RANGE	1.5
EXHAUST HOOD @ 5	0.5
DISPOSAL	.8
REFRIGERATOR @ 15	1.5
FREEZER @ 15	1.5
DISHWASHER @ 15	1.5
(2) WASHER @ 15	3.0
(2) DRYER @ 4.5	9.0
(2) GAS TANKLESS WATER HEATER @ 1	2
ELEVATOR	4.5
	42.9 KW
FIRST 10,000 WATTS @ 100%	10.0
BALANCE @ 40%	13.6
10 KW AC HEAT @ 65%	14.0
TOTAL	37.6 KW
SPA PUMP	1.5
POOL PUMP	1.5
POOL HEAT (HEAT PUMP)	3.5
POOL LIGHTING	.5
IRRIGATION PUMP	1.5
EXTERIOR LIGHTING	2.0
	10.5 KW
TOTAL LOAD:	
47.66 KW / 240 VOLTS = 199 AMPS	
TOTAL DEMAND LOAD	
SERVICE CONNECTORS BY FPL	



Date _____

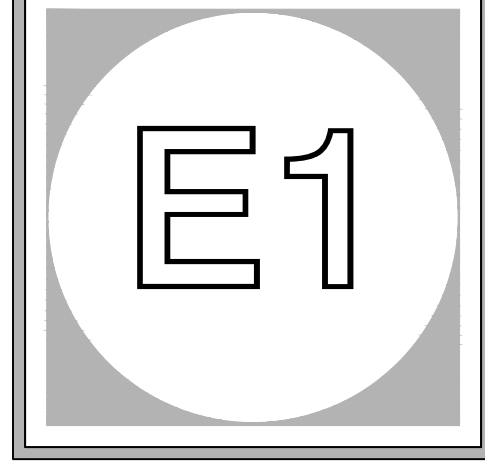
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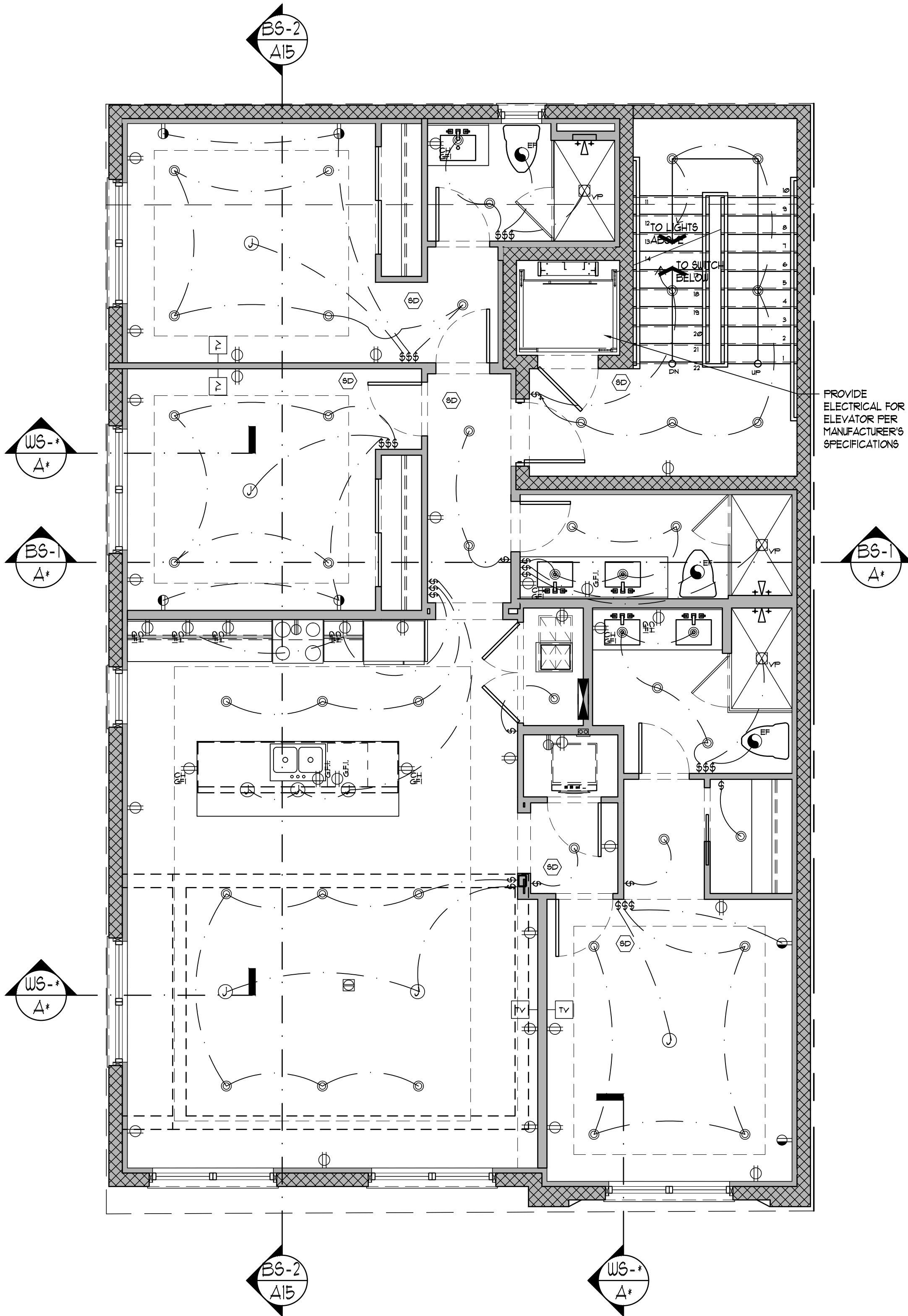
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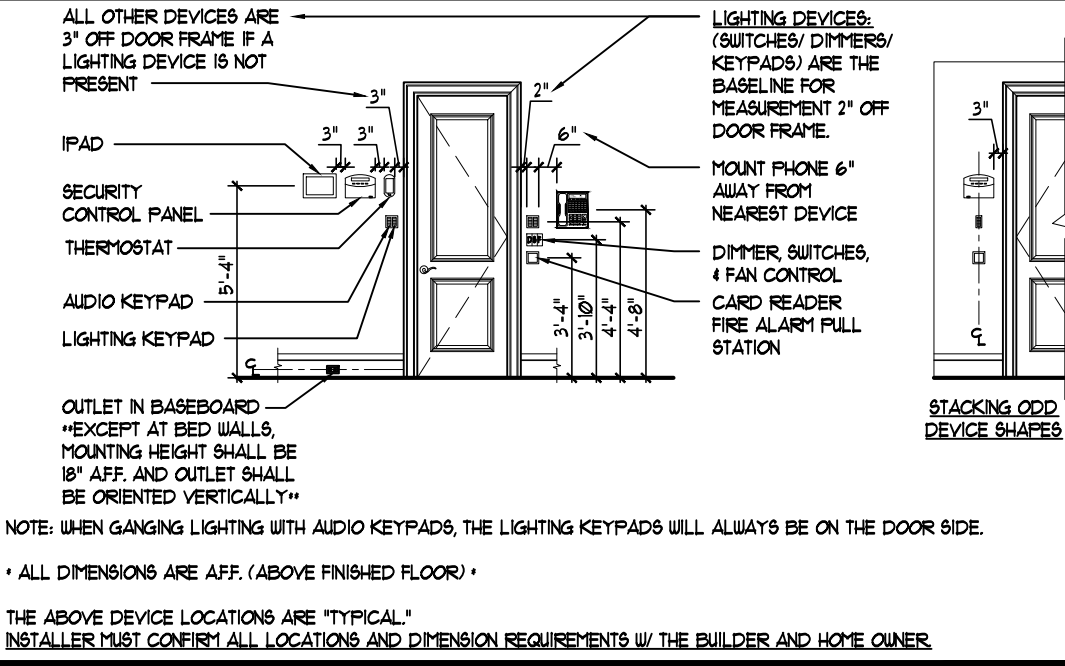
REVIEW SET

ELECTRICAL NOTES

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- G.C. TO COORDINATE LOCATIONS OF ALL LIGHTS, SWITCHES & OUTLET LOCATIONS WITH HOMEOWNER.



WALL DEVICE POSITIONING



ELECTRICAL LEGEND

- WALL OR CEILING MOUNTED LIGHT FIXTURE
- AUTOMATIC LIGHT
- WALL OR CEILING MOUNTED EXT. LIGHT FIXTURE
- RECESSED LIGHT FIXTURE
- VAPOR RESISTANT RECESSED LIGHT FIXTURE
- RECESSED LIGHT FIXTURE W/ DIRECTIONAL TRIM
- SURFACE MOUNTED LED FIXTURE
- JUNCTION BOX
- CABINET LIGHTING
- CEILING FAN WITH LIGHT
- EXHAUST FAN VENTED TO EXTERIOR
- SMOKE & CARBON MONOXIDE DETECTOR
- 220 VOLT RECEPTACLE
- DUPLEX OUTLET
- DUPLEX OUTLET - HALF SWITCHED
- DUPLEX OUTLET AT COUNTER HEIGHT
- GFI, DUPLEX OUTLET AT COUNTER HEIGHT
- GFI, DUPLEX OUTLET
- WEATHER PROOF DUPLEX OUTLET
- FLOOR RECEPTACLE OUTLET
- CABLE TELEVISION JACK
- TELEPHONE JACK
- WALL SWITCH AT 48" AFF.
- 3-WAY WALL SWITCH AT 48" AFF.
- 3-WAY WALL SWITCH W/ DIMMER AT 48" AFF.
- DIMMER WALL SWITCH AT 48" AFF.
- PUSH BUTTON WALL SWITCH AT 48" AFF.
- DOOR CHIME BUTTON (LIGHTED)
- DOOR CHIME W/ TRANSFORMER
- MOTORIZED WINDOW SHADE
- FLOOD LIGHT
- ELECTRIC METER
- ELECTRIC PANEL
- STEP LIGHT
- DISCONNECT



Date

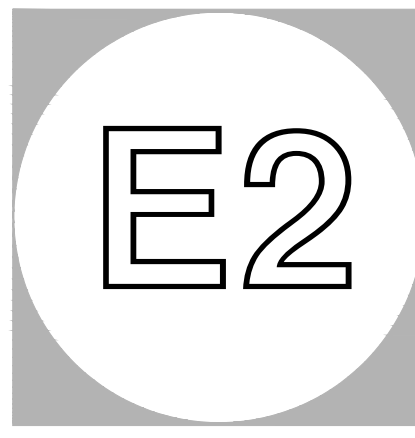
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1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

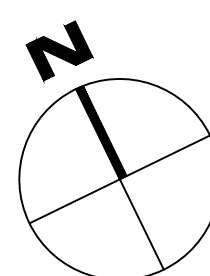


ARCHITECT:
BECK ARCHITECTURAL
GROUP, LLC.
804 ANCHOR RODE DR.
NAPLES, FL 34103
CONTACT: KYLE VAYDA
EMAIL: KYLE@BECK
ARCHITECTURAL.COM
PHONE: (239) 431-1686

PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24



REVIEW SET



FIRST FLOOR ELECTRICAL PLAN
SCALE: 1/4"=1'-0"

- ELECTRICAL NOTES
1. DRAWINGS ARE DIAGRAMMATIC AND SHALL NOT BE SCALED. REFER TO ARCHITECTURAL PLANS AND ELEVATIONS FOR EXACT LOCATION OF ALL EQUIPMENT. ELECTRICAL CONTRACTOR SHALL FURNISH AND INSTALL ALL ITEMS REQUIRED FOR COMPLETE AND ACCEPTABLE WORKING INSTALLATION.

2. ALL WORK SHALL COMPLY WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND SHALL COMPLY WITH ALL LOCAL RULES AND ORDINANCES HAVING JURISDICTION.

3. MINIMUM WIRE SIZE SHALL BE #12 AWG, UNLESS OTHERWISE NOTED. ALL CONDUCTORS SHALL BE COPPER WITH THIN OR THIN INSULATION.

4. ALL MATERIAL SHALL BE NEW AND BEAR THE UNDERWRITERS LABEL (UL) WHERE APPLICABLE.

5. THE ELECTRICAL SYSTEM SHALL BE COMPLETELY AND EFFECTIVELY GROUNDED AS REQUIRED IN ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE.

6. THE ELECTRICAL TELEPHONE AND CABLE TELEVISION INSTALLATIONS SHALL MEET ALL REQUIREMENTS BY THE LOCAL UTILITY COMPANIES.

7. ALL DISCONNECT SWITCHES SHALL BE RATED FOR 100,000 A.I.C. UNLESS OTHERWISE NOTED. ALL FUSES SHALL BE RATED FOR 100,000 A.I.C. AND SHALL BE CURRENT LIMITING.

8. OUTLET BOXES SHALL BE PRESSSED STEEL IN DRY LOCATIONS. PLASTIC BOXES MAY BE USED IN LIEU OF THE STEEL BOX AS PERMITTED BY LOCAL CODES. IN DAMP OR WET LOCATIONS BOXES SHALL BE MADE FROM CAST ALLOY WITH THREADED HUBS. SPECIAL ENCLOSURES ARE REQUIRED FOR OTHER CLASSIFIED AREAS.

9. SEPARATE WIRE AND CONDUIT SYSTEM MAY BE SUBSTITUTED WITH FACTORY FABRICATED ASSEMBLY ON INSULATED CONDUCTORS IN A FLEXIBLE METALLIC ENCLOSURE ("MC" CABLE) WHERE PERMITTED BY LOCAL CODES. PROVIDE BCD ALTERNATE.

10. MOTOR STARTERS SHALL BE MANUAL OR MAGNETIC WITH OVERLOAD RELAYS IN EACH HOT LEG. IT SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR TO PROVIDE ALL STARTERS AS REQUIRED BY CODE.

11. ELECTRICAL CONTRACTOR IS TO FURNISH AND INSTALL DISCONNECT SWITCHES, OVER CURRENT PROTECTION, AND WIRING FOR THE AIR CONDITIONING SYSTEM AS PER MANUFACTURER'S RECOMMENDATIONS. CONTROLS ARE TO BE SUPPLIED BY THE AIR CONDITIONING CONTRACTOR AND CONNECTED BY THE ELECTRICAL CONTRACTOR.

12. ALL EXTERIOR RECEPTACLES SHALL BE WEATHERPROOF AND GFI.

13. ALL EXTERIOR DISCONNECT SWITCHES SHALL BE WEATHERPROOF.

14. ALL 120V, 15 AND 20 AMP BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DUELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, GREAT ROOMS, PARLORS, LIBRARIES, DENIS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS SHALL BE PROTECTED BY AFCI CIRCUIT BREAKERS AS REQUIRED BY NEC 210.12.

15. REFER TO DEVICE INSTALLATION DIAGRAM FOR SUGGESTED PLACEMENT OF DEVICES.

16. RECEPTACLES AND/ OR JUNCTION BOXES SHALL NOT BE PLACED IN A BACK TO BACK CONFIGURATION.

17. ALL RECESSED CANS MUST BE IC RATED FIXTURES WITH NO BULB LARGER THAN 75 WATTS.

18. ALL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR IN A FIRST CLASS WORKMANLIKE MANNER.

19. ALL WORK SHALL BE COORDINATED WITH OTHER TRADES TO AVOID INTERFERENCE WITH THE PROGRESS OF CONSTRUCTION.

20. THE ELECTRICAL CONTRACTOR SHALL GUARANTEE ALL MATERIALS AND WORKMANSHIP FREE FROM DEFECTS FOR A PERIOD OF NOT LESS THAN (1) YEAR FROM THE DATE OF ACCEPTANCE. CORRECTION OF ANY DEFECTS SHALL BE COMPLETED WITHOUT ADDITIONAL CHARGE AND SHALL INCLUDE REPLACEMENT OR REPAIR OF ANY OTHER PHASE OF THE INSTALLATION WHICH MAY HAVE BEEN DAMAGED THEREBY.

21. G.C. TO COORDINATE LOCATIONS OF ALL LIGHTS, SWITCHES & OUTLET LOCATIONS WITH HOMEOWNER.
- The diagram is a detailed second-floor electrical plan for a residential building. It shows the layout of various rooms including a living area, dining area, kitchen, bedrooms, and bathrooms. Electrical symbols for lights, switches, outlets, and other devices are placed throughout the plan. Annotations include 'WS-1 A', 'BS-1 A', 'BS-2 A15', and 'WS-2 A'. A note on the right side states: 'PROVIDE ELECTRICAL FOR ELEVATOR PER MANUFACTURER'S SPECIFICATIONS'. A north arrow is located at the bottom left of the plan.
-
- SECOND FLOOR ELECTRICAL PLAN

SCALE: 1/4"=1'-0"
- WALL DEVICE POSITIONING

ALL OTHER DEVICES ARE 3" OFF DOOR FRAME IF A LIGHTING DEVICE IS NOT PRESENT

IPAD

SECURITY CONTROL PANEL

THERMOSTAT

AUDIO KEYPAD

LIGHTING KEYPAD

OUTLET IN BASEBOARD

EXCEPT AT BED WALLS, MOUNTING HEIGHT SHALL BE 18" AFF. AND OUTLET SHALL BE ORIENTED VERTICALLY

LIGHTING DEVICES, (SWITCHES/ DIMMERS/ KEYPADS) ARE THE BASELINE FOR MEASUREMENT 3" OFF DOOR FRAME.

MOUNT FRAME 6" AWAY FROM NEAREST DEVICE

DIMMER SWITCHES, 4 FAN CONTROL, CARD READER, FIRE ALARM PULL STATION

STACKING OOD DEVICE BRACKETS

NOTE: WHEN GANGING LIGHTING WITH AUDIO KEYPADS, THE LIGHTING KEYPADS WILL ALWAYS BE ON THE DOOR SIDE.

* ALL DIMENSIONS ARE AFF. (ABOVE FINISHED FLOOR) *

THE ABOVE DEVICE LOCATIONS ARE "TYPICAL". INSTALLERS MUST COVER ALL LOCATIONS AND DIMENSION REQUIREMENTS W/ THE BUILDER AND HOME OWNER.
- ELECTRICAL LEGEND

	WALL OR CEILING MOUNTED LIGHT FIXTURE
	AUTOMATIC LIGHT
	WALL OR CEILING MOUNTED EXT. LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	VAPOR RESISTANT RECESSED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE W/ DIRECTIONAL TRIM
	SURFACE MOUNTED LED FIXTURE
	JUNCTION BOX
	CABINET LIGHTING
	CEILING FAN WITH LIGHT
	EXHAUST FAN VENTED TO EXTERIOR
	SMOKE & CARBON MONOXIDE DETECTOR
	220 VOLT RECEPTACLE
	DUPLEX OUTLET
	DUPLEX OUTLET - HALF SWITCHED
	DUPLEX OUTLET AT COUNTER HEIGHT
	GFI, DUPLEX OUTLET AT COUNTER HEIGHT
	GFI, DUPLEX OUTLET
	WEATHER PROOF DUPLEX OUTLET
	FLOOR RECEPTACLE OUTLET
	CABLE TELEVISION JACK
	TELEPHONE JACK
	WALL SWITCH AT 48" AFF.
	3-WAY WALL SWITCH AT 48" AFF.
	3-WAY WALL SWITCH W/ DIMMER AT 48" AFF.
	PUSH BUTTON WALL SWITCH AT 48" AFF.
	DOOR CHIME BUTTON (LIGHTED)
	DOOR CHIME W/ TRANSFORMER
	MOTORIZED WINDOW SHADE
	FLOOD LIGHT
	ELECTRIC METER
	ELECTRIC PANEL
	STEP LIGHT
	DISCONNECT
- REVIEW SET
- KYLE A. VAYDA

CERTIFICATE

N° AR102813

STATE OF FLORIDA

REGISTERED ARCHITECT

Date

Revisions

1011 THIRD STREET

FORT MYERS BEACH, FLORIDA

BECK

ARCHITECTURAL GROUP

ARCHITECT:

BECK ARCHITECTURAL GROUP, LLC.

804 ANCHOR RODE DR.

NAPLES, FL 34103

CONTACT: KYLE VAYDA

EMAIL: KYLE@BECK ARCHITECTURAL.COM

PHONE: (239) 431-1686

PROJ. #:

2404-05

DRAWN BY:

K.A.V.

DATE:

9.18.24

E3

804 ANCHOR RODE DRIVE

NAPLES, FLORIDA

WWW.BECKARCHITECTURAL.COM

(239) 431.1686

FL LICENSE NUMBER AA102813

Page 54 of 484

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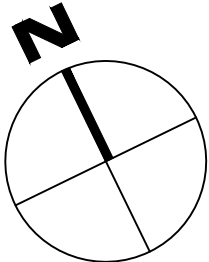
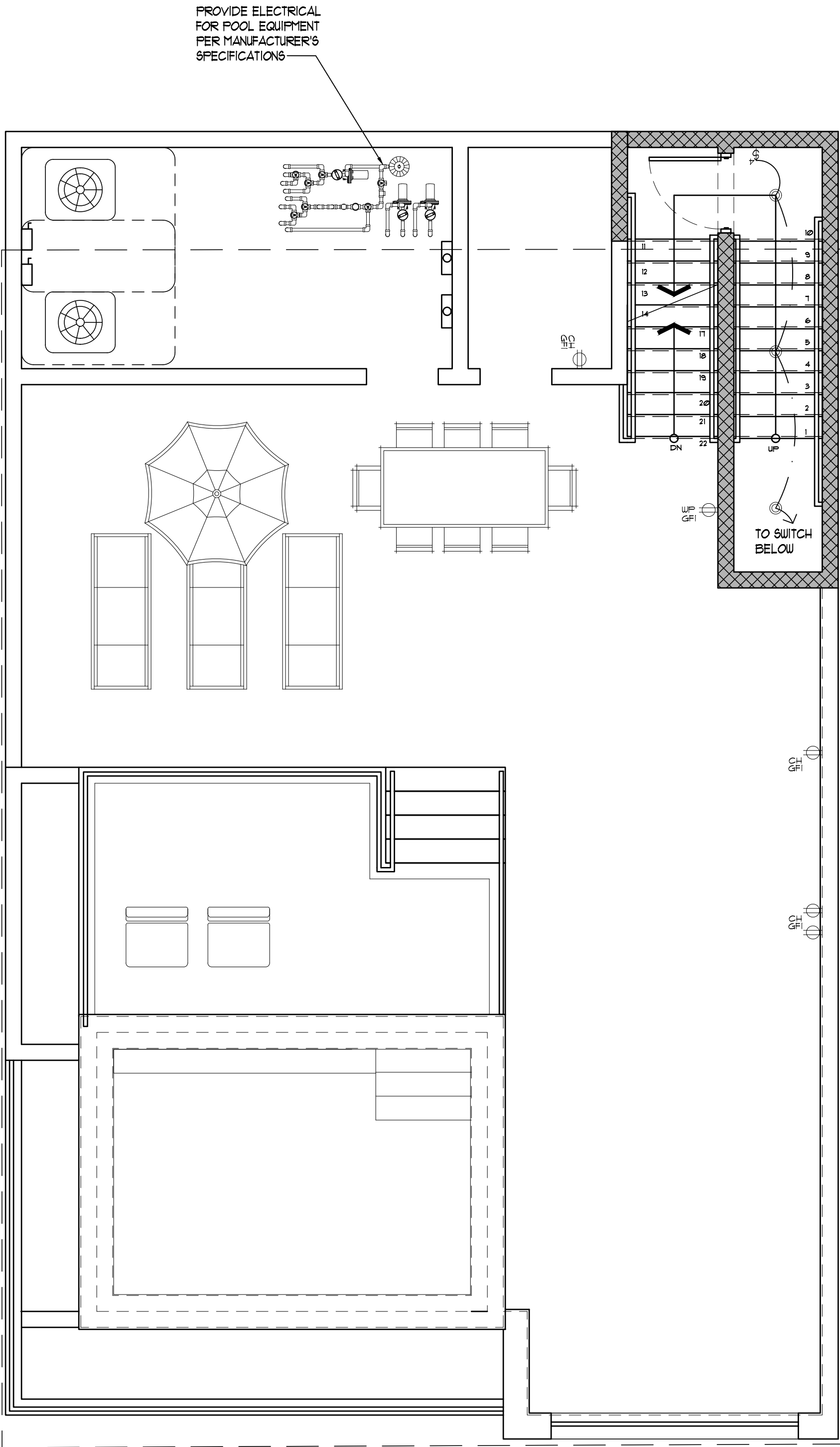
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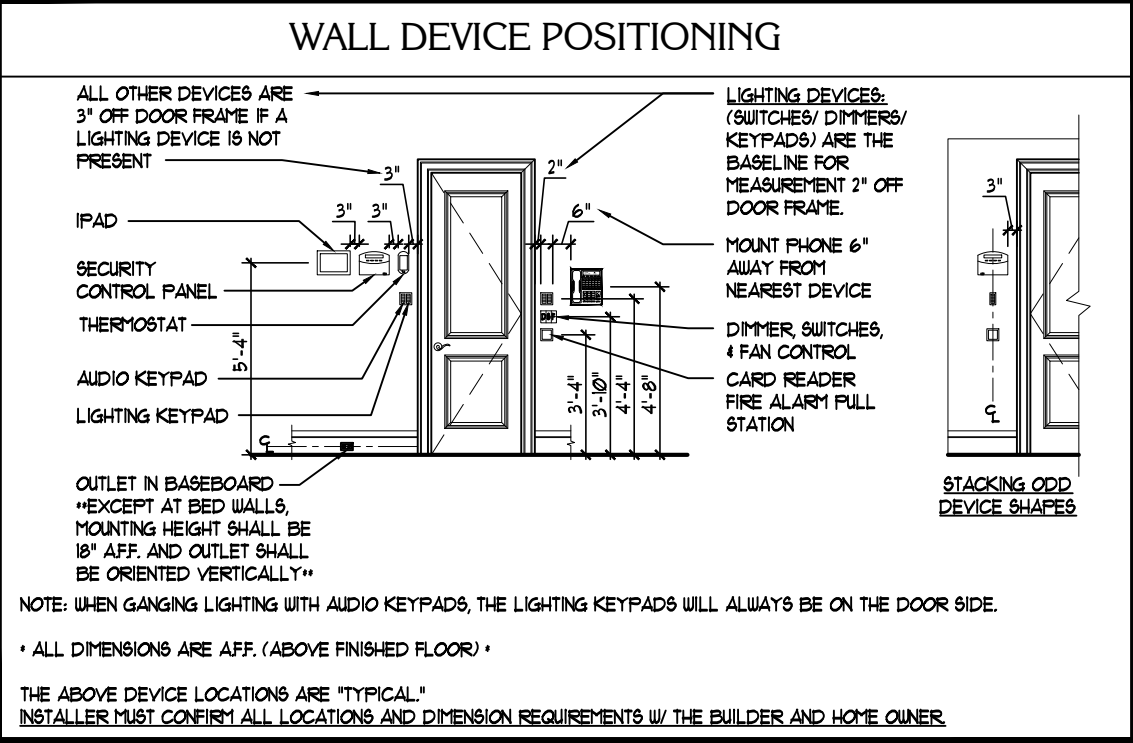
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21. G.C. TO COORDINATE LOCATIONS OF ALL LIGHTS, SWITCHES & OUTLET LOCATIONS WITH HOMEOWNER.



SECOND FLOOR ELECTRICAL PLAN

SCALE: 1/4"=1'-0"



- ELECTRICAL LEGEND
- WALL OR CEILING MOUNTED LIGHT FIXTURE

AUTOMATIC LIGHT

WALL OR CEILING MOUNTED EXT. LIGHT FIXTURE

RECESSED LIGHT FIXTURE

VAPOR RESISTANT RECESSED LIGHT FIXTURE

RECESSED LIGHT FIXTURE W/ DIRECTIONAL TRIM

SURFACE MOUNTED LED FIXTURE

JUNCTION BOX

CABINET LIGHTING

CEILING FAN WITH LIGHT

EXHAUST FAN VENTED TO EXTERIOR

SMOKE & CARBON MONOXIDE DETECTOR

220 VOLT RECEPTACLE

DUPLEX OUTLET

DUPLEX OUTLET - HALF SWITCHED

DUPLEX OUTLET AT COUNTER HEIGHT

GFI, DUPLEX OUTLET AT COUNTER HEIGHT

GFI, DUPLEX OUTLET

WEATHER PROOF DUPLEX OUTLET

FLOOR RECEPTACLE OUTLET

CABLE TELEVISION JACK

TELEPHONE JACK

WALL SWITCH AT 48" AFF.

3-WAY WALL SWITCH AT 48" AFF.

3-WAY WALL SWITCH W/ DIMMER AT 48" AFF.

DIMMER WALL SWITCH AT 48" AFF.

PUSH BUTTON WALL SWITCH AT 48" AFF.

DOOR CHIME BUTTON (LIGHTED)

DOOR CHIME W/ TRANSFORMER

MOTORIZED WINDOW SHADE

FLOOD LIGHT

ELECTRIC METER

ELECTRIC PANEL

STEP LIGHT

DISCONNECT

REVIEW SET



PROJ. #: 2404-05
DRAWN BY: K.A.V.
DATE: 9.18.24



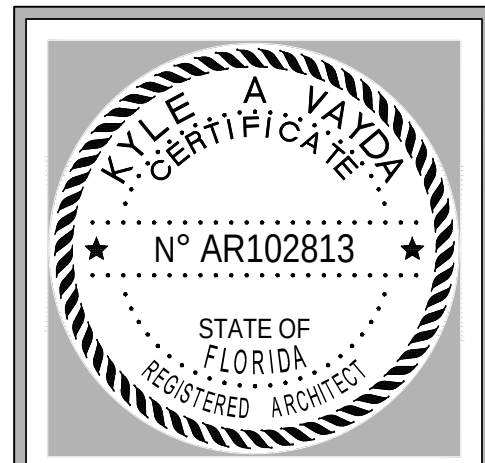
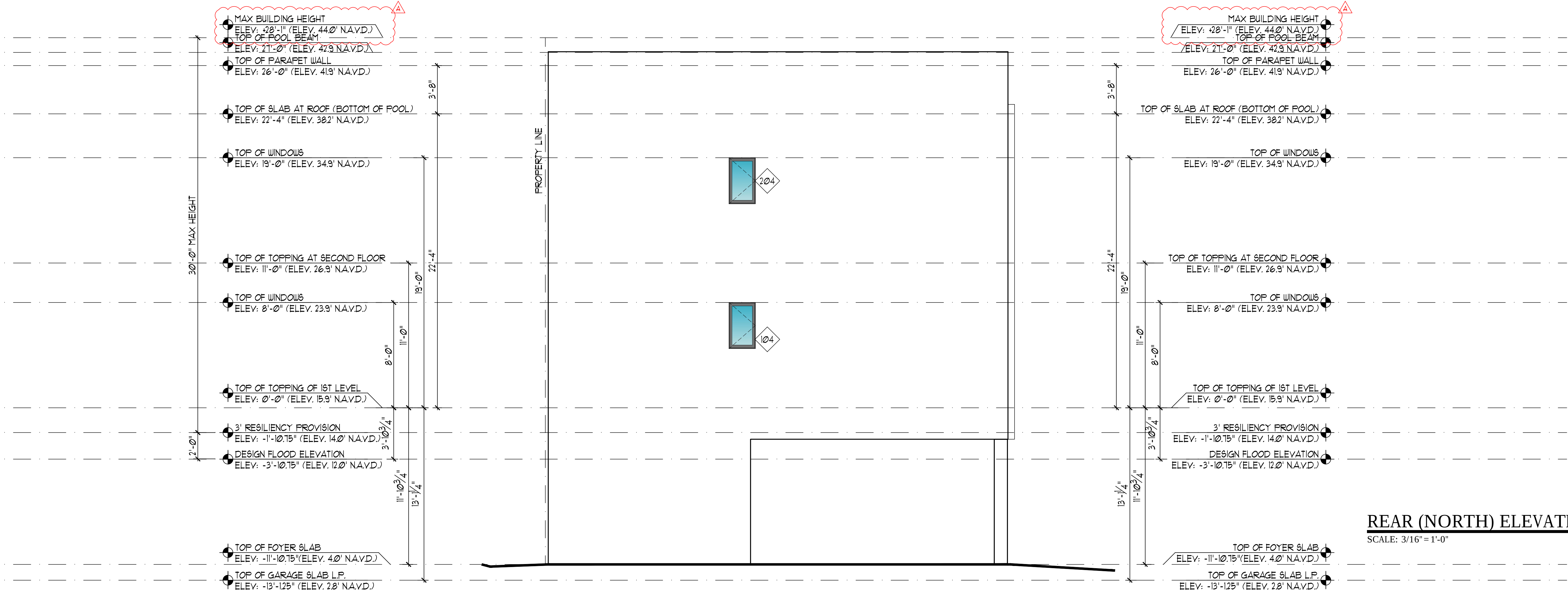
ARCHITECT:
BECK ARCHITECTURAL
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804 ANCHOR RODE DR.
NAPLES, FL 34103
CONTACT: KYLE VAYDA
EMAIL: KYLE@BECK
ARCHITECTURAL.COM
PHONE: (239) 431-1686

1011 THIRD STREET
FORT MYERS BEACH, FLORIDA

Revisions

Date





Date
1.14.25

Revisions
ADDENDUM A: FME STAFF COMMENTS

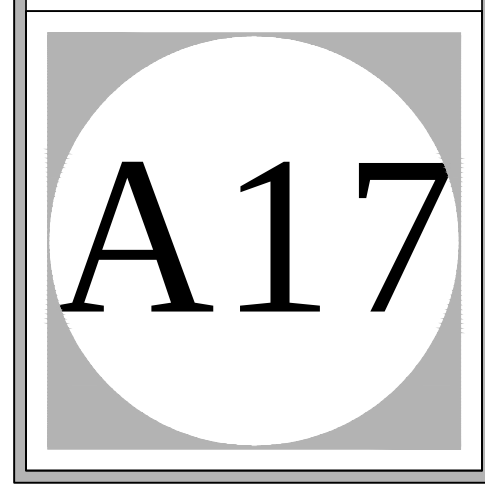
ALL REVISIONS, REVISIONS, AND AMENDMENTS TO THIS DRAWING SHALL BE MADE BY THE ARCHITECT. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BECK ARCHITECTURAL GROUP, LLC. ANY REVISIONS, REVISIONS, AND AMENDMENTS TO THIS DRAWING SHALL BE MADE BY THE ARCHITECT. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BECK ARCHITECTURAL GROUP, LLC.

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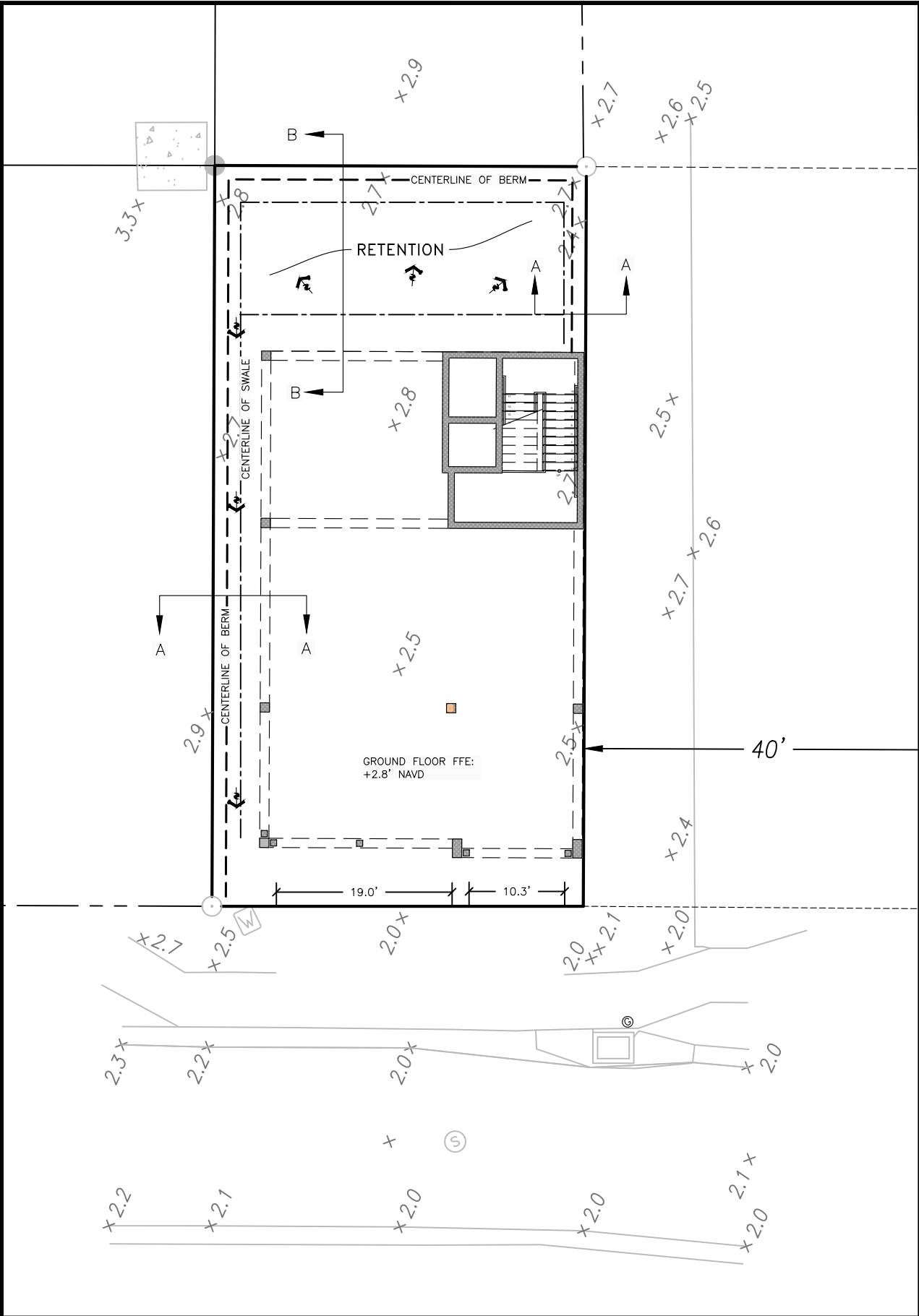


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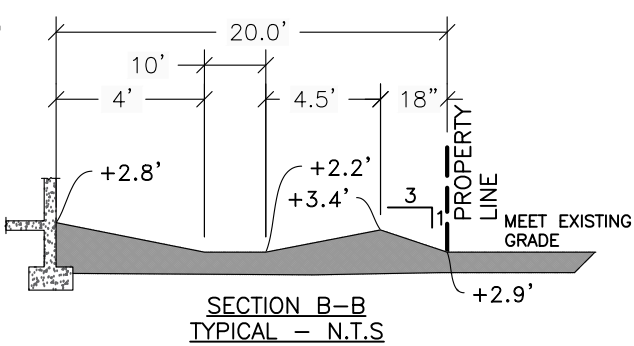
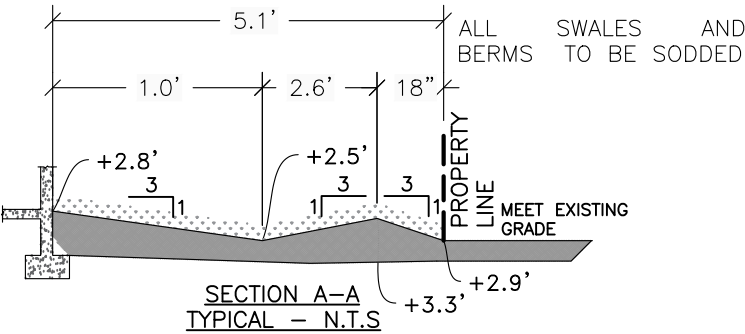
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REVIEW SET



*MATCH EXISTING GRADES AT PROPERTY LINES AND NO DISCHARGING OF STORMWATER RUNOFF ONTO NEIGHBORING PROPERTIES.



LEGEND

← FLOW DIRECTION

+X.X EXISTING GRADE

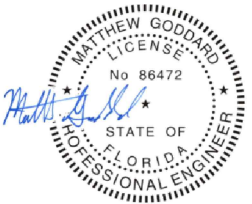
STORM WATER CALCULATIONS		
BASED ON 1.0" OVER THE SITE.		
1.0" (3,212 SQ. FT.) * 1/12 (CONVERSION) =		268 CF (REQ'D)
PROVIDED RETENTION		
SECTION A-A: 85 LF X 0.3 SF SWALE STORAGE	=	26 CF
SECTION B-B: 35 LF X 7.88 SF SWALE STORAGE	=	276 CF
TOTAL PROVIDED RETENTION	=	301 CF

LOT AREA CALCULATIONS	
TOTAL LOT AREA 3,212 SQ. FT.	
67% ALLOWABLE	PROPOSED
IMPREVIOUS COV. = 2,152 SQ. FT.	2,058 SQ. FT.
INCLUDES HOUSE, DRIVEWAY, POOL & EQUIPMENT WITHIN PROPERTY BOUNDARIES.	

- NOTES:
- MATCH EXISTING GRADES AT PROPERTY LINES AND NO DISCHARGING OF STORMWATER RUNOFF ONTO NEIGHBORING PROPERTIES.
 - GRADE DRIVEWAYS TO FLOW INTO RETENTION AREAS. GRATES CAN BE PLACED ON DRIVEWAY TO IMPEDE FLOW.
 - DOWNSPOUTS SHALL BE DIRECTED TO DRAINAGE SYSTEM.
 - CONTRACTOR TO VERIFY SITE LAYOUT AND NOTIFY DESIGN PROFESSIONALS IF ANY INCONSISTENCIES OCCUR.
 - GRADE AROUND THE BUILDING SHALL BE DIRECTED INTO RETENTION AREAS.
 - ELEVATIONS ARE IN NAVD88 FEET.
 - THIS DRAINAGE PLAN IS BASED ON THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES SEC. 6-14.
 - PROPERTY DETAILS BASED ON BECK ARCHITECTURE SITE PLAN.
 - BUILDING AND IMPERVIOUS SURFACES LOCATIONS PROVIDED BY ARCHITECT.
 - SEPARATE ROW PERMIT SHALL BE SUBMITTED FOR PORTION OF DRIVEWAY LOCATED OUTSIDE PROPERTY BOUNDARTY.



GODDARD ENGINEERING, LLC
2931 6th Ave. NE
NAPLES, FL 34120
PH: (239) 776-2608
MGODDARDPE@GMAIL.COM



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY

Matthew D. Goddard
Digitally signed by Matthew D. Goddard
Date: 2024.06.03 21:15:42 -04'00'

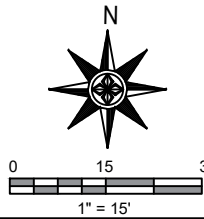
ON 6/3/2024
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

1011 THIRD STREET
MULTI-FAMILY RESIDENCE
STORMWATER MANAGEMENT PLAN

DATE: 06/1/2024

REV.

REV.



GELLC: 24-119

1



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: 1011 Third St 1-4
STRAP Number: 24-46-23-W3-00202.0060
Applicant: Merschman I LLC Phone: 1-217-898-4220
Contact Name: Matthew Noble Phone: 1-239-898-5182
Email: anobleplan@gmail.com Fax: _____
Current Zoning District: Downtown
Future Land Use Map (FLUM) Category: Commercial FKA PedestrianCommercial
FLUM Density Range: 1-6 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*: George Merschman Phone: 217-899-4220
**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: 1421 East Lake Shore Dr. Springfield IL 62712
Email: geomerschman@hotmail.com Fax: _____
Contact Name: Matthew Noble Phone: 239-898-4220



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: Matthew A. Noble Phone: 239-898-5182
Address: 2107 Andrea Ln, Fort Myers, FL 33912
Email: anobleplan@gmail.com Fax: _____

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

Name: Tom Jandovitz Phone: 239-494-4400
Address: 9220 Bonita Beach Rd SE#215
Email: Tom@afonovanelson.com Fax: _____

Name: Kyle Vayda, Beck Architectural Group Phone: 239-431-1686
Address: 804 Anchor Rode Dr. Naples, FL 34103
Email: Kyle@beckarchitectural.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, George A. Merschman (name), as Manager (MGR) (title)
of Merschman I LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Merschman I LLC

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

Signature

George Merschman

Typed or Printed Name

Title

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-w3-00202.0060

Property Address: 1011 Third St. 1-4

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: Business Center

Book: 9 Page: 9 Unit: _____ Block: 2 Lot(s): 6

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) 40 feet
Depth (please provide an average width if irregular in shape) 80 feet
Frontage on street: 40 feet. Frontage on waterbody: 0 feet
Total land area: 3212 ☐ acres ☒ square feet

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

Located in Downtown on Third Street just side of the Sky Bridge.

Located adjacent to Public Parking lot which is under the Sky 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

☐ Mixed Residential

☐ Boulevard

☒ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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

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

Yellow Sheet Number: **2025-324**

1. Request:

Meeting Date: April 8, 2025

726 ESTERO BOULEVARD: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250027, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 726 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.007B IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACK, AND BUILDING COVERAGE TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA will make recommendations to the Town Council regarding the variance requests or approve the variance requests unanimously.

What the action accomplishes:

The LPA recommendation will be forwarded on to the Town Council or serve as final agency action if the requests are approved unanimously.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Sea Shell Real Estate II LLC, the owner of 726 Estero Blvd, is requesting three variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line. Per Sec. 34-2, street setback means the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement. This request is for a variance of 22.5 feet from the street easement for a street setback of 2.5 feet for the construction of a single-family home.

The second (2) is a variance from the Town's LDC Table 34-3 which requires a 20-foot rear (north) setback for single-family homes in the RM zoning district. Sec. 34-2 defines lot line, rear means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. A 15-foot variance is requested from the required 20-foot rear setback, to result in a rear setback of 5 feet from the north property line for the construction of single-family residence.

The third (3) is a variance from the Town's LDC 34-3 which requires a maximum building coverage of 40% for single family homes in the RM zoning district. A variance of 9% is requested from the maximum 40% building coverage, to result in a building coverage of 49% for the construction of a single-family home.

The previously existing single-family structure was destroyed by hurricane Ian. Lee County Property Appraiser (LEEPA) data shows that the building date for the previous home was 1956. The structure was not in compliance with the Town's LDC and was permitted with Lee County.

Attachments:

1. 726 Estero Blvd- LPA staff report

2. LPA Resolution 25-05__726 Estero Blvd
3. EXHIBIT A: 726 Estero Blvd- Site Plan
4. EXHIBIT B: 726 Estero Blvd_Survey
5. EXHIBIT D: 726 Estero Blvd_ CompleteApp
6. EXHIBIT E: 726 Estero Blvd-Request Statement

Financial Impact:

Unknown

6. Alternative Action

Deny requests.

7. Staff Recommendations:

Approve with conditions

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: March 20, 2025

Frankie Kropacek, Operations & Compliance Director

Date: March 20, 2025

nancy stuparich, Town Attorney

Date: March 27, 2025

Amy Baker, Town Clerk

Date: March 28, 2025



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250027

CASE NAME: 726 Estero Blvd; requesting three variances from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback, rear setback, and building coverage for the construction of a Single-Family Residence in the RM zoning district.

LPA

HEARING DATE: April 8th, 2025, at 9 AM

STAFF

RECOMMENDATION: APPROVAL WITH CONDITIONS

**PREPARED/
SUBMITTED BY:** Eli Lee, Planner

I. APPLICATION SUMMARY

Applicant/Owner: James Ink/Sea Shell Real Estate II LLC

Request(s): 1) A variance of 22.5 feet from the required street setback resulting in a street setback of 2.5 feet from street easement; 2) A variance of 15 feet from the required rear setback resulting in a rear setback of 5 feet; 3) A variance of 9% from the maximum allowable building coverage resulting in a building coverage of 49% to construct a new single-family home.

Subject property: See attached site plan

Physical Address: 726 Estero Blvd

STRAP #: 24-46-23-W3-00400.007B

FLU: Mixed Residential/Recreation

Zoning: Residential Multifamily (RM)

Adjacent zoning and land uses:

North:	RESIDENTIAL MULTIFAMILY (RM) Single-Family Residence/Two-Family Residence
South:	RESIDENTIAL MULTIFAMILY (RM)/ENVIRONMENTALLY CRITICALLY (EC) Condominium (Bay to Beach)/Recreation
East:	ENVIRONMENTALLY CRITICALLY (EC) Recreation
West:	RESIDENTIAL MULTIFAMILY (RM) Single-Family Residence/Two-Family Residence

II. BACKGROUND AND ANALYSIS

Background:

Sea Shell Real Estate II LLC, the owner of 726 Estero Blvd, is requesting three variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line. Per Sec. 34-2, street setback means the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement. This request is for a variance of 22.5 feet from the street easement for a street setback of 2.5 feet for the construction of a single-family home.

The second (2) is a variance from the Town's LDC Table 34-3 which requires a 20-foot rear (north) setback for single-family homes in the RM zoning district. Sec. 34-2 defines lot line, rear means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. A 15-foot variance is requested from the required 20-foot rear setback, to result in a rear setback of 5 feet from the north property line for the construction of single-family residence.

The third (3) is a variance from the Town's LDC 34-3 which requires a maximum building coverage of 40% for single family homes in the RM zoning district. A variance of 9% is requested from the maximum 40% building coverage, to result in a building coverage of 49% for the construction of a single-family home.

The previously existing single-family structure was destroyed by hurricane Ian. Lee County Property Appraiser (LEEPA) data shows that the building date for the previous home was 1956. The structure was not in compliance with the Town's LDC and was permitted with Lee County.

Analysis:

The first variance request is for the new single-family home to be constructed 2.5 feet from the driveway easement. The reduced setback would allow the home to gain more square footage thus increasing the massing of the structure and it would have similar setbacks as the previous structure.

The second variance request is for the new single-family home to encroach the north rear setback by 15 feet into the required 20-foot rear setback. The reduced setback would allow the home to gain more living square footage and to allow the proposed SFR to be setback a little further from the driveway easement compared to the previous structure.

The third variance request is for the new single-family home to exceed the maximum building coverage by 9% from the maximum 40% building coverage. The increased building coverage would allow for additional square footage than previously existed.

Neighborhood Compatibility:

The subject property is part of an existing residential neighborhood. It appears that the previous structure was a single-family home that did not meet the current required setbacks prior to Hurricane Ian.

The site neighbors 724 Estero Blvd, which is currently a vacant lot. The property owner of 724 Estero Blvd recently obtained an administrative variance (20240303) to utilize the “cottage code” and is currently in the review phase for a residential permit to rebuild a single-family home.

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 a non-conforming lot with access through a 7.5-foot-wide access easement from Estero Boulevard. The Applicant has already acquired a minimum use determination letter to allow the construction of a single-family residence post Hurricane Ian. The lot width varies between approximately 52 to 60 feet and the lot depth is approximately 50 feet. The applicant is proposing to construct a single-family structure that would be larger than previously existed, but with a further distance from the driveway easement than the previous structure and with a similar rear setback as the previous structure. The additional living area is increasing by 207 square feet. The requests are de minimis.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variances are not the result of the applicant. Development of a structure on this site would require the property owner to obtain variance(s) due to the irregular shape of the lot as well as the location of the driveway easement and 1978 Lee County Line. The applicant is proposing to obtain variances for the proposed home that would be constructed on the site, the structure would encroach due to its proximity to the property lines, the location of the 1978 Lee County Line and the location of the driveway easement. The applicant is also proposing to meet the maximum parking requirements, and maximum impervious allowed for single family residences.

- c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The need for the variances is for the minimal encroachment of the single-family home to the front property line, rear property line as well as the increase in building coverage, is the minimum variances that would provide the applicant with relief for the proposed single-family home. The implementation of the requirements would result in a reduced structure size. The LPA should determine whether the current regulation is “unreasonable.”

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

The granting of the variance for the 22.5 feet encroachment into the street easement for a street setback of 2.5 feet will not be injurious or otherwise detrimental to the public welfare. The encroachment is due to the irregular shape of the lot. The previous cottages in this surrounding area were all nonconforming lots with nonconforming setbacks, they will likely require variances to build back due to their nonconformity. The proposed single-family home will be constructed outside of the driveway easement but will be constructed 10 feet from the actual front property line.

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

The granting of the variance for 15 feet encroachment into the north rear setback for a rear setback of 5 feet will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The encroachment of the north portion of the structure is to create additional separation of the proposed home from the driveway easement. Shifting the proposed structure towards the driveway easement to adhere to the required 20- foot rear setback would

be unlikely due to insufficient lot depth. The applicant would still need relief to construct a home on the irregular shaped lot.

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

The granting of the variance for an increased building coverage of 9% for a building coverage of 49% will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The additional living square footage will increase by 207 square feet from what is allowed. The lot is restricted by the 1978 Lee County Line, the 7.5 driveway easement, and its irregular shape, therefore, the buildable area limits the ability for a reasonably sized home. The LPA should determine whether the current regulation is “detrimental to public welfare.”

- 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 variances from LDC Table 34-3 which requires that a lot in the RM zoning district have minimum 1) 25-foot street setback, 2) 20-foot rear setback, 3) 40% maximum building coverage and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20250027, a (1) variance of 22.5 feet from the driveway easement for a street setback of 2.5 feet; 2) a variance of 15 feet from the rear setback for a rear setback of 5 feet; 3) a variance of 9% from the maximum building coverage for a building coverage of 49% to construct a new single-family home.

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) Property owner must ensure that they adhere to the Neighborhood flooding ordinance (LDC Sec. 6-14) for drainage and 67% maximum impervious requirements.

- 3) The variances shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) Property owner(s) must ensure that no vehicles are parked in the 7.5-foot driveway easement.
- 5) No portions of the structure shall extend past the 1978 Lee County Line (CCCL).

V. EXHIBITS

- A. Proposed site plan
- B. Survey
- C. Postcards
- D. Complete application
- E. Request Statement

LPA RESOLUTION 2025-05

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250027, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 726 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.007B IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACK, AND BUILDING COVERAGE TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, James Ink ("Applicant") and Sea Shell Real Estate II LLC ("Owners") of the property located at 726 Estero Boulevard (Property), and is requesting variances from LDC Table 34-3 of 1) a variance of 22.5 feet from the required street setback resulting in a street setback of 2.5 feet from street easement; 2) a variance of 15 feet from the required rear setback resulting in a rear setback of 5 feet; 3) a variance of 9% from the maximum allowable building coverage resulting in a building coverage of 49% to construct a new single-family home in the RM zoning district; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00400.007B; and

WHEREAS, the Property is located in the "Mixed Residential" and "Recreation" Future Land Use Map of the Comprehensive Plan and the "Residential" and "Multifamily" zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 8th, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

WHEREAS, eligible members of the LPA voted unanimously by roll call vote to approve the requested variances with the following conditions:

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) Property owner must ensure that they adhere to the Neighborhood flooding ordinance for drainage and 67% maximum impervious requirements.
- 3) The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) Property owner(s) must ensure that no vehicles are parked in the 7.5-foot driveway easement.
- 5) No portions of the structure shall extend past the 1978 Lee County Line (CCCL); and

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

- 1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.
- 2. VAR20250027, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on April 8th, 2025.
- 3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by LPA Member James Boan and seconded by LPA Member John McLean and upon being put to a vote, the result was as follows:

Chair Anita Cereceda	_____
Vice-Chair Jane Plummer	_____
Member James Boan	_____
Member Douglas Eckmann	_____
Member Don Sudduth	_____
Member John McLean	_____
Member James Dunlap	_____

DULY PASSED AND ADOPTED THIS 8th day of April, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

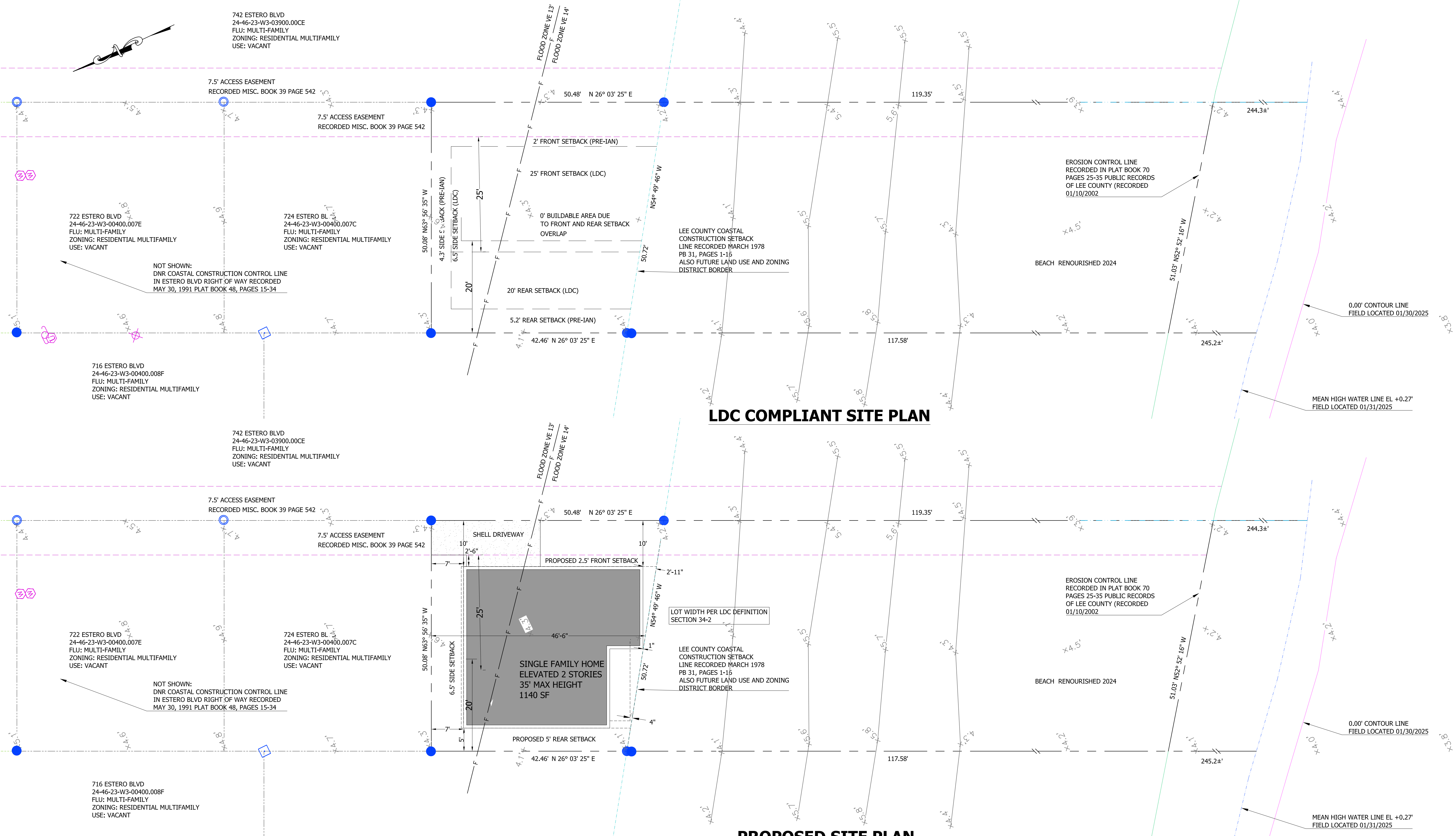
Approved as to legal sufficiency:

ATTEST:

By: _____
Vose Law Firm, Town Attorney

By: _____
Amy Baker, Town Clerk

EXHIBIT A: Site Plan



LDC COMPLIANT SITE PLAN

PROPOSED SITE PLAN

PROPERTY REGULATIONS

ADDRESS: 726 ESTERO BLVD, FT MYERS BEACH, FL 33931
STRAP: 24-46-23-W3-00400.007B
ZONING: RM - RESIDENTIAL MULTIFAMILY
LAND USE: MULTIFAMILY

OWNER: SEA SHELL REAL ESTATE II, LLC
7211 WINNETKA AVE N, BROOKLYN PARK MN

FEMA FLOOD: VE: ELEVATION 14.0' SUBJECT TO FDEP CCCL
MAP 120673-0554G DATED 11/17/2022

PROPERTY REGULATIONS IN DOWNTOWN DISTRICT
FRONT SETBACK: 25 FT
MINIMUM REAR SETBACK: 50 FT (GULF OF MEXICO)
MINIMUM SIDE SETBACK: 6.5 FT
MINIMUM BUILDING COVERAGE: 40%
MAXIMUM BUILDING HEIGHT: 35 FT ABOVE BASE FLOOD
MAXIMUM NUMBER OF STORIES: 3
PARKING: RESIDENTIAL = 2 PER UNIT

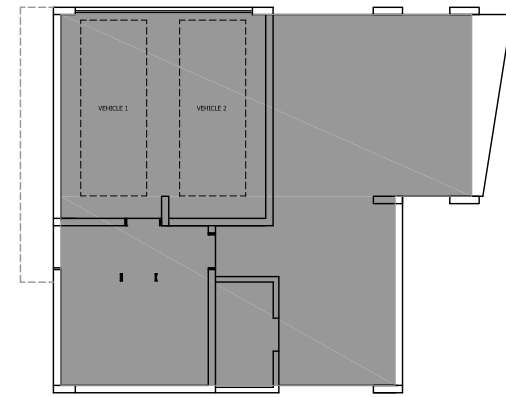
GENERAL NOTES

- THE LOCATION OF EXISTING UTILITIES ARE APPROXIMATE. CONTRACTOR RESPONSIBLE TO LOCATE ANY EXISTING UTILITY.
- PRIOR TO ANY WORK, CONTRACTOR SHALL CONTACT SUNSHINE STATE ONE CALL OF FLORIDA, 800-432-4770 OR 811 FOR LOCATION OF UTILITY LINES.

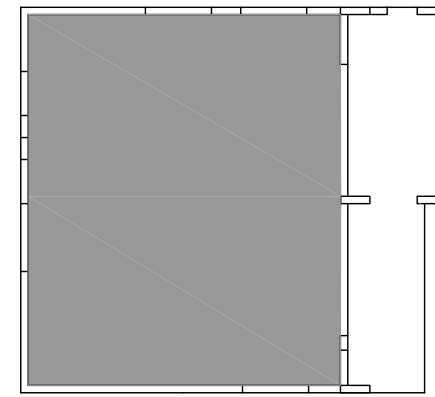
DEVELOPMENT SITE DATA

PRE-DEVELOPMENT SITE DATA
PARCEL AREA (NO EC AREA) 2,331 SF
STRUCTURE FOOTPRINT (EXISTING) 0 SF
DECK AREA (EXISTING) 0 SF
EXISTING CONCRETE SURFACE 0 SF
TOTAL EXISTING IMPERVIOUS AREA 0 SF
TOTAL EXISTING PERVIOUS AREA 2,331 SF
ALLOWABLE IMPERVIOUS AREA (67%) 1,561 SF

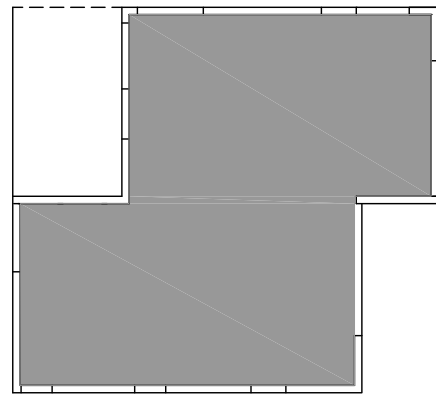
POST-DEVELOPMENT SITE DATA
TOTAL LOT AREA 8,265 SF
PARCEL AREA (NON-NON-RECREATION) 2,331 SF
GROUND FLOOR FOOTPRINT 1,140 SF
BUILDING COVERAGE 49%
SHELL DRIVEWAY 218 SF
PROPOSED IMPERVIOUS 1,358 SF
ALLOWABLE STORMWATER IMPERVIOUS 67%
PROPOSED STORMWATER IMPERVIOUS 58%



GROUND FLOOR AREA - 1,140 SF



1ST LEVEL AREA - 958 SF



2ND LEVEL AREA - 973 SF

TOTAL HORIZONTAL AREA PER 34-634(1) - 3,071 SF

GROUND FLOOR FOOTPRINT - 1140 SF

FLOOR AREA CALCULATION

726 ESTERO VARIANCE EXHIBIT

NO.	DATE	DESCRIPTION
1	2/22/2025	REVISIONS PER PRELIMINARY DATED 1/13/2025
2	2/22/2025	REVISED SETBACKS PER TOWN STAFF

VARIANCE EXHIBIT

726 ESTERO

SEA SHELL REAL ESTATE II, LLC

726 ESTERO BLVD, FORT MYERS BEACH, FL 33931

THESE PLANS MAY NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF INK ENGINEERING INC.

JAMES INK P.E.

FLORIDA REG. NO. 127106

DATE

INFORMATIONAL: CORP ONLY, NO CONTRACT

EMPLOYED WITHIN THE LAST 12 MONTHS

INK ENGINEERING INC.

CONSULTING ENGINEERS • PLANNING

2085 WEST FIRST STREET

FORT MYERS, FL 33901

JINK@INKENGINEERINGINC.NET

PROJECT NO.	23026-5
PROJECT MANAGER	James Ink P.E.
DRAWN BY	JMI
DATE	02.2025
SCALE	1" = 10'
SHEET NO.	1
OF	1

POINT OF BEGINNING

SET 5/8" IRON PIN AND
CAP STAMPED T&A LB 3964

N62°35'40"W
N63°57'49"W

6.0'

50.00' (DEED)
50.00' (S)

7.5' DRIVEWAY EASEMENT
(MISCELLANEOUS BOOK 39, P. 6)
7.5' DRIVEWAY EASEMENT
(MISCELLANEOUS BOOK 39, P. 6)

FOUND 5/8" IRON PIN NO CAP
0.01' EAST AND 1.01' NORTH

SET 5/8" IRON PIN AND
CAP STAMPED T&A LB 3964

5.2'

WOOD STAIRS

SET 5/8" IRON PIN AND
CAP STAMPED T&A LB 3964

S 27°24'20" W 109' ± (DEED)
S 26°02'11" W 160.40' (CALCULATED)

4.0'

50.65'

SET 5/8" IRON PIN AND
CAP STAMPED T&A LB 3964

70.20' (CALCULATED)
116' ± (DEED)

S 54°45'

ONE STORY
STILT HOUSE

RAISED WOOD
DECK

0.7' WIDE CONCRETE CURB

60.73' (SURVEY)

26.5'
28.5'
26.5'
29.2'
14.4'
9.6'
14.4'
3.1'
4.3'
26.5'
52.67' (SURVEY)
15.5'
4.6'
10.5'
4.0'
9.3'
5.0'



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: 726 Estero Blvd
STRAP Number: 24-44-23-W3-00400.007B
Applicant: Ink Engineering, Inc Phone: (239)940-2504
Contact Name: James Ink PE Phone: _____
Email: jink@inkengineeringinc.net Fax: _____
Current Zoning District: RM
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: 6 u/a 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*: James Ink PE c/o Ink Engineering, Inc Phone: (239) 940-2504
**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: 2055 West First St, Fort Myers, FL 33901
Email: jink@inkengineeringinc.net Fax: _____
Contact Name: James Ink Phone: (239) 940-2504



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: _____ Phone: _____

Address: _____

Email: _____ 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 _____ - see request statement
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

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
Kenneth R Praiser	100%
_____	_____
_____	_____
_____	_____

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, James M Ink (name), as Authorized Representative (title)
of Sea Shell Real Estate II, LLC (company), swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Patricia Graybill, Trust

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

Signature

James M Ink

Typed or Printed Name

Authorized Representative

Title

Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 27th day of January, 2025, by _____, ☐ who is personally known to me OR ☒ who has produced

FL Drivers License as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00400.007E

Property Address: 722 Estero Blvd

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

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 45 feet
Depth (please provide an average width if irregular in shape) 50 feet
Frontage on street: 45 feet. Frontage on waterbody: 0 feet
Total land area: 2,250 ☐ acres ☐ square feet

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

North of San Carlos Blvd, Lot is second from Estero Blvd on the Gulf side.

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number: VAR20250027
Project Name: 726 Estero
Authorized Applicant: James Ink PE c/o Ink Engineering Inc.net
LeePA STRAP Number: 24-46-23-W3-00400.007B

Current Property Status: Vacant due to Hurricane Ian	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6 u/a	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

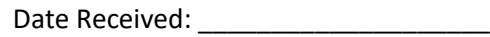
LDC Section Number	Title of Section or Subsection
Table 34-3	Front Setback
Table 34-3	Rear Setback
Table 34-3	Lot Coverage

Complete the narrative statements below for EACH variance requested.



See attached request statement

See attached request statement



See attached request statement

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



Variance Request and Justification Narrative

This application is to request two variances from the Fort Myers Beach Land Development Code for the reconstruction of a single-family home that was destroyed by Hurricane Ian. The proposed home is a single-story elevated home as was damaged, but the square footage has increased which prevents utilizing the cottage lot administrative variance process. Therefore, this application is for the public hearing variance process to have building setbacks considered.

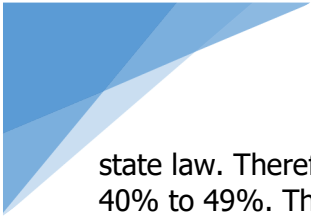
This application is to request the following variances from Table 34-3 to create a reasonable building area.

- a) Request to change the minimum front street setback per Table 34-3 from the required 25 feet to 2.5 feet.
- b) Request to change the minimum rear setback per Table 34-3 from the required 20 feet to 5 feet.
- c) Request change table 34-3 note 6 from 40% lot coverage for single family to 49%.

This application for the public hearing process is required for the increase in the size of the proposed single-family home to meet current market standards. 726 Estero Blvd. is a non-conforming lot and as such does not provide reasonable building area to reconstruct a single-family home on the site without variances to setback and Intensity. The proposed home is enlarged to meet current Florida building codes and market parameters due to the high value of the lot. Per the Lee County tax collector, the assessed value of the lot in 2024 is \$2,215,446. The buildable portion of the lot is 2,331 square feet which equals \$950 per square foot for just the land. Placing a reasonable home at 726 Estero yields a requirement of home with a minimum square footage of 2,100 and minimum of 3 bedrooms and 2 baths. The site being gulf front should have 4 bedrooms and 4 baths and over 2,600 square feet to be an average size for the gulf front market in Southwest Florida. The Land Development Code regulates the size of lots, dimensions, density, and intensity. The proposed development is a single-family home which is required by right, so analysis of density is not warranted. The property is in the Residential Multifamily zoning district that has specific criteria. The following table shows the property regulations that are required and those legally provided by the subject property.

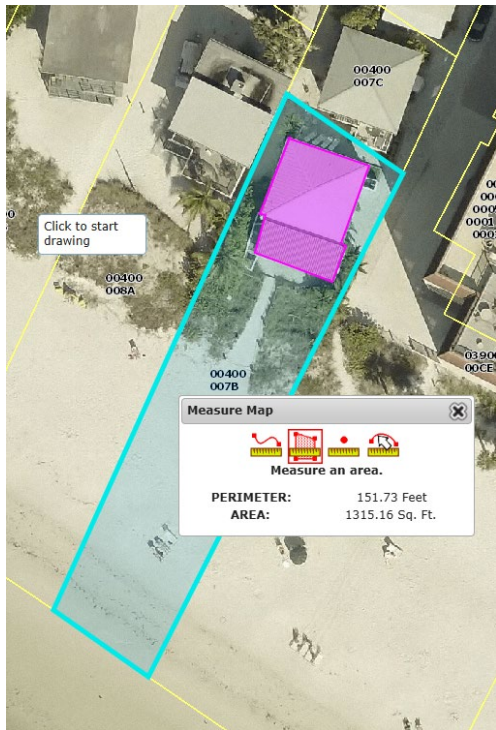
	Table 34-3 LDC	726 Estero
Lot Area	7,500 SF	8,265 SF
Lot Width	75 FT	44 FT
Lot Depth	100 FT	50 FT
Front Setback	25 FT	8 FT
Rear Setback	20 FT	6 FT
Side Setback (note 6)	7.5 FT	5 FT

It is obvious that 726 is a non-conforming lot but due to private property rights it is allowed to construct a single-family home on the property. To do this, there are non-conforming property regulations that must be addressed. This narrative addresses the need for a front setback, rear setback, add FAR adjustment. The town of Fort Myers Beach enacted Ordinance 24-24 in September 2024 that changed single family uses in Residential Multi-Family from a floor area ratio calculation per 34-633 to a building lot coverage calculation per 34-634. It is the belief of this application that this creates a punitive condition on property and due to Senate Bill 250 this ordinance is not allowed under

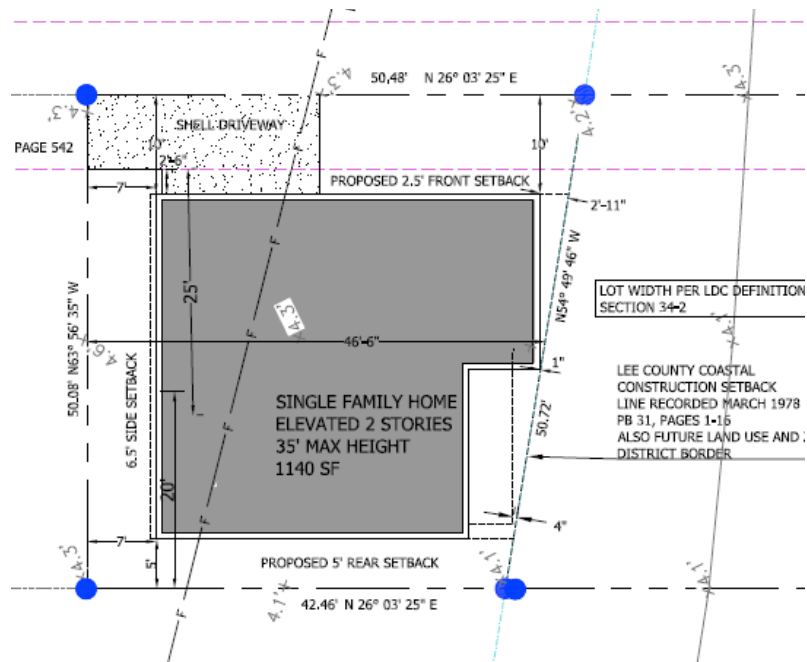


state law. Therefore, the request is to request an increase from the building coverage from the current 40% to 49%. This narrative will discuss the variances from the original FAR requirements of the property regulations of Table 34-3 of the Land Development Code. The property is further restricted by Section 34-633 by not allowing the use of private property owned by the applicant in the calculation of the lot size. This potential taking of private property rights reduces the allowable building area to be used in the calculations from 8,265 SF to 2,331 SF. When the town was established and the land development code adopted in 1995 it was determined that using the 1978 Coastal Conservation Construction Line would be a dividing line between buildable and non-buildable areas. Prior to the adoption of the code the current Land Development Code was enforced by Lee County. At that time, it did not have a floor area ration and only used building coverage to enforce intensity of a property. There was no delineation of property that would eliminate any natural areas such as wetlands, canals, or waterbodies. A lot area was the owned area of the property. The adoption of the Fort Myers Beach Land Development Code created a taking of land rights, though at the time not known by property owners. Hurricane Ian created the necessity to redevelop and construct a new single-family home within the marketability of the community and tax basis. This creates a hardship regarding the reconstruction of a home and the reason for this application.

To understand the impacts on non-conforming property it must be demonstrated on the difference from what could be constructed under the property regulations of a residential multi-family zoning district. The subject property is 31% of a conforming lot. (2,331 SF versus 7,500 SF). The lot area multiplied by the allowable Floor Area Ratio (FAR) of 1.2 yields an allowable floor area of 2,797 SF versus a conforming lot allowable floor area of 9,000 SF. This difference in allowable floor area is especially important due to 34-633 requiring the ground floor below flood elevation to be included in the calculation. The subject property allowable floor area is reduced by 1/3 at best resulting in a 3-level building floor area of 1,845 square feet or 932 square feet, a three-level square box. This does not factor in the need for a stairwell system of approximately 140 square feet reducing each buildable level to 792 square feet. The resulting math equates to a home at maximum efficiency of 1,584 square feet. This home size is too small to support construction. The calculations do not get any better if we maximize the allowable buildable area if the setback variance in the application were granted and used. The maximum building area based on the assumption of approval of the setbacks per this application is 1,428 square feet. Since the ground floor is not habitable due to being in a FEMA Velocity flood zone but still required to be used in the FAR calculations yields a maximum building floor area of 1,369 square feet which is smaller than the box. This is the basis for the request for a slight increase in the floor area ratio to 1.3 so that an attractive single-family home can be constructed that will still be at a minimum for marketability based on the remarkably high assessed value of the building lot.



2021 Existing Home (LeePA data)

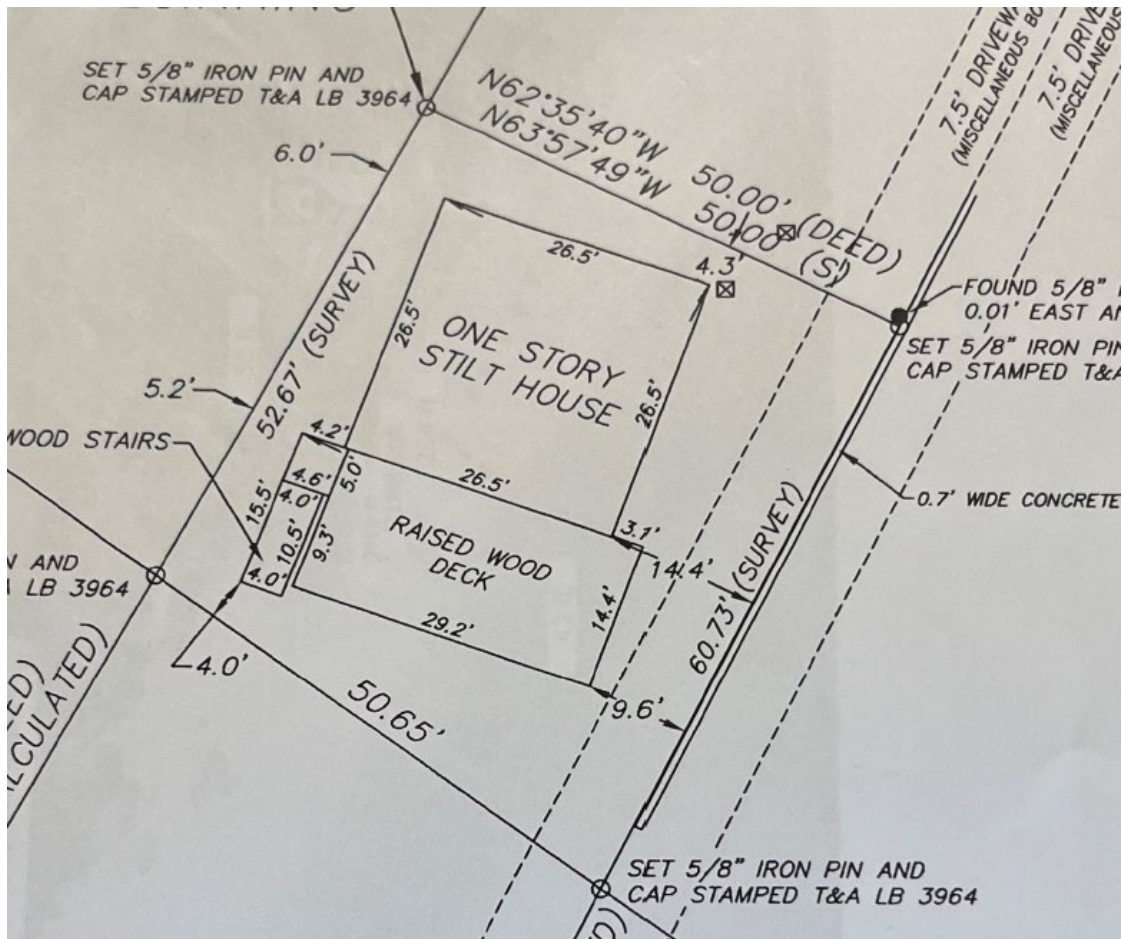


2025 Proposed Home

Project Information

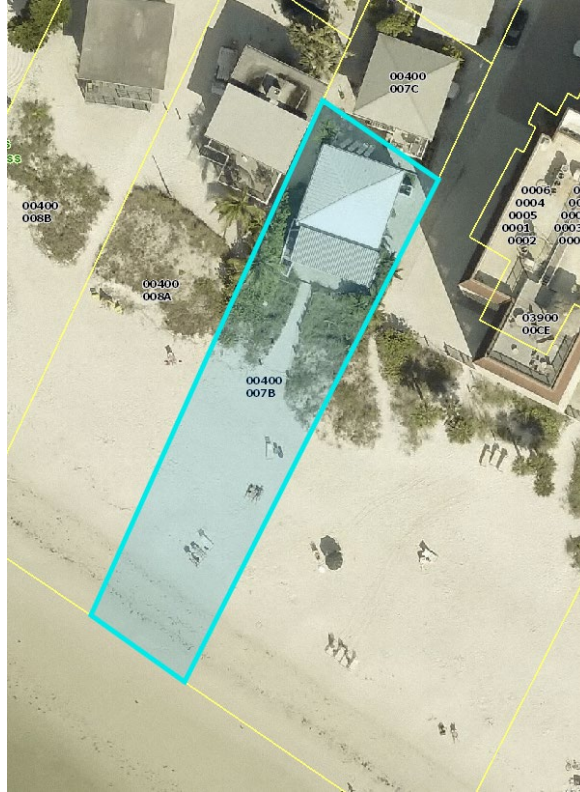
The variance request is for a single-family home site located at 726 Estero Blvd that had one dwelling unit before Hurricane Ian. The submittal package has a pre-Ian survey of the existing conditions including the home. The existing setbacks were determined as:

- Front (easement) 2.1 feet
- Right side 4.3 feet
- Left side 4.0 feet
- Rear 5.2 feet



Pre-Ian Survey

The parcel has 8,265 square feet which is LDC compliant. The buildable area above the 1978 abandoned CCCL line is 2,331 square feet. The 1978 CCCL is the Comprehensive Plan Future Land Use and Zoning district change to Recreation future land use on the Gulfside. Construction of structures is mostly prohibited seaward of the 1978 abandoned CCCL. The current Mixed Residential future land use allows a density of six units per acre. This would require a parcel of 7,260 square feet for consistency. The parcel is not conforming to Section 34-3271(b) FMBLDC due to the developable area of 2,331 square feet with the appropriate Future Land Use and zoning district. A minimum use determination will be applied for as a companion application to the variance application. The parcel existed prior to 1996, has direct access to a public road, is served by public utilities and located with appropriate Future Land Use Designation and Zoning District. The submittal package contains a current survey and legal description of the subject property.



2021 Aerial (Pre-Ian)



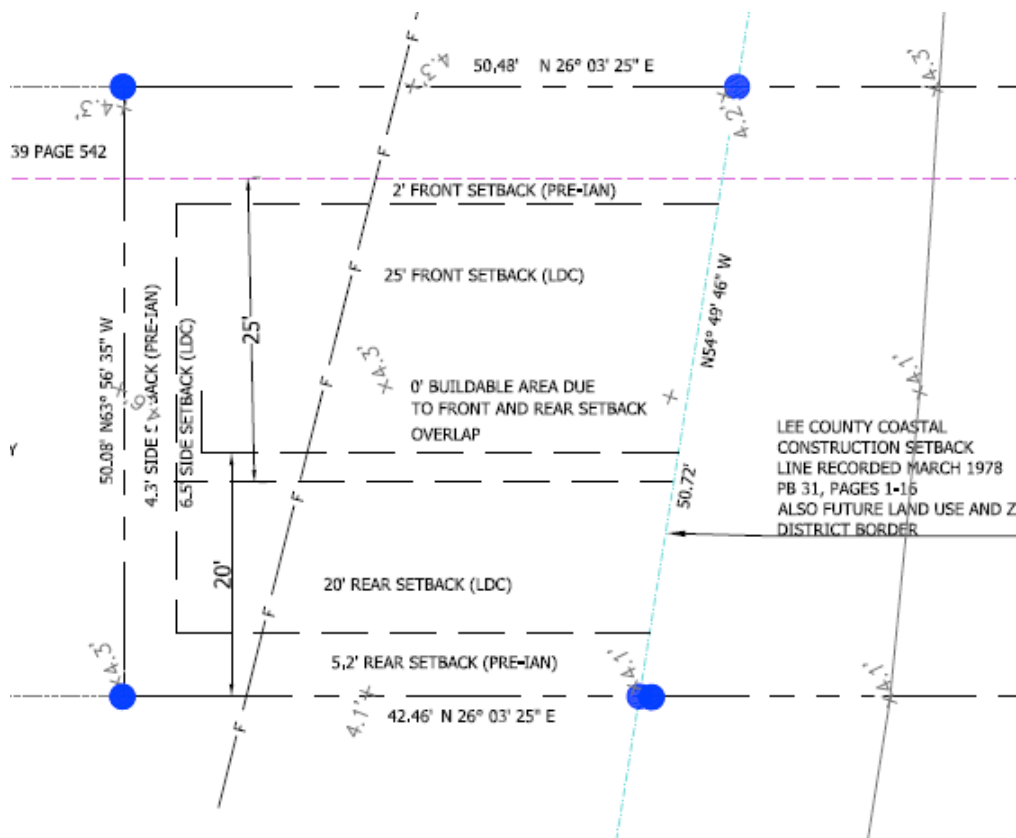
2022 Aerial (Post Ian)

As shown on the Pre-Ian 2021 Aerial the home had non-conforming setbacks and is supported by the Pre-Ian survey. Therefore, this application is going to show the constraints that the current Land Development Code places on the property and the hardship that it creates to reconstruct a reasonable single-family residence of the site.

Table 34-3 of the Fort Myers Beach Land Development Code sets the constraints on the parcel for construction. The following are the property development regulations for a Residential Multifamily zoning district:

Street Setback –	25 FT
Side Setback -	6.5 FT (lot width 46.5')
Rear Setback -	20 FT
Lot Area -	7,500 SF
Lot Width -	75 FT
Lot Depth -	100 FT
Building Coverage -	FAR 1.2/40%
Building Height -	35 FT per Section 34-631 FMBLDC
Stories -	3

Demonstrating the Street setback, side setback, rear setback and rear lot line yields no LDC compliant building area due to the front and rear setback overlap.

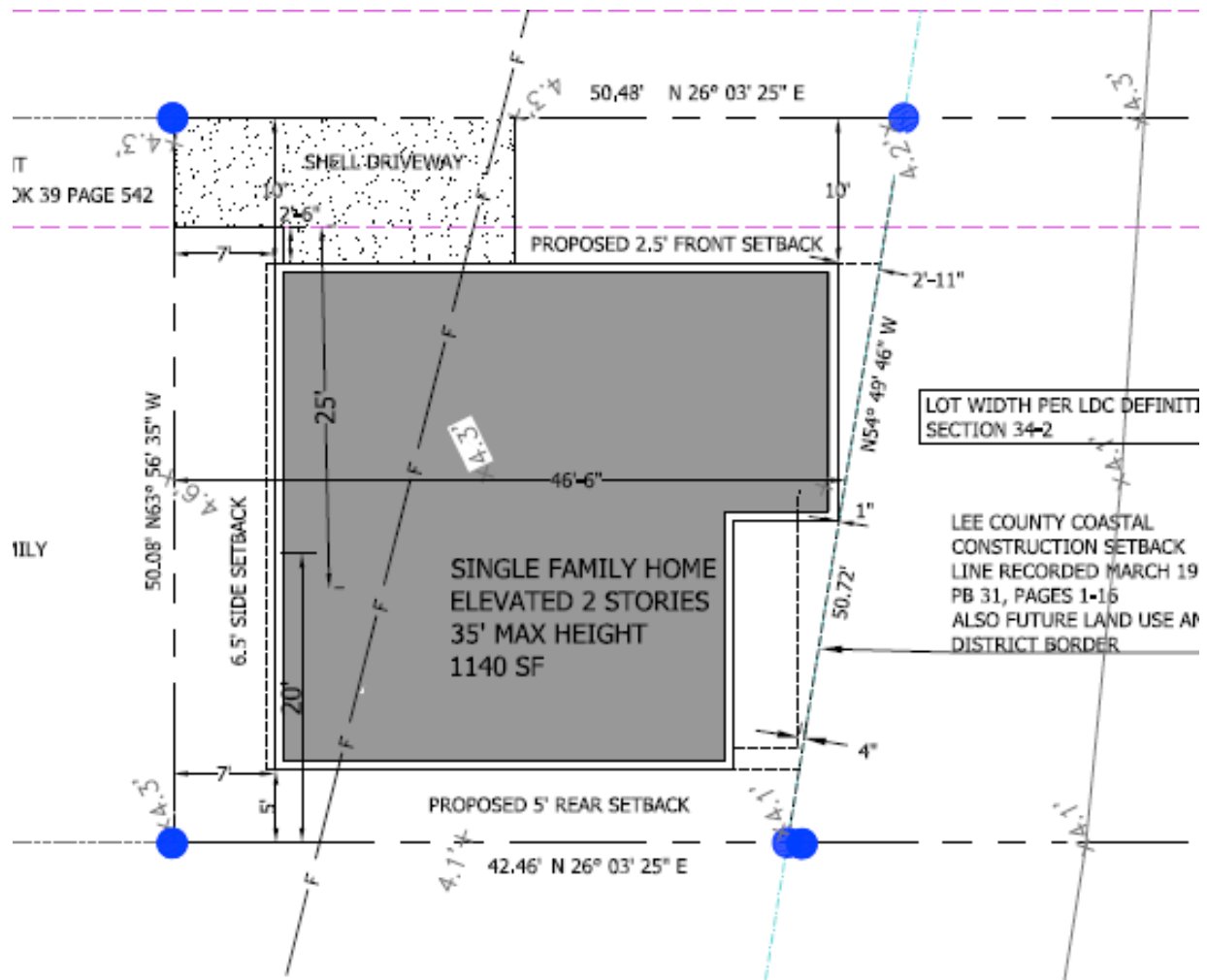


Variance Exhibit

The lot area and lot width are compliant with the code because it includes owned lands gulfward of the FLU/zoning line. This application is to request the following variances from Table 34-3 to create a reasonable building area.

- Request to change the minimum front street setback per Table 34-3 from the required 25 feet to 2.5 feet. The pre-Ian setback was 2.1 feet.
- Request to change the minimum rear setback per Table 34-3 from the required 20 feet to 5 feet. The pre-Ian setback was 5.2 feet.
- Request change table 34-3 note 6 from 40% lot coverage for single family to 49%

Provided the variances are granted the buildable area will be increased to 1,140 square feet, a reasonable building area.



Proposed Site Plan



The required analysis for each requested variance follows:

Variance #1a from Section Table 34.3 – Front Street Setback

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The allowable front setback is 25 feet with the request being 8 feet. Historically the condition of the pre-Ian structure was 2.1 feet. Granting the variance is a de minimis variance under these circumstances.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The property owner purchased the property in December 2022 without a home and a historical pre-Ian 2.1-foot street setback. This request will allow a 35-foot-deep home on the site. The requested 2.5-foot street setback is de minimis and allows greater distance of the proposed adjacent property. This front setback is like 724 Estero which has an administrative setback of 7.83 feet from the property line or 0.83' from the easement. (ADM-20240303)

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance for the actual condition of a non-conforming lot. Granting variance allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested setback is like pre-storm conditions and has similar street setbacks on adjacent properties. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

A variance for front setback to allow an existing non-conforming lot to be buildable is a unique action due to the difference in lots created before the Land Development Codes were created. Granting the front yard variance is not general or potentially recurrent to



create a reasonable and practical Land Development code amendment to address this request.

Variance #1b from Section Table 34.3 – Rear Setback

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The allowable rear yard setback is 20 feet with the request being reduced to 6 feet. The approximate existing rear yard setback pre-Ian was 5.2 feet. The request is to allow non-conforming use before the homeowner lost their home in the largest storm in Southwest Florida history. Granting the variance is a de minimis variance increase under these circumstances and restores the pre storm condition.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The property owner purchased the property in December 2022 without a home with an approximately 5.2-foot rear setback. This request for a 5' rear setback will allow a 35' deep home on the site. The applicant did not take any action that created the previous condition that this request petitions to be restored.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance for the actual condition of a non-conforming lot. Granting the variance does not change the pre-storm condition and allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested setback is like pre-storm condition and structures pre-storm in the adjacent homesites have similar street setbacks. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

A variance for rear yard setback to allow an existing non-conforming lot to be buildable is a unique action due to the difference in platted lots created before the Land Development Codes were created. Granting the rear yard variance is not general or



potentially recurrent to create a reasonable and practical Land Development code amendment to address this request.

Variance #1c from Section Table 34-3 – Lot Coverage

Variance #1d is a request to change from the current Lot Coverage of 40% as listed in Note (6) Table 34-3 and revert to the previous LDC standard of a Floor Area Ratio of 1.2 for Residential Multi-family zoning district. This change was adopted by council as ordinance 24-26 on September 23, 2024. This adoption conflicts with the provision of Florida Senate Bill 250 in effect. This bill prohibits counties and municipalities within 100 miles of Hurricane Ian or Hurricane Nicole landfall from adopting more restrictive or burdensome procedures to their comprehensive plans or land development regulations. Due to the size, location, and geometry of the property, Variance request 1d requests an increase in the FAR from 1.2 slightly to 1.3 for a reasonable, unique design and marketable single-family home.

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The improper change in the Land Development Code created a hardship for the reconstruction of the home destroyed by Hurricane Ian. The home has same bedrooms, bathrooms, stories as existing pre-Ian and minor additional footprint was added to recreate the previous structure to current building codes. The request is to increase the building coverage to 49%. The small size of the lot at the 40% would yield a building coverage of 932 square feet. This size is not feasible for a gulf front single-family home. The request is to increase the building coverage to 1,140 square feet an increase of only 207 square feet.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

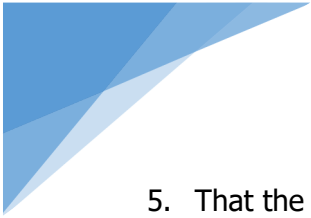
The small nature of the lot and adoption of the Land Development Code regulation on how to calculate the intensity of a lot and the change in determining the size of a single-family home was a town-initiated Land Development Code change and not the action of the applicant.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

Granting variance allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance is only 200 square feet, which would be unnoticeable to the community. There is no neighborhood change with the granting of this variance.

- 
5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

Granting the variance is specific and due to the inability to utilize the majority of the owned property by created town codes.

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

Yellow Sheet Number: **2025-325**

1. Request:

Meeting Date: April 8, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE APPLICATION 20250027 FOR THE PROPERTY LOCATED AT 1901 ESTERO BLVD., FORT MYERS BEACH (STRAP NUMBER 19-46-24-W4-0090B.0080) FOR THE FOLLOWING 5 VARIANCES: 1) A VARIANCE OF 15 FEET TO ALLOW A FRONT SETBACK OF 25 FEET WHERE 5-10 FEET IS REQUIRED; 2) A VARIANCE OF 5 FEET TO ALLOW A REAR SETBACK OF 20 FEET WHERE 25 FEET IS REQUIRED; 3) A VARIANCE TO BUFFER REQUIREMENTS TO PROPOSE A BETTERMENT PLAN WITHOUT A BOUNDARY WALL; 4) A VARIANCE TO PARKING LOCATION REQUIREMENTS TO ALLOW BACK-OUT PARKING ALONG ESTERO BLVD. AND OHIO AVENUE; AND 5) A VARIANCE TO PARKING AMOUNT REQUIREMENTS FROM 22 REQUIRED PARKING SPACES TO 9 SPACES, FOR A PROPOSED MIXED-USE COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA reviews Variance requests.

What the action accomplishes:

Approval of this request will allow the applicant to maintain the footprint of the non-demolished portion of the structure and construct a new attached 2-story commercial structure.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Variance

5. Background:

This application is to request five variances from the Fort Myers Beach Land Development Code for the reconstruction of a commercial building that was damaged by Hurricane Ian. A single-story non-elevated section was destroyed, and a two-story section was damaged. The proposed square footage has been reduced from pre-Ian status. Therefore, this application is for the public hearing variance process to have the following code reliefs considered: 1. Request to change the minimum front street setback per 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure. 2. Request to change the minimum rear setback per 34-674(b)(1). a from the required 25 feet to 20 feet. 3. Request to change in residential/commercial buffer requirements per 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) to the proposed betterment plan. 4. Request a change in 34-2105 to allow parking along Estero Blvd and Ohio Ave instead of the required off-street parking. 5. Request a change in 34-2020 requiring parking spaces that require 22 parking spaces to 9 spaces. The pre-Ian parking spaces existing were 12

Attachments:

1. LPA Resolution 25-06_1901 Estero
2. Ord Exhibit A: Variance Criteria
3. 1901 Estero Blvd- LPA staff report
4. 2024 Boundary Survey
5. Exhibit A: Application
6. Exhibit B: Site Plan/Variance Exhibit
7. Exhibit C: Applicant Request Statement

- 8. Exhibit D: Proposed Building Renderings
- 9. Exhibit E: Landscape Plans
- 10. 2024 Appraisal

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: April 01, 2025

Frankie Kropacek, Operations & Compliance Director

Date: April 01, 2025

nancy stuparich, Town Attorney

Date: April 01, 2025

Amy Baker, Town Clerk

Date: April 01, 2025

LPA RESOLUTION 25-06

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE APPLICATION 20250027 FOR THE PROPERTY LOCATED AT 1901 ESTERO BLVD., FORT MYERS BEACH (STRAP NUMBER 19-46-24-W4-0090B.0080) FOR THE FOLLOWING 5 VARIANCES: 1) A VARIANCE OF 15 FEET TO ALLOW A FRONT SETBACK OF 25 FEET WHERE 5-10 FEET IS REQUIRED; 2) A VARIANCE OF 5 FEET TO ALLOW A REAR SETBACK OF 20 FEET WHERE 25 FEET IS REQUIRED; 3) A VARIANCE TO BUFFER REQUIREMENTS TO PROPOSE A BETTERMENT PLAN WITHOUT A BOUNDARY WALL; 4) A VARIANCE TO PARKING LOCATION REQUIREMENTS TO ALLOW BACK-OUT PARKING ALONG ESTERO BLVD. AND OHIO AVENUE; AND 5) A VARIANCE TO PARKING AMOUNT REQUIREMENTS FROM 22 REQUIRED PARKING SPACES TO 9 SPACES, FOR A PROPOSED MIXED-USE COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, James Ink PE on behalf of YEAA, LLC is requesting the following 5 variances from the Land development Code (LDC) to construct a commercial property with several tenants: 1) a change to the minimum front street setback per Section 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure; 2) a change to the minimum rear setback per Section 34-674(b)(1)(a) from the required 25 feet to 20 feet; 3) a change in the residential/commercial buffer requirements per Section 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) to a proposed betterment plan; 4) a change to allow parking along Estero Blvd and Ohio Ave instead of the required off-street parking in Section 34-2015; and 5) a change to the required number of parking spaces in Section 34-2020 from 22 parking spaces to 9 spaces where the number of spaces prior to Hurricane Ian was 12; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0090B.0080; and

WHEREAS, the Property is located in the “Pedestrian Commercial” Future Land Use 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 April 8th, 2025, and at said hearing the LPA gave full and complete

consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA made findings and conclusions regarding each requested variance based on the following criteria, as further described in Exhibit A:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

WHEREAS, eligible members of the LPA determined the proposed variances are consistent/not consistent with the Fort Myers Beach Comprehensive Plan and voted ____ to ____ by roll call vote to approve the requested variances with the following conditions:

- 1) None of the 5 variances give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) The Property owner must ensure that they adhere to the maximum FAR for the Pedestrian Commercial FLU. (As to Variance # _____)
- 3) Property owner must have complete visual screening that enclose all mechanical equipment to obscure from the public right-of-way and from the immediate neighbor's property to help mitigate noise; (As to Variance # _____).

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250048, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on April 8th, 2025.

3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by John McLean and seconded by Douglas Eckmann and upon being put to a vote, the result was as follows:

Chair Anita Cereceda	_____
Vice-Chair Jane Plummer	_____
Member James Boan	_____
Member Douglas Eckmann	_____
Member Don Sudduth	_____
Member John McLean	_____
Member James Dunlap	_____

DULY PASSED AND ADOPTED THIS ____ day of _____.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Vose Law Firm, Town Attorney

By: _____
Amy Baker, Town Clerk

EXHIBIT A: Findings of Specific Variances

Exhibit A: Findings of Specific Variances

Ordinance 24-06

Evaluation of each variance request per LDC criteria.

Variance #1

1) A CHANGE TO THE MINIMUM FRONT STREET SETBACK PER SECTION 34-674(A)(1) FROM THE REQUIRED 5–10-FOOT BUILD TO LINE TO 25 FEET FOR THE EXISTING STRUCTURE;

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 variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The property was substantially destroyed by Hurricane Ian.

B. 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure.

C. The variance granted **is**/is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request does not further the non-conformities of the existing structure.

D. The granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance will be injurious to the public realm, as the increased setback is to allow for back-out parking that creates a safety hazard for pedestrians and drivers.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Concur

Variance #2

2) A CHANGE TO THE MINIMUM REAR SETBACK PER SECTION 34-674(B)(1)(A) FROM THE REQUIRED 25 FEET TO 20 FEET;

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 variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The property was substantially destroyed by Hurricane Ian.

B. 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure.

C. The variance granted **is**/is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request does not further the non-conformities of the existing structure.

D. The granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

The request will not be injurious to the neighborhood, as it is to allow the existing stairway to remain and to construct a solid waste enclosure along Ohio Street, at a farther distance from the adjacent residential uses. This request only applies to the rear egress stairway from the second floor of the existing building and a solid waste enclosure. There is no other area where the 25' rear setback will not be consistent with the Land Development Code.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Concur

Variance #3

3) A CHANGE IN THE RESIDENTIAL/COMMERCIAL BUFFER REQUIREMENTS PER SECTION 34-677(B)(2) FROM THE REQUIRED TYPE C OR F BUFFER REQUIREMENT PER TABLE 10-8 IN 10-416(D) TO A PROPOSED BETTERMENT PLAN

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 variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The property was substantially destroyed by Hurricane Ian.

B. 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure. The applicant would prefer not to provide the required buffer wall due to the space it would occupy in the setback area and its impact on the existing structure's access.

C. The variance granted **is**/is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request does not further the non-conformities of the existing structure. An existing vinyl fence is present on the abutting neighbor's property.

D. The granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant will provide the required type C plantings but is requesting not to construct a wall. As an existing fence is present, injury to the neighborhood is unlikely.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Concur

Variance #4

4) A CHANGE TO ALLOW PARKING ALONG ESTERO BLVD AND OHIO AVE INSTEAD OF THE REQUIRED OFF-STREET PARKING IN SECTION 34-2015

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 variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The property was substantially destroyed by Hurricane Ian.

B. 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure.

C. The variance granted is/**is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request does not further the non-conformities of the existing structure. However, these parking spaces were existing non-conformities and were not permitted under the land development code. The site could be reorganized to locate all or more of the street front parking to an off-street location.

D. The granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance will be injurious to the public realm, as the back-out parking that creates a safety hazard for pedestrians and drivers.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Concur

Variance #5

5) A CHANGE TO THE REQUIRED NUMBER OF PARKING SPACES IN SECTION 34-2020 FROM 22 PARKING SPACES TO 9 SPACES WHERE THE NUMBER OF SPACES PRIOR TO HURRICANE IAN WAS 12

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 variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The property was substantially destroyed by Hurricane Ian.

B. 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure.

C. The variance granted is/**is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request does not further the non-conformities of the existing structure. However, the site could be reorganized to locate all or more of the street front parking to an off-street location. A reorganized site could provide a greater number of parking spaces.

D. The granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The variance will be injurious to the public realm, as the increased setback is to allow for back-out parking that creates a safety hazard for pedestrians and drivers. The reduced parking may impact the nearby single-family home through increased traffic and illegal parking as customers search for parking.

E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Concur



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250048

CASE NAME: 1901 Estero Blvd; requesting five variances from the Town's Land Development Code (LDC) to construct a multi-tenant commercial building in the Downtown zoning district.

LPA

HEARING DATE: April 8th, 2025, at 9 AM

STAFF

RECOMMENDATION: Denial

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP

I. APPLICATION SUMMARY

Applicant/Owner: James Ink PE on behalf owner of YEAA, LLC

Request: The applicant is requesting the following 5 variances from the Land development Code (LDC) to construct a commercial property with several tenants: 1. Request to change the minimum front street setback per 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure. 2. Request to change the minimum rear setback per 34-674(b)(1)(a)–a from the required 25 feet to 20 feet. 3. Request a change in the residential/commercial buffer requirements per 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) to the proposed betterment plan. 4. Request a change in 34-2015 to allow parking along Estero Blvd and Ohio Ave instead of the required off street parking. 5. Request a change in 34-2020 required parking spaces that require 22 parking spaces to 9 spaces.

Subject property: See attached site plan

Physical Address: 1901 Estero Blvd
STRAP #: 19-46-24-W4-0090B.0080
FLU: Pedestrian Commercial
Zoning: Downtown

Adjacent zoning and land uses:

North: Residential Conservation (RC)
Single-Family
South: DOWNTOWN
Commercial
East: DOWNTOWN
Commercial
West: DOWNTOWN
Commercial

II. BACKGROUND AND ANALYSIS

Background:

This application for the public hearing process is required for renovation of the existing two-story section and reconstruction of the one-story section lost in Hurricane Ian. A single-story non-elevated section was destroyed, and a two-story section was damaged. The applicant is requesting the following 5 variances from the Land development Code (LDC) to achieve this goal: 1. Request to change the minimum front street setback per 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure. 2. Request to change the minimum rear setback per 34-674(b)(1)(a) from the required 25 feet to 20 feet. 3. Request to change in residential/commercial buffer requirements per 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) to the proposed betterment plan. 4. Request a change in 34-2015 to allow parking along Estero Blvd and Ohio Ave instead of the required off-street parking. 5. Request a change in 34-2020 required parking spaces that require 22 parking spaces to 9 spaces. The pre-Ian parking spaces existing were 12.

Analysis:

Variance #1 requests a variance from Section 34-674(a)(1) of the land development code requiring a build to line in the downtown zoning district of a minimum of 5' and a maximum of 10'. The request is to set the front street setback as 25' only for the existing two-story existing building. This variance will not apply to the new single-story structure that is part of Phase Two of the development plan. This request is to

allow the applicant to restore the existing structure. It is important to note that the building will have to meet all current FEMA standards as it is greater than 50% damaged. The ground floor will require dry-flood proofing.

Variance #2 requests to change the minimum rear setback per 34-674(b)(1)(a) from the required 25 feet to 20 feet. The request is to allow the existing stairway to remain and to construct a solid waste enclosure along Ohio Street, at a farther distance from the adjacent residential uses. The allowable rear yard setback is 25 feet with the request being reduced to 20 feet. This request only applies to the rear egress stairway from the second floor of the existing building and a solid waste enclosure. There is no other area where the 25' rear setback will not be consistent with the Land Development Code. The stairway is an existing condition.

Variance #3 requests a change in the requirement of a type C or F buffer for residential/commercial properties. The existing condition is a vinyl privacy fence on the property boundary of the residence to the north and no landscaping. The applicant will provide the required type C plantings but is requesting not to construct a wall.

Variance #4 requests a change from LDC sec. 34-2015(4) to allow for the continue use of back-out parking along Estero Boulevard (in front of the existing structure) and Ohio Avenue.

Variance #5 requests a reduction in the required number of parking spaces from LDC sec. 34-2020. 1901 Estero operated pre-Ian with 12 parking spaces. Current Land Development Code calculation per 34-2020 for pre-Ian conditions at 22 spaces. The applicant is proposing a total of 9 parking spaces. The spaces along Ohio Avenue will be leased from the Town under a separate agreement.

Neighborhood Compatibility:

The subject property is a corner lot situated on Estero Boulevard and Ohio Street. The site is appropriate for the proposed multi-tenant commercial development due to the FLU and zoning categories of the location. However, the reduced parking is of concern as that may negatively impact the nearby residences as site visitors search for parking. Additionally, the back-out parking spots along Estero are a concern for pedestrian safety and the flow of traffic along Estero Blvd.

Findings and Conclusions:

LDC Sec. 34-87(c) sets forth the required findings and conclusions for the approval of a variance:

- a. That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property is a corner lot situated on Estero Boulevard and Ohio Streets. The property was substantially destroyed by Hurricane Ian.

- 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 is choosing to maintain a heavily damaged structure instead of demolishing and rebuilding a new structure. A new structure could provide parking at the ground level under the commercial structure and better accommodate parking needs. Variance 1, 2, 4 and 5 are all necessary to maintain the existing structure which will need to be brought up to current building and flood codes.

- 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 variance requests do not further the non-conformities of the existing structure.

- d. *That the granting of the variance **will**/ be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The maintenance of an existing heavily damaged structure are the imputes for the bulk of these variance requests. The reduced parking may impact the nearby single-family home through increased traffic and illegal parking as customers search for parking. Pedestrian safety along Estero Blvd will be reduced by vehicles backing-out into the roadway.

- 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 variances *from* 1. LDC Sec.34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure. 2. LDC Sec. 34-674(b)(1)(a) from the required 25 feet to 20 feet. 3. LDC Sec. 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) 4. LDC Sec. 34-2015 to allow parking along Estero Blvd and Ohio Ave instead of the required off street parking. 5. LDC Sec. 34-2020 required parking spaces that require 22 parking spaces to 9 spaces. and found that the variance requests does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20250048, to 1. request to change the minimum front street setback per 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure. 2. request to change the minimum rear setback per 34-

674(b)(1)(a) from the required 25 feet to 20 feet. 3. request a change in residential/commercial buffer requirements per 34-677(b)(2) from the required Type C or F buffer requirement 4. Request a change in 34-2015 to allow parking along Estero Blvd and Ohio Ave instead of the required off street parking. 5. Request a change in 34-2020 required parking spaces that require 22 parking spaces to 9 spaces to construct a multi-tenant commercial structure.

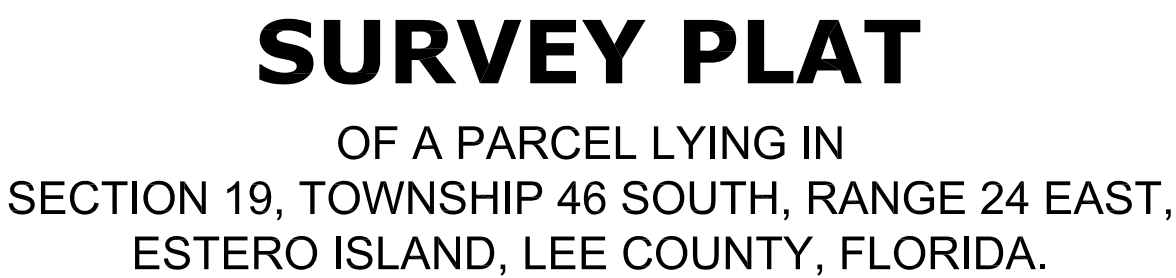
IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) Property owner must ensure that they adhere to the maximum FAR for the Pedestrian Commercial FLU.
- 3) Property owner must have complete visual screening that enclose all mechanical equipment to obscure from the public right-of-way and from the immediate neighbor's property to help mitigate noise.
- 4) Property owner must ensure that the parking space dimensions adhere to 34-2016

V. EXHIBITS

- A. Application
- B. Site Plan
- C. Applicant request statement
- D. Renderings
- E. Landscape Plan
- F. Postcards



OF A PARCEL LYING IN
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
ESTERO ISLAND, LEE COUNTY, FLORIDA.

(AS PER ORI #2020000246318)

LOTS 6 AND 8, BLOCK B, GULF-BAY-VIEW, ACCORDING TO THE MAP OR PLAT THEREOF
AS RECORDED IN PLAT BOOK 8, PAGE 69, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PLAT WAS PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY

THIS SURVEY PREPARED BASED ON THE DEED OF RECORD, THE RECORD PLAT OF GULF-BAY-VIEW, AND EXISTING MONUMENTATION.

BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983/2011; THE NORTHERLY
RIGHT OF WAY LINE OF ESTERO BOULEVARD AS BEARING N68°33'17"E.

COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983/2011, PLANE
COORDINATE, FLORIDA WEST ZONE.

ELEVATIONS ARE BASED ON NORTH AMERICAN DATUM OF 1988, FROM NATIONAL GEODETIC SURVEY BENCHMARK 872 5366 TIDAL 2, ELEVATION: 6.76 FEET.

PARCEL LIES IN THE FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 12 FEET. THIS INFORMATION TAKEN FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 12071C0554G, EFFECTIVE DATE NOVEMBER 17, 2022.

UNDERGROUND IMPROVEMENTS, OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW. PARCEL SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID PARCEL CONTAINS 13162.86 SQUARE FEET, OR 0.30 ACRES, MORE OR LESS

▲	BENCHMARK
▲	SET NAIL & DISK, #B8450
▲	SET 5/8" IRON ROD, #B8450
△	FOUND NAIL & DISK, AS NOTED
△	FOUND 5/8" IRON ROD, AS NOTED
□	FOUND CONCRETE MONUMENT, AS NOTED
□	DRAINAGE STRUCTURE
⊗	UTILITY MANHOLE
⊗	DRAINAGE MANHOLE
⊗	WOOD POWER POLE
⊗	CONCRETE LIGHT POLE
⊗	GUY ANCHOR
⊗	PULL BOX
⊗	WATER METER
⊗	GATE VALVE
⊗	TRAFFIC CONTROL SIGN (OR AS NOTED)
N:	NORTHING COORDINATE
E:	EASTING COORDINATE
LS	LICENSED SURVEYOR
LB	LICENSED BUSINESS
RCP	REINFORCED CONCRETE PIPE
PLS	PROFESSIONAL LAND SURVEYOR
FMD	FOUR
EOL	EDGE OF PAVEMENT
N/D	IRON ROD
N/D	NAIL & DISK
C.M.	CONCRETE MONUMENT
I.D.	IDENTIFICATION
M.	AS MEASURED
OP	AS PER PLAT
(P)	OFFICIAL RECORDS INSTRUMENT
FB	PLAT BOOK
PG	PAGE
CONC.	CONCRETE
R/W	RIGHT OF WAY
O/H	OVERHEAD UTILITIES
x 5.11	ELEVATION POINT

NO.	DATE	REVISION	DESCRIPTION	BY

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

Kenneth E. Trask
Ph.D. 1984, University of Florida

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

NOTICE:

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

K.E. Trask, P.A.

Land Surveyors

Florida Licensed Business No. LB8450
12345 Blasingim Road
Fort Myers, Florida 33966
(239) 980-1495

PROPERTY ADDRESS:
1901 ESTERO BOULEVARD
FORT MYERS BEACH, FL 33931

STRAP: 19-46-24-W4-0090B.0080

date	dwg	scale	job#	sheet
6-5-24	24-14SR	1"=10'	24-14	1 of 1

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name: 1901 Estero
Authorized Applicant: James M Ink PE, c/o Ink Engineering Inc.
LeePA STRAP Number: 19-46-24-W4-0090B.0080

Current Property Status: Hurricane Damaged Structure	
Current Zoning: Downtown	
Future Land Use Map (FLUM) Category: Pedestrian Commerical	
Comp Plan Density: 6 unit/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
See request narrative	

Complete the narrative statements below for EACH variance requested.

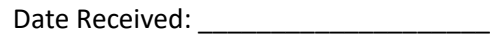
PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See request narrative

Reasons for request

Explain why the variance is needed:
See request narrative



See request narrative

See request narrative



Case # _____

Date Received: _____

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

See request narrative

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

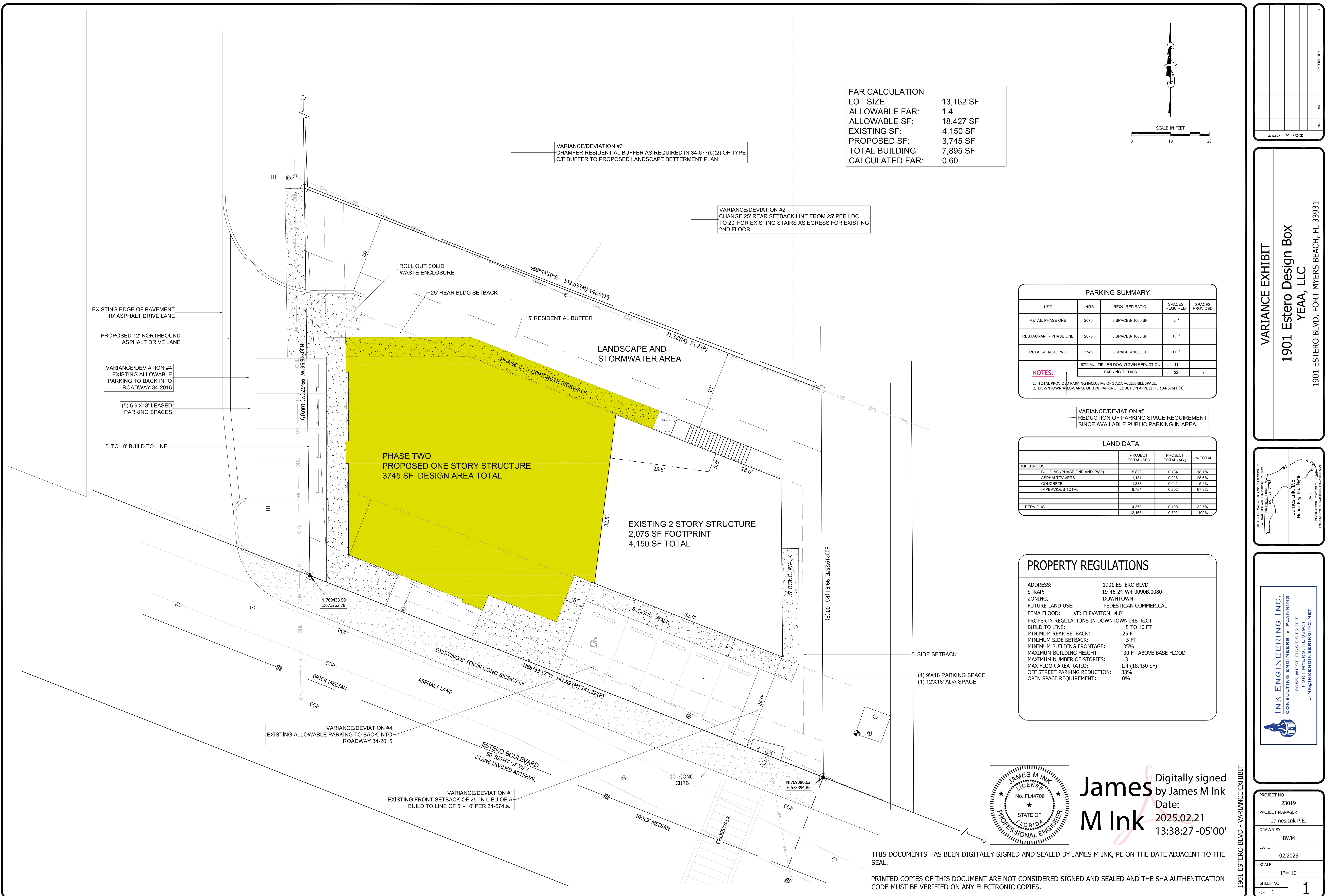
Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

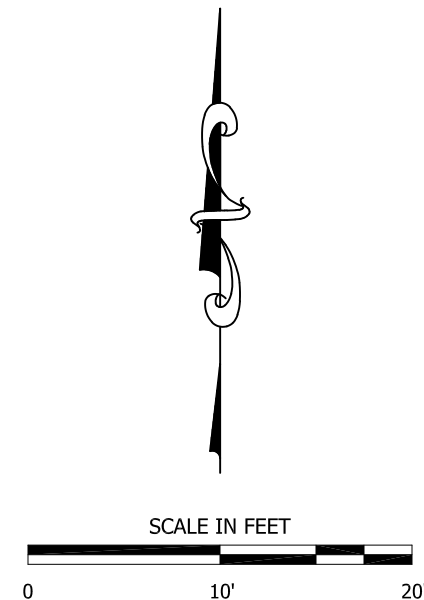
LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



FAR CALCULATION	
LOT SIZE	13,162 SF
ALLOWABLE FAR:	1.4
ALLOWABLE SF:	18,427 SF
EXISTING SF:	4,150 SF
PROPOSED SF:	3,745 SF
TOTAL BUILDING:	7,895 SF
CALCULATED FAR:	0.60



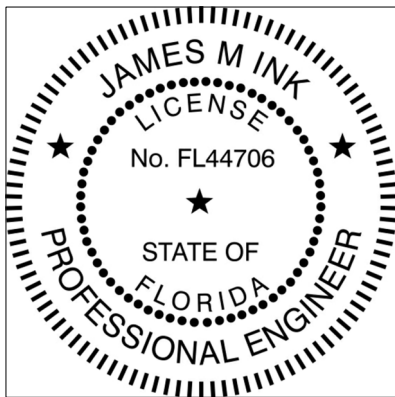
PARKING SUMMARY				
USE	UNITS	REQUIRED RATIO	SPACES REQUIRED	SPACES PROVIDED
RETAIL-PHASE ONE	2075	3 SPACES/ 1000 SF	6 ⁽¹⁾	
RESTAURANT - PHASE ONE	2075	8 SPACES/ 1000 SF	16 ⁽¹⁾	
RETAIL-PHASE TWO	3745	3 SPACES/ 1000 SF	11 ⁽¹⁾	
67% MULTIPLIER DOWNTOWN REDUCTION			11	
PARKING TOTALS			22	9

NOTES:

- TOTAL PROVIDED PARKING INCLUSIVE OF 1 ADA ACCESSIBLE SPACE.
- DOWNTOWN ALLOWANCE OF 33% PARKING REDUCTION APPLIED PER 34-676(a)(4)

LAND DATA			
	PROJECT TOTAL (SF.)	PROJECT TOTAL (AC.)	% TOTAL
IMPERVIOUS			
BUILDING (PHASE ONE AND TWO)	5,820	0.134	18.1%
ASPHALT/PAVERS	1,131	0.026	25.6%
CONCRETE	1,833	0.042	5.4%
IMPERVIOUS TOTAL	8,784	0.202	67.3%
PERVIOUS	4,379	0.100	32.7%
	13,163	0.302	100%

PROPERTY REGULATIONS	
ADDRESS:	1901 ESTERO BLVD
STRAP:	19-46-24-W4-0090B.0080
ZONING:	DOWNTOWN
FUTURE LAND USE:	PEDESTRIAN COMMERCIAL
FEMA FLOOD:	VE: ELEVATION 14.0'
PROPERTY REGULATIONS IN DOWNTOWN DISTRICT	
BUILD TO LINE:	5 TO 10 FT
MINIMUM REAR SETBACK:	25 FT
MINIMUM SIDE SETBACK:	5 FT
MINIMUM BUILDING FRONTAGE:	35%
MAXIMUM BUILDING HEIGHT:	30 FT ABOVE BASE FLOOD
MAXIMUM NUMBER OF STORIES:	3
MAX FLOOR AREA RATIO:	1.4 (18,450 SF)
OFF STREET PARKING REDUCTION:	33%
OPEN SPACE REQUIREMENT:	0%



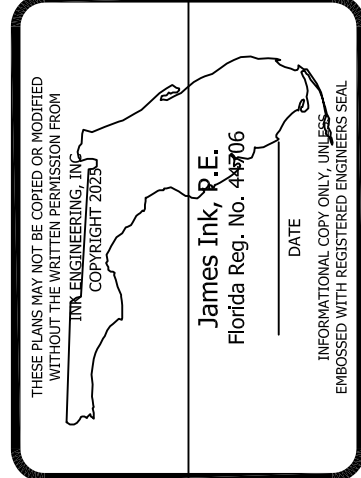
James M Ink
Digitally signed by James M Ink
Date: 2025.02.21 13:38:27 -05'00'

THIS DOCUMENTS HAS BEEN DIGITALLY SIGNED AND SEALED BY JAMES M INK, PE ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

NO.	DATE	DESCRIPTION	BY

VARIANCE EXHIBIT
1901 Estero Design Box
YEAA, LLC
1901 ESTERO BLVD, FORT MYERS BEACH, FL 33931

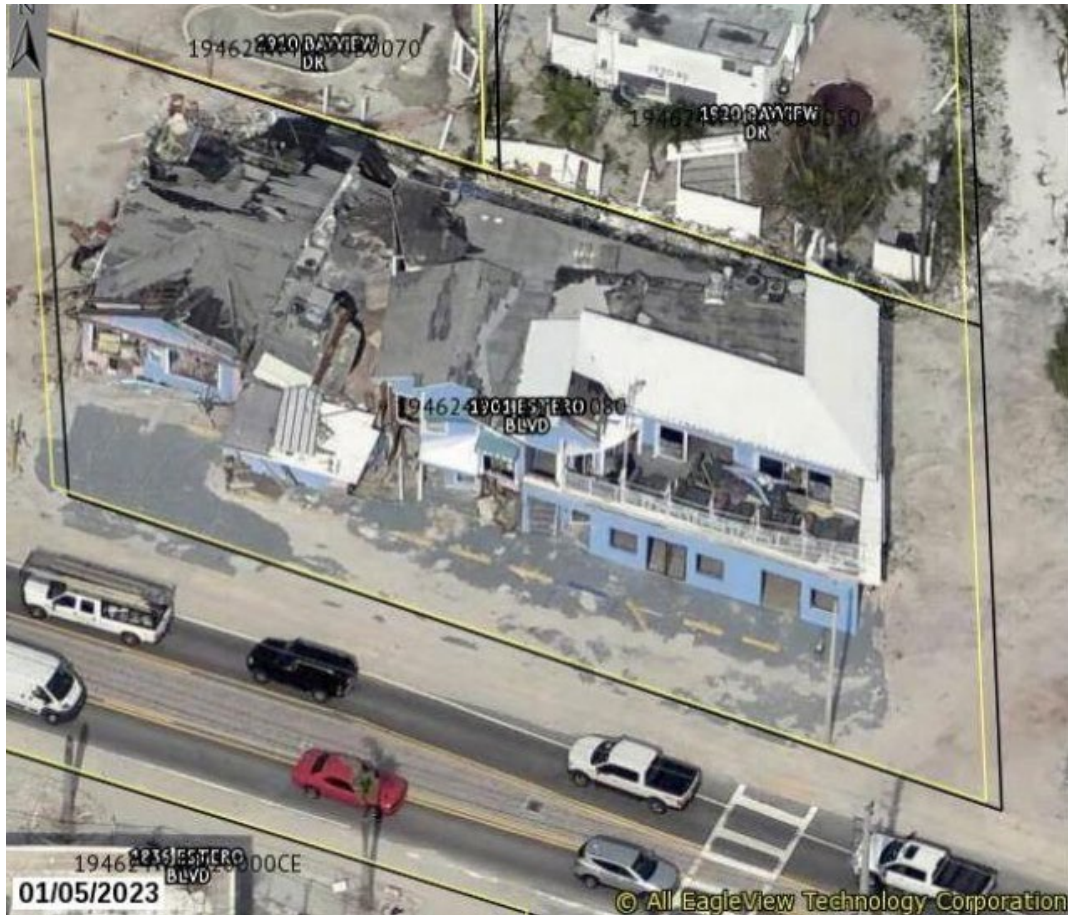


INK ENGINEERING INC.
CONSULTING ENGINEERS • PLANNING
2055 WEST FIRST STREET
FORT MYERS, FL 33901
JINK@INKENGINEERINGINC.NET

PROJECT NO.	23019
PROJECT MANAGER	James Ink P.E.
DRAWN BY	BWM
DATE	02.2025
SCALE	1"= 10'
SHEET NO.	1
OF	1

1. Request to change the minimum front street setback per 34-674(a)(1) from the required 5–10-foot build to line to 25 feet for the existing structure.
2. Request to change the minimum rear setback per 34-674(b)(1). a from the required 25 feet to 20 feet.
3. Request to change in residential/commercial buffer requirements per 34-677(b)(2) from the required Type C or F buffer requirement per Table 10-8 in 10-416(d) to the proposed betterment plan.
4. Request a change in 34-2105 to allow parking along Estero Blvd and Ohio Ave instead of the required off street parking.
5. Request a change in 34-2020 required parking spaces that require 22 parking spaces to 9 spaces. The pre-Ian parking spaces existing were 12.

Project Information



Pre-Ian Structure

The pre-Ian development had various non-conforming uses. These are as follows:

1. The building setback does not meet the 5-to-10-foot build to lines on Estero Blvd or Ohio Ave.
2. The rear egress stairs do not meet the 25-foot rear yard setback.
3. There was no buffer between the subject commercial property and residential uses to the north. The existing vinyl privacy fence is on adjacent residential property.
4. Parking along Estero is a back out into the right of way.
5. Parking along Ohio Ave was a back out into the right of way and was allowed due to a lease with the town for the use of right of way for parking.

Post Ian the southern two-story section of the structure remains. Research shows that this portion of the structure was constructed to dry proofing construction standards. However, no storm panels were installed for Ian, so the windows, doors and interior were destroyed but the structural shell of the structure is still in excellent condition. Meetings with town staff have verified that the building meets dry proofing standards and can be rebuilt providing compliance with the FEMA 50% regulation.

Restoration work would be limited to creating a typical white box finish enhanced for dry proofing and available for lease. Tenant improvements would be made by tenants under separate permits consistent with the Florida Building Code. The building is proposed to be constructed in two phases.

Phase One:

- Reconstruction of existing two-story structure to 4150 square feet of leasable space with dry proofing and consistent with FEMA flood dry proofing regulations.
- Reconstruction of the infrastructure that includes:
 - Reconnection of potable water and sanitary sewer to existing services
 - Construction of a permeable parking area with five (5) spaces on Estero Boulevard and (4) spaces on Ohio Ave. The pre-Ian condition had (12) spaces on Estero Blvd and (8) spaces on Ohio Ave.
 - Construct a landscape betterment plan that provides more landscape material than existed pre-Hurricane Ian. This is a betterment to the pre-Ian operating condition.
 - Construction of a stormwater management system that did not exist pre-Ian compliant with Division 3 -Stormwater of the Land Development Code of Fort Myers Beach. This is a betterment to the pre-Ian operating condition.

Phase Two:

- Reconstruct the destroyed frame building with a 3,745 square foot single story within Florida Building Code and FEMA flood regulations.
- Construct the connecting sidewalk on the north side of the building per the variance exhibit.

Completion of this work would bring the total square footage of the new structure to 7,895 square feet. The 2024 appraisal determined the pre-Ian size of the structure at 8,261 square feet. The proposed plan is betterment reduction of 366 square feet.

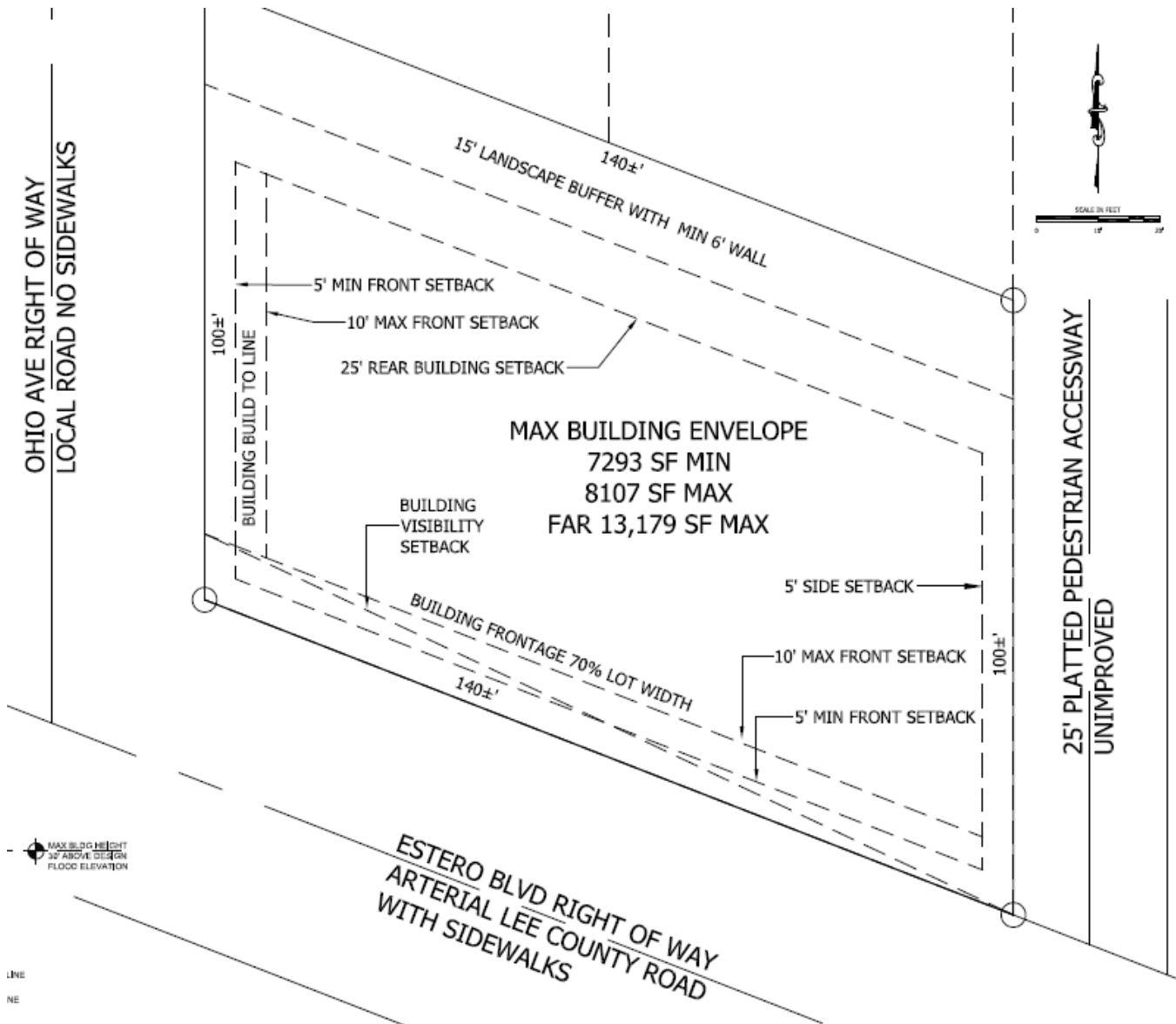


Proposed Building Concept



Site Plan Design

A study of the site was developed to determine the feasibility of reconstruction under the current Land Development Code. The first step was to determine the constraints of setbacks and buffers.



The graphic shows the siteplan constraints with the 5–10-foot front build to line on Estero Blvd and Ohio Ave, 5' side setback on the east property line and a 25' rear setback line. Buffers in the downtown zoning district is only the 15' rear buffer between commercial and existing residential on the north property line. This allows a building site from 7,293 to 8,107 square feet of building footprint and under the FAR allowance a total of 13,179 square feet of total building. Vertically the Land Development Code



allows two floors over floor (3 stories total) to a height of 30' per Section 34-631 of the Land Development Code. The property is in the Coastal A flood zone with a FEMA base flood elevation of 12.0'. Florida Building Code requires a 12" freeboard resulting in a finished floor requirement at elevation 13'. All construction below elevation 13' would be required to be floor resistant and any enclosed usable space would have to meet dry proofing requirements of FEMA National Flood Insurance Program Technical Bulletin 3.

Land Development Code consistency is not possible due to the following:

- Desire to use the existing remaining structure that was constructed to dry proofing standards. This building does not meet current front and rear setback requirements.
- There is no reasonable design for parking that would be off street without hindering the reconstruction of the destroyed single-story section that existed before Hurricane Ian. This would be a reduction in the leasable size of the facility to meet Land Development Code requirements. The facility existed prior to the incorporation of the town and adoption of the current land development codes.
- Existing parking conditions are not allowable in current Land Development Code.

The proposed plan is reasonable compromise with protecting private property rights under Florida Statute, meet consistency with the Town's Land Development Code, improve pedestrian and vehicular safety and provide financially feasible development.

Variance Consistency

Per 34-87(c) there are guidance criteria that variance requests must be consistent and reasonable before granting any variance, the town council must find that all these criteria are met to be approvable. The following are the variances with each of the criteria listed and justification given for approval of the variance request.

Variance #1 – Front Street Setback

Variance #1 requests a variance from Section 34-674(a)(1) of the land development code requiring a building to line in the downtown zoning district of a minimum of 5' and a maximum of 10'. The request is to set the front street setback as 25' only for the existing two-story existing building. This variance will not apply to the single-story structure that is part of Phase Two of the development plan. The following is analysis of the land development code criteria to reach approval of the request.

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The request is to preserve and place back in service a two story 4,150 square foot building that can be easily restored to serviceability under current Florida Building Code and FEMA dry proofing guidelines. The existing building was constructed to dry proofing



regulations. A development order is required to receive authorization to reconstruct the site, and a hurricane management program will be part of that process ensuring that the property owner and town understand the preparation of the facility in the event of storm events.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The existing building location on the property was compliant with Lee County Land Development Code regulations at the time of construction. After the facility was constructed the town of incorporated and new Land Development Codes were established that created a legal non-conforming use. Removal of a usable structure to meet the current land development code requirements is punitive at best. Ownership did not create this condition.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance for the actual condition of an existing non-conforming structure. Granting variance allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested setback is like pre-storm conditions. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

A variance for front setback to allow an existing non-conforming structure to be renovated is a unique action due to the difference in lots created before the Land Development Codes were created. Granting the front street setback variance is not general or potentially recurrent to create a reasonable and practical Land Development code amendment to address this request.

Variance #2 from Section 34-674(b)(1). a – Rear Setback

Request to change the minimum rear setback per 34-674(b)(1). a from the required 25 feet to 20 feet. The request is to allow the existing egress stairway to remain and to construct a solid waste enclosure farther from the existing location of a dumpster from the adjacent residential uses. The following is analysis of the land development code criteria to reach approval of the request.

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.



The allowable rear yard setback is 25 feet with the request being reduced to 20 feet. This request only applies to the rear egress stairway from the second floor of the existing building and a solid waste enclosure. There is no other area where the 25' rear setback will not be consistent with the Land Development Code. The stairway is an existing condition. The proposed solid waste enclosure is a betterment condition from the pre-Ian existing condition where a dumpster did not have an enclosure and was placed along Ohio Ave right of way and north property line adjacent to residential properties. This is a de minimis request to the overall length rear lot property line.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The stairway is an existing condition from the original construction and done to land development codes at time of construction. The solid waste dumpster will not be placed 20' from the residential use and within an enclosure.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance is de minimus. Granting this variance does not increase intensities to the pre-storm condition and allows for reasonable reconstruction. The solid waste enclosure has been designed to not decrease the rear setback distance less than existing.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested setback is an existing condition for the stairs and a betterment use from the solid waste open dumpster that was existing pre-storm. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

A variance for rear yard setback to allow an existing non-conforming condition to remain and is very specific to this property.

Variance #3 from Section 34-677(b)(2) – Buffer requirements

Request a change in the requirement of a type C or F buffer for residential/commercial properties. The existing and pre-storm condition was a residential owned vinyl privacy fence and no buffer. This variance application is to provide a betterment landscape plan for providing the required type C plantings and no wall. The variance is to eliminate the wall requirements and retain no public uses on the property adjacent to the residential uses. The following is analysis of the land development code criteria to reach approval of the request.

- 
1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The pre storm conditions were the same uses as proposed with this variance request. The existing conditions at the time of the storm was a vinyl 6' fence on the property of the residential property. That fence remains. The requirement of constructing a wall and creating a corridor between the existing fence and proposed wall does not improve the existing condition. The proposed addition of planting is a betterment from the existing conditions and will be installed for future potential hidden walk as discussed in the Comprehensive plan.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The property owner purchased the property in September 2020 in the condition that existed at the time of Hurricane Ian arrival. The applicant did not take any action that created the previous condition that this request petitions to be restored.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance enhances the buffer with trees and shrubs will not be burdened by the cost of a wall that would be in addition to an existing fence. Granting the variance does not reduce the pre-storm buffer condition and impact to the adjacent property and allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance will be enhanced from pre-storm conditions with the addition of trees and shrubs. This is a betterment to the adjacent homesites. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

A variance for this unique action is not general as the residential properties currently have a fence at the property line that existed before the storm event where the subject property was in service.



Variance #4 from 34-2015(4) – Parking Location and Design

1901 Estero has a unique condition in that when the facility was operating there was back out parking onto Estero Blvd and Ohio Ave. The parking spaces on Estero Blvd are within private property whereas the parking spaces along Ohio Avenue were partially within the right of way of Ohio Ave. The property owner paid the town for the right to park in the right of way. A lease has not been located by the property owner since they bought the property and town staff have been unable to locate the lease. The finding of the lease is a minor issue as staff indicates the desire to prepare for and execute a new current lease between the property owner and the town. The requested variance and proposed plan are to reduce the parking spaces that access Estero Blvd and Ohio Ave. The following is analysis of the land development code criteria to demonstrate the design hardship and provide an argument to reach approval of the request.

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The proposed redevelopment of the property is to restore to as near pre-storm existing condition as possible. There is a significant serviceable building structure that is proposed to be retained. The property lacks sufficient lot area to install a code compliant parking area with an off-street entrance, drive aisle and parking spaces. To meet LDC parking requirements the parking would have to be placed along the north property line which is adjacent residential use. This would require a 25' landscape buffer with wall. Add an 18-foot parking space, 24' drive aisle for two-way access, and a minimum 5' front setback results in the non-buildable section to be 72' where the lot is only 93' in depth in a perpendicular direction. That would leave a building depth of 21-foot building depth which is unreasonable for marketable retail use allowed in the downtown zoning district. The maximum building size would be 2,400 square feet which is a reduction of 5,861 square feet from the pre-Ian building and 5,495 square feet of the proposed building. A LDC code compliant parking lot would yield a total of 11 spaces where the proposed parking spaces yield 9. The proposed plan has a smaller building (366 square feet) and a reduction of 6 spaces from the pre-Ian operating condition. The reduction of parking is near the intersection of Estero Blvd and Ohio Ave and are removed for safety reasons.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The property was created before the enactment of the Land Development code, so it is deemed a legal non-conforming condition. Hurricane Ian caused the damage that requires redevelopment as is not a result of any applicant action.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance as detailed in approval criteria #1 is a reasonable and less intensity restoration of the property to near-pre-Ian conditions.

- 
4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested parking variance is less intense than the pre-storm condition and like other adjacent properties. There is no change in the neighborhood's impact with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

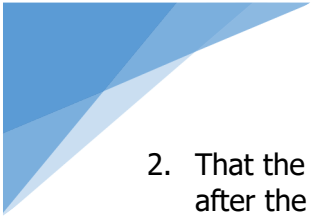
The parking situation was created before enactment of the Land Development Code with no possibility of becoming compliant. The conditions will remain regardless of the variance determination; however, the variance is required to reconstruct.

Variance #5 from 34-2020 – Required Parking Spaces

1901 Estero operated pre-Ian with 15 parking spaces. Current Land Development Code calculation per 34-2020 for pre-Ian conditions at 22 spaces. The parking calculations can be found on the variance exhibit attached as a document to the application package. Estero Blvd is a tourist visitor market and as such various transportation methods are utilized on the island as alternatives to the automobile. Walking, biking, trams, and public transportation is utilized along the Estero Blvd corridor. Estero Blvd is congested many times a day and restricting parking opportunities is a strategy for promoting other transportation uses. The term "park once" is a common use on the island. A reduction in parking is a method of reducing traffic. 1901 Estero is a multi-tenant building that could have various uses from retail to restaurant. The historical use was pre-dominantly retail with an upstairs restaurant. The desire is to find tenants that have the same use matrix. The uses are to be like the pre-Ian uses. It is this methodology that supports the reduction of required parking spaces to those proposed.

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

The proposed plan is to redevelop to the pre-Ian condition and bring the site closer to compliant with the Land Development Code. The proposed plan has a building that is 366 square feet less than pre-Ian conditions. The narrative criteria #1 in the Variance #4 narrative discussed that creating a LDC compliant site plan would drastically reduce the building size to unfeasible size and still only have 11 parking spaces. This is roughly half of the condition of pre-Ian uses that existed and operated without any listed code enforcement cases on parking. The proposed plan reduces the building size and because of safety issues reduces the parking to 9 spaces. This is like the 11 pre-Ian spaces but less than the calculated 22 required spaces as required by the Land Development Code. The proposed condition is like the pre-Ian existing condition.

- 
2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The property was created before the enactment of the Land Development code, so it is deemed a legal non-conforming condition. Hurricane Ian caused the damage that requires redevelopment and is not a result of any applicant action.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

The requested variance as detailed in question #1 is a reasonable and less intense restoration of the property to near pre-Ian conditions.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested parking variance is like the pre-storm condition and like other adjacent properties. There is no change in the neighborhood's impact with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.

The parking situation was created before enactment of the Land Development Code with no possibility of becoming compliant. The conditions will remain regardless of the variance determination; however, the variance is required to reconstruct.

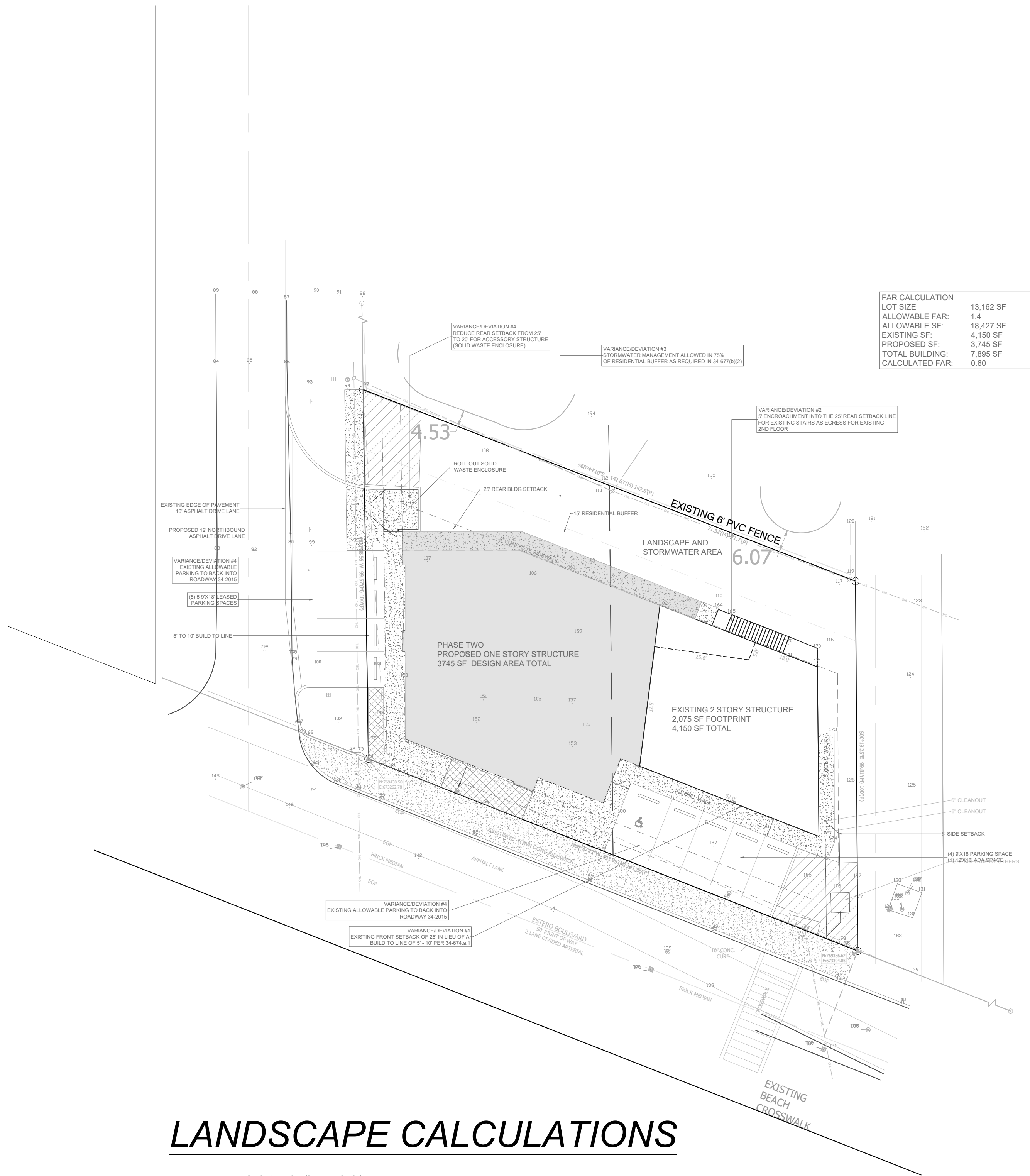
Summary

The intent of these variance requests is to codify that the property and improvements pre-Ian were constructed under the Lee County Land Development Code at time of construction. The establishment of the Town of Fort Myers Beach and enactment of the Town's Land Development Code created a non-conforming property. The property has operated for years up to the devastation of Hurricane Ian. The variance requests are the minimal and reasonably necessary to restore the facility to a similar but less intense development. The reconstruction of the existing building and proposed new replacement building will be constructed using current codes and regulations to create a more resilient and sustainable building for continued use providing desired services to the town's residents and visitors.

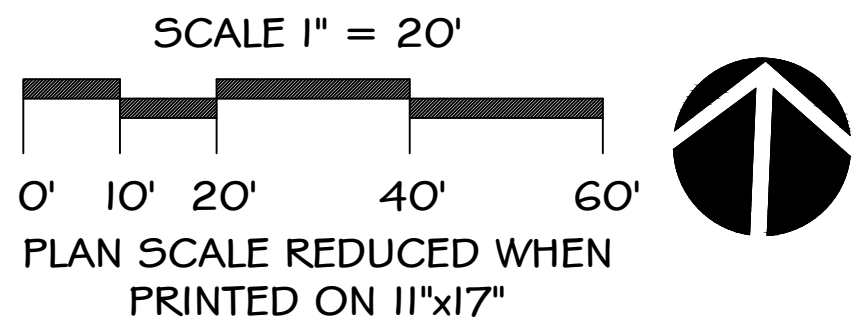








LANDSCAPE CALCULATIONS



GENERAL LANDSCAPE NOTES

- THE QUALITY OF ALL PLANT MATERIAL WILL MEET THE STANDARDS FOR FLORIDA GRADE NO. 1 (or better), AS GOVERNED IN "GRADES AND STANDARDS FOR NURSERY PLANTS".
- ALL PLANTED TREES AND PALMS WILL HAVE A 3" DEEP SAUCER CONSTRUCTED FROM THE TRUNK OF THE TREE OR PALM. MINIMUM OF 4' DIAMETER.
- ALL PLANTING BEDS SHALL BE COVERED WITH A 3" MINIMUM DEPTH OF MULCH AND SHALL BE WEED FREE. MULCH SHALL BE GRADE B OR BETTER. CONTRACTOR SHALL REMOVE ANY VEGETATIVE GROWTH AND APPLY A PRE-EMERGENT WEED KILLER PER SPECIFICATIONS PRIOR TO MULCHING.
- NO CODE REQUIRED PLANTINGS SHALL BE INSTALLED IN EASEMENTS.
- ANY AND ALL EXOTIC VEGETATION INCLUDING: EARLEAF ACACIA, WOMAN'S TONGUE, BISHOPWOOD, AUSTRALIAN PINE, CARROTWOOD, ROSEWOOD, AIR POTATO, MURRAY RED GUM, WEEPING FIG, CUBAN LAUREL FIG, JAPANESE CLIMBING FERN, OLD WORD CLIMBING FERN, MELALEUCA, DOWNY ROSE MYRTLE, CHINESE TALLOW, BRAZILLIAN PEPPER, FLORIDA HOLLY, TROPICAL SODA APPLE, JAVA PLUM, ROSE APPLE, CORK TREE AND WEDELIA, ON THE PROPERTY SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF SITE BY THE CONTRACTOR. THE SITE SHALL BE MAINTAINED FREE OF INVASIVE EXOTIC VEGETATION IN PERPETUITY.
- TREES SHALL BE A MINIMUM OF 10' IN HEIGHT WITH A 2" CALIPER MEASURED AT 1' ABOVE GROUND LEVEL WITH A FOUR FOOT CANOPY UNLESS SPECIFIED AS TALLER TREES PER PLAN AND PLANT LIST.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH THE LOCATIONS OF ALL UTILITIES AND ALL SITE CONDITIONS PRIOR TO THE START OF LANDSCAPE INSTALLATION.
- FERTILIZER SHALL BE IN ACCORDANCE WITH SPECIFICATIONS AND LOCAL ORDINANCES.
- IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO FINE GRADE ALL PLANTING AND SODDING AREAS PRIOR TO PLANT OR SOD INSTALLATION. CONTRACTOR SHALL OBTAIN OWNER APPROVAL OF FINAL GRADES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE TAKEOFFS. PLANT LIST IS PROVIDED FOR REFERENCE ONLY
- CONTRACTOR SHALL BE RESPONSIBLE FOR LANDSCAPE MAINTENANCE UNTIL FINAL ACCEPTANCE AND IN COMPLIANCE WITH SPECIFICATIONS
- CONTRACTOR SHALL REMOVE ALL TAGS, TAPE AND SUPPORTS (EXCEPT STAKING GUYS) FROM ALL PLANTINGS PRIOR TO FINAL ACCEPTANCE.
- ALL AREAS OF THE SITE NOT PLANTED SHALL BE SODDED IN ACCORDANCE WITH PLANS.
- THE REQUIRED PLANTINGS SHALL BE IRRIGATED IN ACCORDANCE WITH LDC REQUIREMENTS.
- THE PARKING LOTS SHALL BE SLEEVED FOR IRRIGATION BY THE LANDSCAPE CONTRACTOR. COORDINATE WITH GENERAL CONTRACTOR/OWNER.
- ALL BASE ROCK SHALL BE REMOVED FROM LANDSCAPE PARKING ISLANDS.
- PRIOR TO CERTIFICATE OF COMPLIANCE NO TREES SHALL BE PLANTED WHERE THEY INTERFERE WITH BUILDINGS, UTILITIES, SITE DRAINAGE, VIEWS, SIGNS, OR WHERE THEY WILL REQUIRE FREQUENT PRUNING TO AVOID POWER LINES AT MATURE HEIGHTS IN PERPETUITY UNLESS A WRITTEN STATEMENT IS PROVIDED.
- THE CONTRACTOR SHALL PROVIDE (PRESSURE COMPENSATING SCREENS) AS NECESSARY TO REDUCE OR ELIMINATE OVERSPRAY INTO STREETS, WALKS OR OTHER AREAS AS DICTATED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.
- CONTRACTOR TO PROVIDE IRRIGATION SYSTEM TO PROVIDE 100% COVERAGE. SYSTEM DESIGN AND PRODUCTS TO BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.

Site Data

Land Use: COM
Parcel Number:
Site Area =13,163 SF (0.30 AC.)

Open Space

Landscaping of parking and vehicle use areas. Parking and vehicle use areas must be landscaped in accordance with § 10-416(c) of this chapter. These required landscaped areas must be maintained as open space.

General Tree Planting

Requires 1 Tree per 3,000 S.F. :
24,323 (Excludes beach sand area) ÷ 3,000 = 8 Trees Required and 8 Trees Provided

Building Perimeter Planting

- Building edge plantings are required for all commercial and mixed-use buildings
- Where required, building edge plantings must be installed and maintained along at least 50 percent of the length of all walls that face on-site parking areas with more than 25 parking spaces.
- These planting areas must be at least five feet wide and may consist of landscape areas or adequately drained raised planters or planter boxes.
- These planting areas must include shrubs and groundcover plants, with a minimum of 50 percent coverage of the landscape area at the time of planting.
- Turfgrass is discouraged and is limited to ten percent of the landscape area.

5,820 sf building (274 sf of planting provided at 100% coverage)

Parking Area Landscaping

Minimum of 10% of the parking area is required to be provided as internal landscape areas.
1,197 SF x10 % = 120 SF required and 755 SF provided Per hatching
(Per pre hurricane site conditions)

There shall be a minimum of one (1) tree for every 250 SF of parking islands, peninsulas and medians.

120 ÷ 250 = 1 tree Required and 2 Provided

BUFFER YARDS

NORTH BUFFER :

COM - SF,
15' TYPE 'C' Buffer
15' Width, 5 Trees, 18 shrubs per 100 LF
135 LF / 100 X 5 = 7 Trees Required and Provided
135 LF / 100 X 18 = 25 Shrubs Required and 35 Provided.
Existing 6' PVC Fence on adjacent property

EAST BUFFER :

No Buffer Required

WEST BUFFER :

No Buffer Required

SOUTH BUFFER :

No Buffer Required

REFER TO ENGINEERING PLANS FOR VARIANCES



DMJA

DAVID M. JONES, JR.
AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTS
AND PLANNERS

2221 McGregor Blvd.
Fort Myers, Florida 33901
Phone: (239) 337 - 5525
Fax: (239) 337 - 4494

L.A. LICENSE: LC C000063

PROJECT INFORMATION:

1901 ESTERO BOULEVARD DESIGN BOX

1901 ESTERO BLVD,
FORT MYERS BEACH

PREPARED FOR:
Mr. Jim Ink
Ink Engineering
2055 West First Street
Fort Myers, FL 33901
Tel: 239-334-2450
Fax: 239-334-0278
Email:
jink@inkengineeringinc.net

CONSULTANT:

DESIGN PROFESSIONAL:
Gregory J. Diserio, RLA
Date: 2025.02.12 19:05:18 -0500

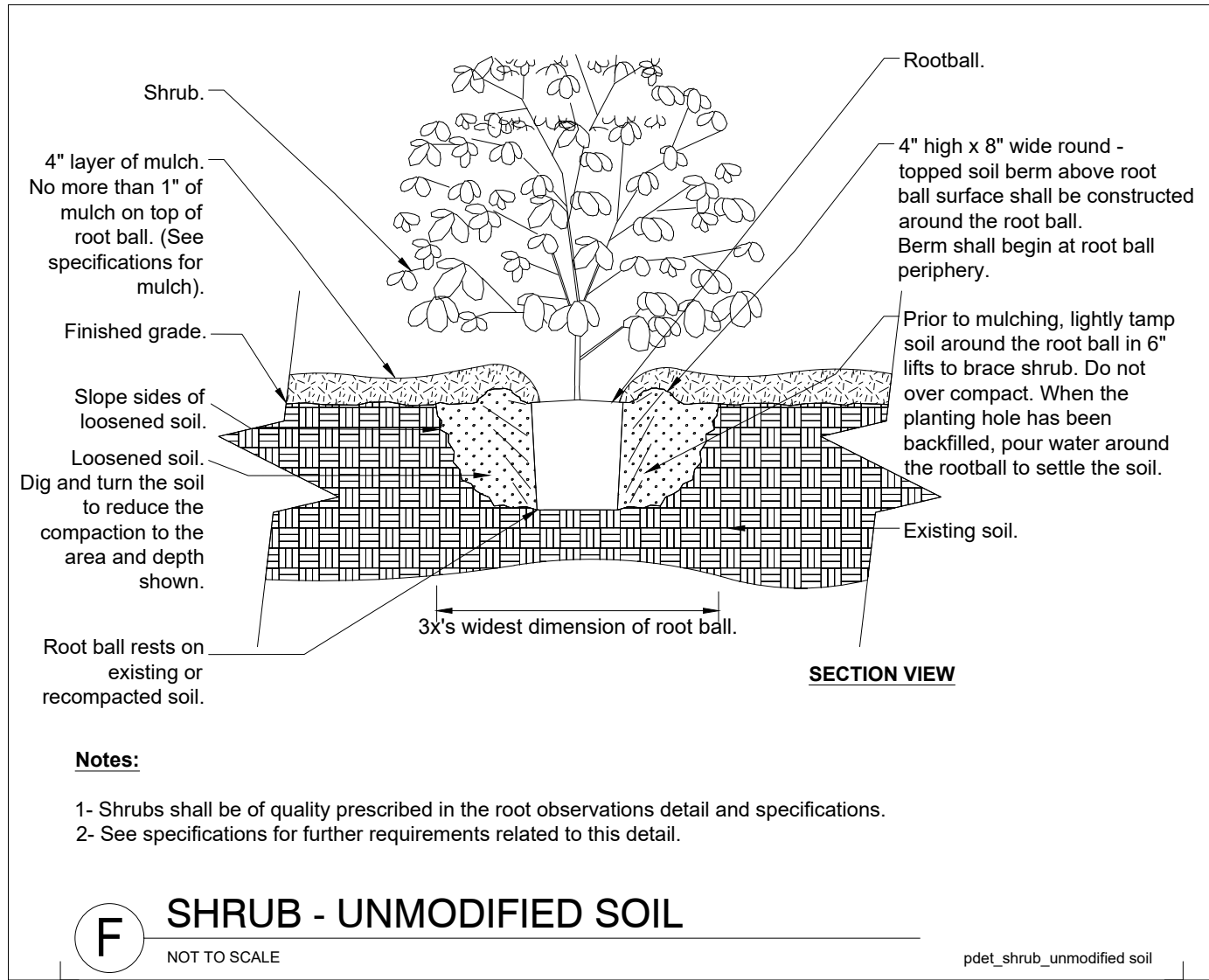
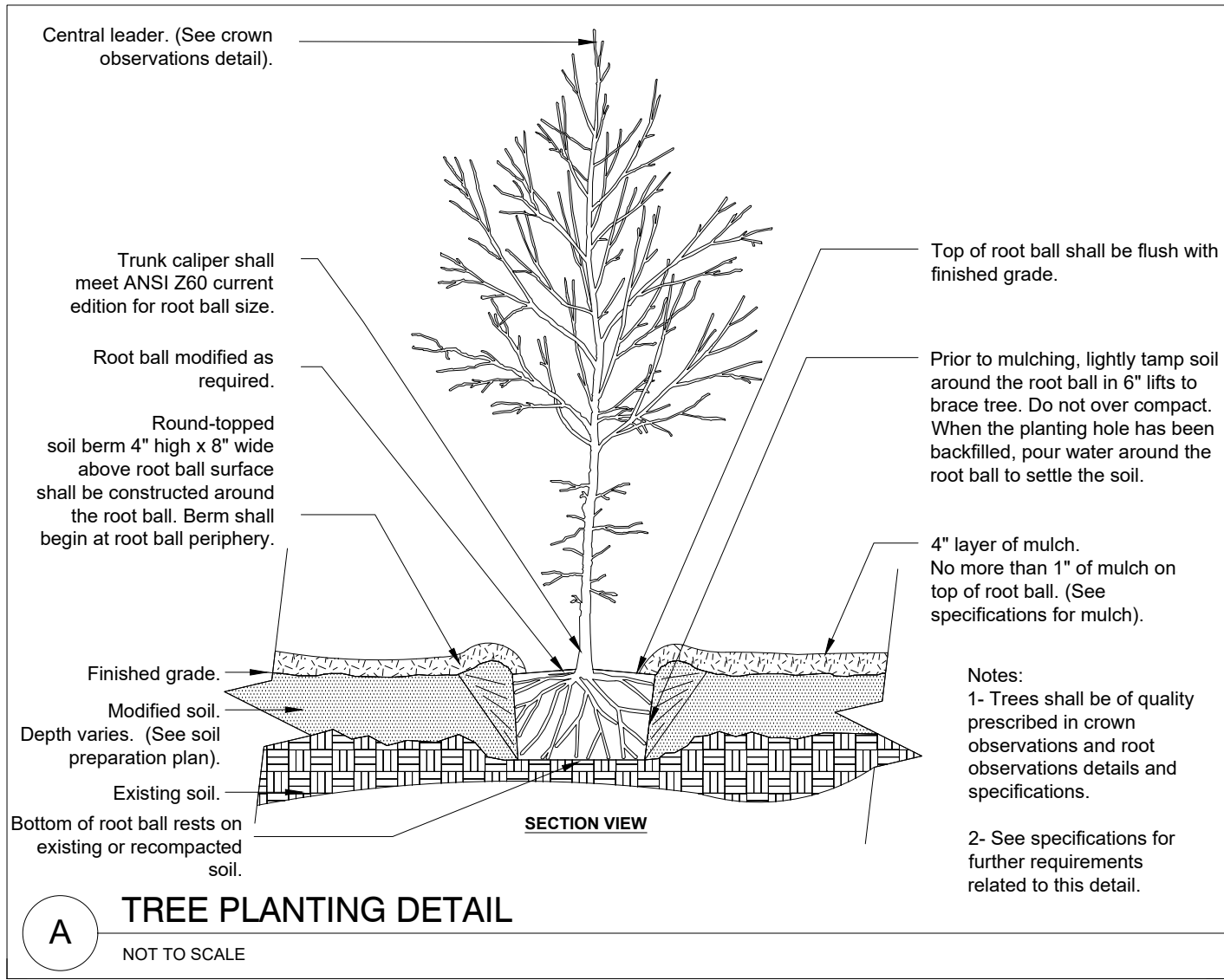
GREGORY J. DISERIO, RLA
RLA NO. 840 DATE:
STATE OF FLORIDA

PROJECT NO: 224223
PROJECT MGR: GREGORY J DISERIO
FILE NAME: 1901 ESTERO BLVD_LS
DESIGNER: GJD
CAD TECH: GJD
CHECKED BY: GJD
ISSUED FOR: PERMIT SUBMITTAL

ISSUED DATE: FEB. 12, 2025
REVISIONS:

SHEET TITLE:
LANDSCAPE
CALCULATIONS

SHEET NUMBER:
L-1



PLANT SCHEDULE

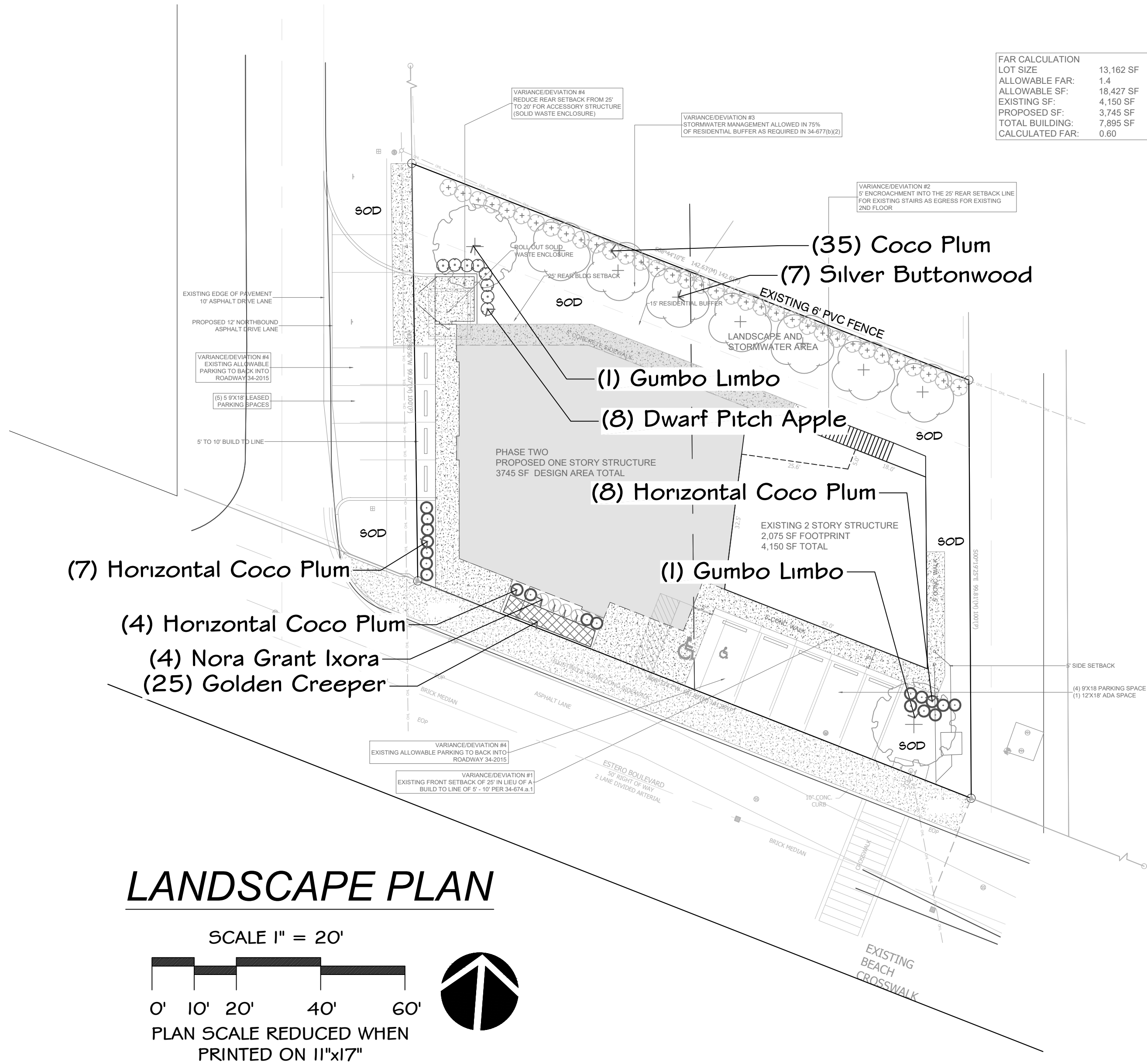
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	
TREES						
	BUR SIM	2	Bursera simaruba NATIVE	Gumbo Limbo	10'-12' ht, 2" cal, 4' spr	
	CON SE2	7	Conocarpus erectus f. sericeus NATIVE	Silver Buttonwood	2" Cal., 10' Ht.	
SHRUBS						
	Chr ica	35	Chrysobalanus icaco NATIVE	Coco Plum	3 gal., 24" ht	
	Ch	19	Chrysobalanus icaco 'Horizontalis' Native Medium Shrub	Horizontal Coco Plum	Min. 18" Ht., 3 Gallon	
	Cn2	8	Clusia rosea 'Nana' Native	Dwarf Pitch Apple	Min. 18" Ht., 3 Gallon	
	Ixo nog	4	Ixora x 'Nora Grant'	Nora Grant Ixora	3 gal., 18"-24" ht	
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
GROUND COVERS						
	EI	25	Ernodea littoralis NATIVE	Golden Creeper	1 gal.	24" o.c.

NOTES:

- SOD SHALL BE BAHIA SOD.
- CONTRACTOR IS RESPONSIBLE FOR PLANT COUNTS AND SOD AND MULCH QUANTITIES.
- ABOVE CODE PLANTINGS TO BE INSTALLED AT THE OPTION OF THE OWNER.
- ALTERNATE PLANT SPECIES MAY BE ACCEPTABLE FOR ALL ABOVE CODE PLANTINGS.
- ALL PLANTINGS SHALL BE IRRIGATED.
- CODE REQUIRED PLANTINGS ARE LIMITED TO BUFFERS AND VEHICULAR USE AREA TREE REQUIREMENTS.

GENERAL IRRIGATION NOTES

- All mainline and lateral line piping and control wires under paving shall be installed in separate sleeves. main and lateral line sleeves shall be a minimum of twice (2x) the diameter of the pipe to be sleeved. Control wire sleeves shall be sufficient size for the required number of wires under paving.
- Pipe sizes shall conform to those shown on the drawings. No substitutes of smaller pipe sizes shall be permitted but substitutions of larger sizes may be approved. All damaged and rejected pipe shall be removed from the site at the time of said rejection.
- All sprinkler heads shall be set perpendicular to finished grade unless otherwise specified.
- The irrigation contractor shall flush and adjust all sprinkler heads and valves for optimum coverage with minimal overspray onto walks, streets, walls, etc.
- Irrigation heads shall be a minimum of 24" from buildings.
- This design is diagrammatic. All piping, valves, etc. shown within paved areas are for design clarification only and shall be installed in planting areas whenever possible. The contractor shall locate all valves in shrub areas where possible.
- It is the responsibility of the irrigation contractor to familiarize himself with all grade differences, location of walls, structures and utilities. The irrigation contractor shall repair or replace all items damaged by his work. He shall coordinate his work with other contractors for the location and installation of pipe sleeves through walls, under roadways and paving, etc.
- Do not willfully install the sprinkler system as shown on the drawings when it is obvious in the field that unknown obstructions, grade differences, water levels or differences in the area dimensions exist that might not have been considered in the engineering. Such obstructions or differences should be brought to the attention of owners representative. In the event this notification is not performed, the irrigation contractor shall assume full responsibility for any revisions necessary.
- All sprinkler equipment not otherwise detailed or specified shall be installed as per manufacturer's recommendations and specifications.
- The contractor shall provide (Pressure Compensating Screens) as necessary to reduce or eliminate over spray into streets, walks or other areas as dictated by the owner's authorized representative.
- All remote control valves, gate valves, quick couplers and control wire splices shall be installed in approved valve boxes with locking covers. All shall be marked indicating controller and station numbers for control valve.
- Contractor to provide the Owner with a complete irrigation design in compliance with Owners program. All required plantings shall be irrigated.
- Irrigation system shall be designed for 100 % coverage of plantings and sod per minimum standards shown on the plans. Verify with owner limits of irrigation prior to bidding.
- The sprinkler system to be based on a minimum operating pressure of 50 PSI, 45 GPM. The irrigation contractor shall verify water pressures, flows, elevations, and other requirements prior to construction. Report any differences between the water pressure and flows indicated on drawings and the actual pressure reading at the irrigation point of connection to the owners authorized representative.
- Installer shall conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.
- The installer shall provide property owners and users with post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operation guide for the irrigation controller. To the extent feasible, similar information should be made available for subsequent property transfers.
- The Contractor shall verify the requirements of the SFWMD Water Use Permit prior to installation.
- Contractor to modify the existing irrigation system to provide a complete operating system meeting the Owner's requirements and the City Land Development Code.



APPRAISAL OF REAL PROPERTY



LOCATED AT

1901 ESTERO BLVD
FORT MYERS BEACH, FL 33931
GULF BAY VIEW BLK.B PB 8 PG 69 LOTS 6 + 8

FOR

YEAA LLC
1901 ESTERO BLVD
FORT MYERS BEACH, FL 33931

OPINION OF VALUE

STRUCTURE VALUE FOR FEMA 50% RULE \$3,688,390

AS OF

09/27/2022

BY

Marc Anthony Gizzi
MARC ANTHONY GIZZI APPRAISAL & CONSULTING
1217 Cape Coral Parkway #120
Cape Coral, FL 33904
(239) 898-5522
GIZZIAPPRAISALS@GMAIL.COM
WWW.AGREA.NET

Local Official ACV Appraisal Checklist (USPAP 2022)

See supporting citations & explanations on the back page.

There should be only one "No" (for item 9).

Scope of Work & Assignment Conditions

	Y	N	Pg	
1	☒	☐	-	Does the floodplain management ordinance allow a professional appraisal?
2	☒	☐		Is the appraisal intended use identified as something like, "to support a building permit application subject to significant improvement/significant damage determination"?
3	☒	☐		Is the floodplain administrator or local community identified as an intended user?
4	☒	☐		Is there a definition of ACV with appropriate citation to the SI/SD Desk Reference?
5	☒	☐		Is the appraisal effective date (date of value) correct for the assignment conditions?
6	☒	☐		Is the appraiser state certified/licensed and certifying conformance to USPAP?

Pertinent Facts (Accuracy & Consistency)

	Y	N	Pg	
7	☒	☐		Is the building described as it was before the start of work, or as it was before damage?
8	☒	☐		Are exterior & interior images consistent with the building description & quality rating?
9	☐	☒		Are there misrepresentations, untrue statements, or incorrect building descriptions?

Appraisal Process (Methodology & Reasonableness)

	Y	N	Pg	
10	☒	☐		Was reproduction cost estimated? (the cost to build an exact replica of the building)
11	☒	☐		Was reproduction cost developed using a recognized cost estimating service, by analysis of multiple examples of similar construction, or by another acceptable method?
12	☒	☐		Was the physical depreciation estimate logical, was it developed by recognized methodology, and properly applied?
13	☒	☐		If the building has been neglected (deferred maintenance), or if there was an unusual structural issue, was that addressed and included in the depreciation estimate?

Report Documentation (Adequacy)

	Y	N	Pg	
14	☒	☐		Does the report contain enough images to understand the building?
15	☒	☐		Is the cost estimate supported by a detailed cost report?
16	☒	☐		Is there adequate support for the depreciation estimate? (logical, reasonable analysis)

Appraisal Report Accepted ____ or Rejected ____

Reason for rejection:

2022.05.17 Ray Carroll

Cost Approach Addendum

202309121M
File No. 202309121M

CALCULATIONS					
Cost Source	MARSHALL AND SWIFT AND LOCAL COMMERCIAL BUILDER SUPPORT				
Component	No.	Size	Unit Cost		Cost
BASE	1	7,005	\$ 625		\$ 4,378,125
PORCHES/UTILITY	1	1,256	\$ 185		\$ 232,360
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
Reproduction ☐ Replacement ☒ Cost New of Improvements					\$ 4,610,485
Plus: Indirect (Soft) Costs					\$
Plus: Entrepreneurial Profit				%	\$
Total Cost New					\$ 4,610,485
Less: Physical Deterioration			20 %	922,097	
Less: Functional Obsolescence				%	
Less: External Obsolescence				%	
Total Accrued Depreciation (Deterioration & Obsolescence)					(\$ 922,097)
Depreciated Value of Building(s)					\$ 3,688,388
Plus: Contributing Value of Site Improvements					\$ 0
Depreciated Value of Improvements					\$ 3,688,388

Analysis/Comments: **MARKET VALUE IS THE VALUE OF THE BUILDINGS AND STRUCTURES, EXCLUDING THE LAND AND OTHER NON STRUCTURE IMPROVEMENTS ON THE PARCEL. THE MARKET VALUE IS THE ACTUAL CASH VALUE (LIKE KIND REPLACEMENT COST DEPRECIATED FOR AGE WEAR AND TEAR NEGLECT AND QUALITY OF CONSTRUCTION) TO BE DETERMINED BY A QUALIFIED INDEPENDENT APPRAISER.**

COST ESTIMATES ARE CALCULATED USING PUBLICATIONS AND DATA READILY ACCESSIBLE TO THE APPRAISER WHICH IS RETAINED IN THE APPRAISERS WORK FILES. A COLLECTION OF DATA WAS PERFORMED BY THIS APPRAISER FROM LOCAL CONTRACTORS TO ARRIVE AT THE MOST ACCURATE REBUILD COST AS OF THE EFFECTIVE DATE OF THIS APPRAISAL FOR STRUCTURE LIKE THE SUBJECT. THE OUTCOME OF THE DATA IS PRESENTED IN THIS APPRAISAL REPORT.

THE DEPRECIATION USED IS BASED ON AN AGE LIFE METHOD UTILIZED BY APPRAISERS AND IS BASED ON OVERALL AGE, EFFECTIVE AGE, QUALITY OF CONSTRUCTION AND THE OVERALL CONDITION OF THE SUBJECT. THIS IS A WIDELY ACCEPTED METHOD TO ARRIVE AT AND MOST ACCURATE DEPRECIATION PERCENTAGE.

THIS APPRAISAL IS WRITTEN FOR THE SOLE PURPOSE OF PROVIDING A STRUCTURE VALUE FOR THE SUBJECT IN ACCORDANCE WITH THE DEFINITION OF STRUCTURE VALUE FOR THE FEMA 50% RULE. THE APPRAISAL ALSO CONFORMS TO ALL USPAP STANDARDS AND WAS COMPLETED BY AN APPRAISER WITH OVER 25 YEARS EXPERIENCE IN THE SUBJECT'S MARKETPLACE AND IS FULLY CAPABLE AND KNOWLEDGEABLE TO ARRIVE AT CREDIBLE RESULTS.

Reconciliation: **THE STRUCTURE VALUE OF THE SUBJECT PROPERTY TO BE USED FOR THE FEMA 50% RULE IS \$3,688,390 WHICH WOULD ALLOW FOR A PERMIT OF \$1,844,195**

SUMMARY OF COST APPROACH VALUE INDICATIONS	
Site Value (Utilized Land Value)	\$ 0
Improvements Value	\$ 3,688,388
Total Value Indication by the Cost Approach	\$ 3,688,388
Market Rent Equivalency Adjustment	\$ 0
Value Estimate	\$ 3,688,388
Plus: Excess Land	\$ 0
Total Value - Cost Approach - Real Estate	\$ 3,688,388
Rounded	\$ 3,688,390

APPRAISAL REPORT SIGNATURE

File No. 202309121M

Borrower	N/A				
Property Address	1901 ESTERO BLVD				
City	FORT MYERS BEACH	County	LEE	State	FL Zip Code 33931
Lender/Client	YEAA LLC				

STRUCTURE VALUE APPRAISAL**SCOPE OF WORK**

The scope of work for this assignment is to provide a narrative appraisal report to arrive at actual cash value for the building for floodplain management purpose. The appraisal report conforms to current USPAP GUIDELINES AS WELL AS SECTION 4.5.3 OF FEMA PUBLICATION 758

EFFECTIVE DATE OF APPRAISALSeptember 27th, 2022**INTENDED USER**

The intended user of this appraisal report is **YEAA LLC AND THE TOWN OF FORT MYERS BEACH AND THEIR I.S.A.O.A** ,

DESCRIPTION OF THE SUBJECT PROJECT BEING EVALUATED

The subject's is a 2 STORY COMMERCIAL BUILDING BUILT IN 1950 THE SUBJECT WAS MAINTAINED AND WELL CARED FOR OVER THE YEARS AND HAD BEEN UPDATED PRIOR TO DAMAGE SEE ATTACHED PROPERTY RECORD CARD, PART OF THE ORIGINAL STRUCTURE WAS TORN DOWN AFTER THE EFFECTIVE DATE OF THIS STRUCTURE APPRAISAL AND THE ORIGINAL STRUCTURE IS INCLUDED IN THIS VALUE ESTIMATE

PURPOSE OF APPRAISAL

The purpose of this appraisal is to arrive at the actual cash value for the structure located 1901 ESTERO BLVD on Fort Myers Beach for determinations of substantial improvement and substantial damage by the Town of Fort Myers Beach

Signature

Name Marc Anthony GizziDate Signed 05/02/2024State Certification # RD3181

Or State License #

State FL

State

Signature

Name

Date Signed

State Certification #

Or State License #

State

State

APPRAISAL REPORT SIGNATURE

File No. 202309121M

Borrower	N/A				
Property Address	1901 ESTERO BLVD				
City	FORT MYERS BEACH	County	LEE	State	FL Zip Code 33931
Lender/Client	YEAA LLC				

EXPLANATION OF METHOD USED TO ARRIVE AT THE OVERALL STRUCTURE VALUE

In order to arrive at the actual cash value the cost approach to value is utilized which includes a detailed cost breakdown of the subjects building or buildings minus depreciation to arrive at the current actual cash value of the buildings described within the appraisal report

In accordance with the FEMA 50% rule the actual cash value must include depreciation for age, wear and tear neglect and quality of construction. Therefore the cost approach to value is the only approach used and weighted in the final value in this appraisal report.

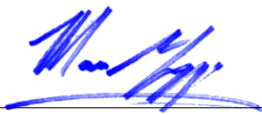
It is this appraisers opinion that additional support that is used to arrive at the final actual cash value should be mentioned and cited. During the appraisal process of this report this appraiser has performed a sales approach to value, after removing the subjects land value and site value improvement from the total value found using the sales approach to value, the outcome shows a value that concurs with the cost approach. This adds additional support to the cost approach method. Sales approach to value is not included in this final appraisal but is retained in the appraisers workfile as additional support.

The final value determination and Reconciliation including all the calculations to arrive at the structures actual cash value is located in this reports final value and Reconciliation page

CERTIFICATION AND LIMITING CONDITIONS OF APPRAISAL

Please see the attached certification page as well as the statement of limiting conditions contained within this appraisal report.

FINAL STRUCTURE VALUE USING COST MINUS DEPRECIATION METHOD REQUIRED BY FEMA FOR THIS TYPE APPRAISAL**\$3,688,390**

Signature 
Name Marc Anthony Gizzi
Date Signed 05/02/2024
State Certification # RD3181 State FL
Or State License # _____ State _____

Signature _____
Name _____
Date Signed _____
State Certification # _____ State _____
Or State License # _____ State _____

APPRAISAL REPORT SIGNATURE

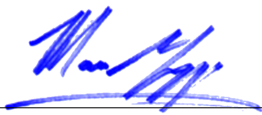
File No. 202309121M

Borrower	N/A				
Property Address	1901 ESTERO BLVD				
City	FORT MYERS BEACH	County	LEE	State	FL Zip Code 33931
Lender/Client	YEAA LLC				

FINAL VALUE AND RECONCILIATION TO BE USED FOR THE FEMA 50%

ACTUAL CASH VALUE OF THE SUBJECT PROPERTY WHICH IS ESTIMATED ACCORDING
TO USPSP STANDARDS FOR FEMA 50% RULE APPRAISALS AS FOUND IN SECTION 4.5.3
OF FEMA PUBLICATION 758

\$3,688,390

Signature		Signature	
Name	Marc Anthony Gizzi	Name	
Date Signed	05/02/2024	Date Signed	
State Certification #	RD3181	State Certification #	
Or State License #		Or State License #	
	State FL		State

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what they consider their own best interests; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, 2010.)

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment. SEE ADDITIONAL INFO ON STRUCTURE MARKET VALUE within this certification.

STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

CERTIFICATION: The appraiser certifies and agrees that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).
11. This report was performed to obtain the market value (actual cash value) of the structures within the named condo complex of this report.
12. This report is performed for the Condo association of Sunset condominium to arrive at overall structure value of the buildings within the project.
13. The reason for performing the appraisal is for the purpose of obtaining the necessary permits to rebuild and or repair the buildings due to damage that Hurricane Ian caused to the exterior of the buildings as well as the interior of the individual units.
The buildings structure value is needed in order to establish its value to conform to the FEMA 50% rule for rebuilding or repairing of non conforming structures. This rule states that any structure that is built below the flood plain set forth by the FEMA flood maps can only be improved, renovated or repaired to no more than 50% of the value of the structure.
14. This appraisal report is performed and complies with the FEMA 50% Rule Guidelines. It provides the Structure Value of allowable area that can be utilized to arrive at the structure value (actual cash value), no site value & site improvement are included in the final structure value reported.
15. This appraisal has an effective date of 09/27/2022 which was the day prior to any damage that the structures had due to Hurricane Ian which effected the complex and the area on 09/28/2022. The structure value is based on the building and units being in Good updated condition with no needed repairs Photos of complex prior to the effective date of this report and any prior physical visit to the complex by the appraiser were relied upon to arrive at an accurate value. The appraisal fee for this report was not based on any predetermined value or outcome. The fee for this appraisal is typical and standard for this type of report and it's considered to be fair compensation and was agreed upon by appraiser and the client.

APPRAISAL TO BE WRITTEN IN ACCORDANCE TO THE FEMA 50% RULE FOR STRUCTURE VALUE WHICH IS :

MARKET VALUE IS THE VALUE OF THE BUILDING, EXCLUDING THE LAND AND OTHER NON STRUCTURE IMPROVEMENTS ON THE PARCEL BASED ON THE SCOPE OF WORK THAT WAS AGREED UPON BY THE CLIENT AND APPRAISER. THE MARKET VALUE IS THE ACTUAL CASH VALUE (LIKE KIND REPLACEMENT COST DEPRECIATED FOR AGE WEAR AND TEAR NEGLECT AND QUALITY OF CONSTRUCTION) TO BE DETERMINED BY A QUALIFIED INDEPENDENT APPRAISER. THE SCOPE OF WORK IS TO PERFORM SUCH APPRAISAL ON THE DETACHED SINGLE UNIT STRUCTURE LOCATED WITHIN THE PROJECT.

ADDRESS OF PROPERTY ANALYZED:

1901 ESTERO BLVD, FORT MYERS BEACH, FL 33931

APPRAISER:

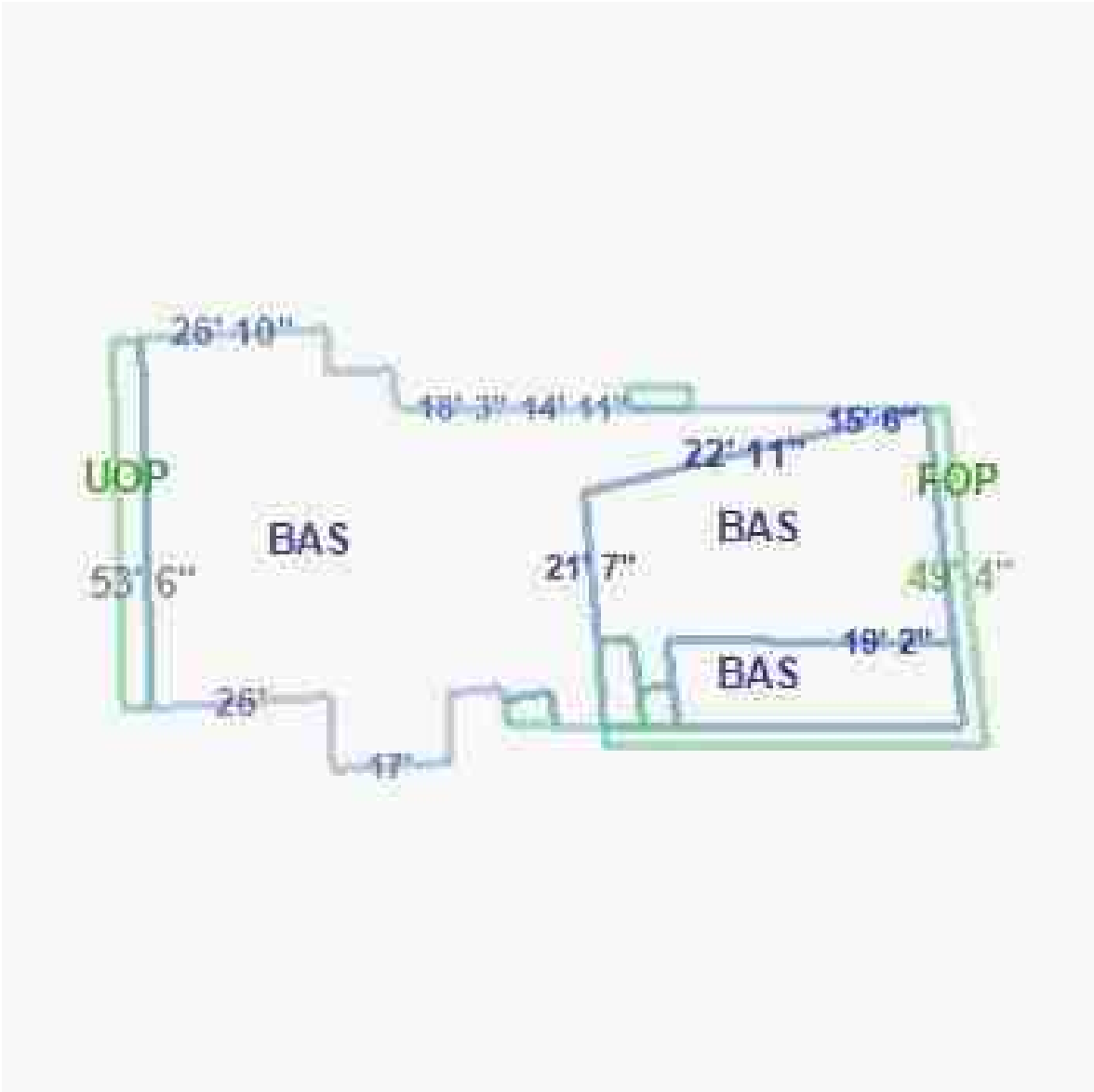
Signature: 
Name: Marc Anthony Gizzi
Title: ST CERT REA
State Certification #: RD3181
or State License #: _____
State: FL Expiration Date of Certification or License: 11/30/2024
Date Signed: 05/02/2024

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
Name: _____
Title: _____
State Certification #: _____
or State License #: _____
State: _____ Expiration Date of Certification or License: _____
Date Signed: _____
☐ Did ☐ Did Not Inspect Property

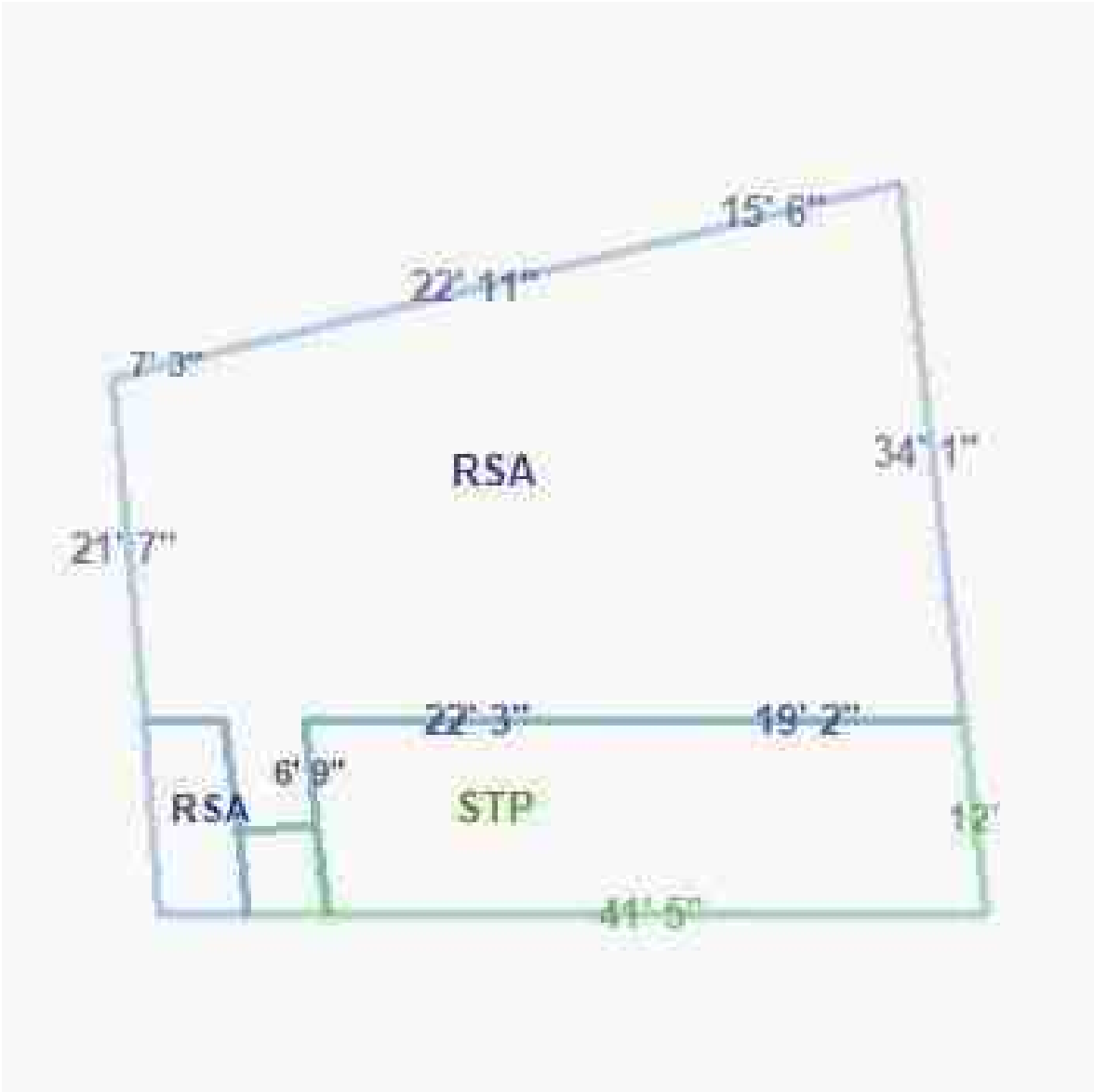
Building Sketch

Borrower	N/A					
Property Address	1901 ESTERO BLVD					
City	FORT MYERS BEACH	County	LEE	State	FL	Zip Code 33931
Lender/Client	YEAA LLC					



Building Sketch

Borrower	N/A					
Property Address	1901 ESTERO BLVD					
City	FORT MYERS BEACH	County	LEE	State	FL	Zip Code 33931
Lender/Client	YEAA LLC					



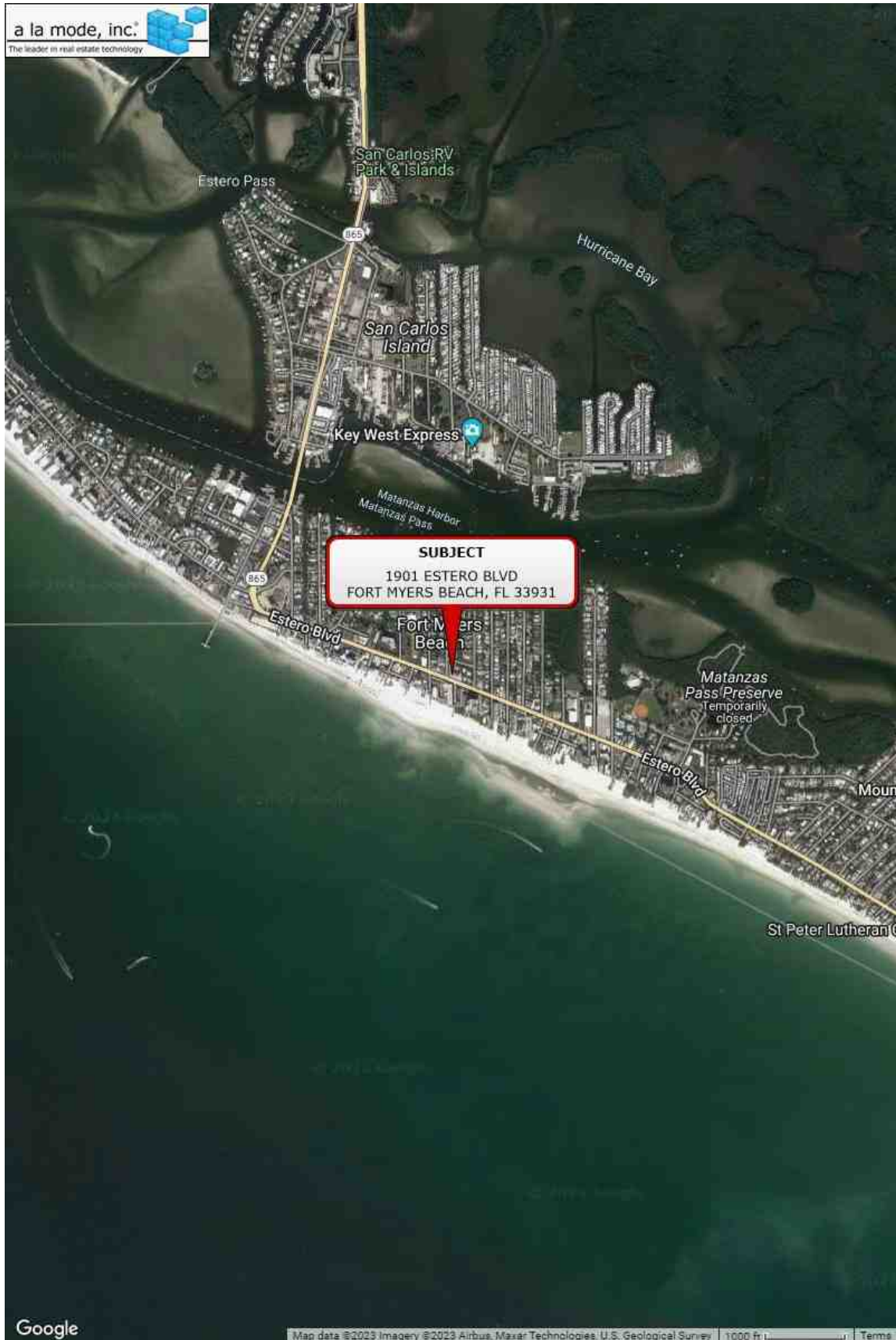
Plat Map

Borrower	N/A					
Property Address	1901 ESTERO BLVD					
City	FORT MYERS BEACH	County	LEE	State	FL	Zip Code 33931
Lender/Client	YEAA LLC					



Location Map

Borrower	N/A					
Property Address	1901 ESTERO BLVD					
City	FORT MYERS BEACH	County	LEE	State	FL	Zip Code 33931
Lender/Client	YEAA LLC					

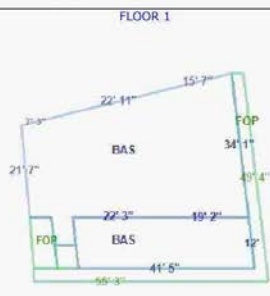


Flood Map

Borrower	N/A					
Property Address	1901 ESTERO BLVD					
City	FORT MYERS BEACH	County	LEE	State	FL	Zip Code 33931
Lender/Client	YEAA LLC					



LIVE COUNTY PROPERTY APPRAISER GENERATED ON 3/2/2024 6:25 AM		BUILDING CHARACTERISTICS		BUILDING SUBAREA DETAIL		FOLIO ID: 10228260 STRAP: 19-46-24-W4-00908.0080 CARD 1 of 1																																																																																	
Current Working Values		ELEMENT	CODE	TYPE / DESCRIPTION / VALUE	AREA TYPE	YEAR	GROSS PCT	ADJ	BASE AREA	BASE AREA	CAP	COST																																																																											
SITE ADDRESS 1901 ESTERO BLVD OWNER'S NAME YEA LLC OWNER'S ADDRESS 14511 STIRLING RD SOUTHWEST RANCHES FL 33330		STORAGE	3.0		BAS	1990	1.955	100	1,795			15,358																																																																											
		NEEDGHS	8	FINISHED OPEN ROACH	1950	360	36	104	3,644																																																																														
		NEEDGHS	8	FINISHED OPEN ROACH	1950	27	30	8	227																																																																														
		EXTERIOR WALL	26	VENTILATION/ROOF SIDING	RESTAURANT - AVERAGE	1990	1.315	110	1,667			47,293																																																																											
		EXTERIOR WALL	17	CR SIDING	STOOP	1990	27	30	8			60																																																																											
		ROOF STRUCTURE	8	IRREGULAR	STOOP	1990	305	10	31			1,444																																																																											
		ROOF COVER	3	ASPHALT OR COMPOSITION																																																																																			
		EXTERIOR WALL	9	CR WALL																																																																																			
		EXTERIOR WALL	6	NONE																																																																																			
		INTERIOR FLOOR	14	CARPET																																																																																			
		INTERIOR FLOOR	9	NONE																																																																																			
		HEATING FUEL	4	ELECTRIC																																																																																			
		HEATING TYPE	4	FORCED AIR-QUOTED																																																																																			
		AC TYPE																																																																																					
		DOOR CODE	38	COMMUNITY SHOPPING CENTER																																																																																			
		NSHD CODE	52-201.0	FR BCH / BONITA BCH																																																																																			
		QUALITY	3,0000	AVERAGE																																																																																			
		USP	8.00																																																																																				
		TOTALS							6,380	5,793		107,403																																																																											
		USP	CODE	DESCRIPTION	LENGTH	WIDTH	DEPTH	UNIT PRICE	NET COST	L/B	USAS	AMT USFB	CHRG ADJ	EXP FLAG	COST																																																																								
P A R T I C I P A N T	1	PAINT C	PAINTMENT - CONCRETE	0.00	0.00	0.750.00	4.00	1.00	4	1990	1.00	0.07	-	4,744																																																																									
	2	FENCE A	FENCE - WOOD STOCKADE	80.00	0.00	400.00	5.35	1.00	L	1990	10.00	0.00	-	365																																																																									
	3	ELEV P	ELEVATOR - PASSENGER	0.00	0.00	2.00	17,850.00	1.00	B	2000	2.00	0.00	-	21,420																																																																									
	4	SHED MT	SHED - METAL W/FLOR	0.00	0.00	48.00	6.74	1.00	B	1997	2.00	0.00	-	324																																																																									
TOTAL OF EXTRA FEATURE VALUES: 27,333																																																																																							
L A N D	USP	CODE	DESCRIPTION	ZONE	PROCD	DEPTH	EF	CF	THIN	UNIT PRICE	UNITS	LOT	TOTAL NET	EXP	EXPL NOTES																																																																								
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TOTAL OF LAND LINE VALUES: 656,839																																																																																							
<table border="1"> <thead> <tr> <th>BOOK/PAGE OR INSTRUMENT</th> <th>DATE</th> <th>TYPE</th> <th>OWN</th> <th>SCALE</th> <th>VALUE SUMMARY</th> <th>Current Values</th> <th>2023</th> </tr> </thead> <tbody> <tr> <td>202009040318 N/12/02/01 01</td> <td>01</td> <td>1</td> <td>1,895,000</td> <td></td> <td>BUILDING COST VALUE</td> <td>107,403</td> <td>183,776</td> </tr> <tr> <td>202009040318 N/12/02/01 01</td> <td>01</td> <td>1</td> <td>979,000</td> <td></td> <td>BUILDING EXTRA FEATURES</td> <td>21,614</td> <td>21,614</td> </tr> <tr> <td>201704031</td> <td>04/03/2017</td> <td>08</td> <td>1</td> <td>1,100,000</td> <td>LAND EXTRA FEATURES</td> <td>5,709</td> <td>5,779</td> </tr> <tr> <td>17461533</td> <td>06/1/2004</td> <td>01</td> <td>1</td> <td>123,000</td> <td>LAND VALUE</td> <td>656,839</td> <td>656,839</td> </tr> <tr> <td colspan="5"></td> <td>COST APPROACH VALUE</td> <td>791,565</td> <td>668,008</td> </tr> <tr> <td colspan="5"></td> <td>INCOME APPROACH VALUE</td> <td>*</td> <td>*</td> </tr> <tr> <td colspan="5"></td> <td>SALES APPROACH VALUE</td> <td>791,565</td> <td>656,849</td> </tr> <tr> <td colspan="5"></td> <td>MARKET VALUE</td> <td>791,565</td> <td>656,849</td> </tr> </tbody> </table>																BOOK/PAGE OR INSTRUMENT	DATE	TYPE	OWN	SCALE	VALUE SUMMARY	Current Values	2023	202009040318 N/12/02/01 01	01	1	1,895,000		BUILDING COST VALUE	107,403	183,776	202009040318 N/12/02/01 01	01	1	979,000		BUILDING EXTRA FEATURES	21,614	21,614	201704031	04/03/2017	08	1	1,100,000	LAND EXTRA FEATURES	5,709	5,779	17461533	06/1/2004	01	1	123,000	LAND VALUE	656,839	656,839						COST APPROACH VALUE	791,565	668,008						INCOME APPROACH VALUE	*	*						SALES APPROACH VALUE	791,565	656,849						MARKET VALUE	791,565	656,849
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ADDITIONAL FLOORS	CARD 1 of 1	FOLIO: 10228260	PARCEL NO: 19-46-24-W4-00906.0080
FLOOR 1 	FLOOR 2 		

APPRAISERS LICENSE

	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			
 GIZZI, MARC ANTHONY 1217 CAPE CORAL PARKWAY 120 CAPE CORAL FL 33904			
LICENSE NUMBER: RD3181 EXPIRATION DATE: NOVEMBER 30, 2024 Always verify licenses online at MyFloridaLicense.com			
	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.		

APPRAISERS RESUME

MARC ANTHONY GIZZI

GIZZI APPRAISAL SERVICE, INC.
1217 CAPE CORAL PARKWAY #120
CAPE CORAL, FLORIDA 33904
PHONE-239-829-0017/ CELL-239-872-3444/ FAX-239-673-9958
GIZZIAPPRAISALS@AOL.COM
MARC@AGREA.NET
WWW.AGREA.NET

CERTIFICATION/LICENSURE

State Certified Residential Real Estate Appraiser
State of Florida
RD#3181
FHA APPROVED

QUALIFICATIONS

13 Years experience in residential real estate appraising.
Managed a very successful, high volume office, located in SW Florida.
Currently Own and operate a full service Residential Real Estate Appraisal company.
Strong work ethic with close detail to accuracy, quality of work and turn times.
Strong self motivator with excellent computer skills, research skills and people skills

OFFICE OPERATIONS

Manage all aspects of office functions, focusing on high customer service.
Complete a high volume of review work.
I am extremely experienced in appraising waterfront properties, REO properties, vacant land, private estates, multifamily properties, new construction, and million dollar + properties.
Expert witness certified.

PROFESSIONAL EXPERIENCE

1997-2010

Anthony Gizzi Real Estate Appraisals, Inc..

State Certified Residential Real Estate Appraiser
FHA Certified
Staff Appraiser/Reviewer/Manager

2010- Present

Gizzi Appraisal Service, Inc

Owner/President
Complete all appraisal work the company
State Certified Residential Real Estate Appraiser
FHA Certified



301 E. Fourth Street, Cincinnati, OH 45202

DECLARATIONS
for
REAL ESTATE APPRAISERS
ERRORS & OMISSIONS INSURANCE POLICY

THIS IS BOTH A CLAIMS MADE AND REPORTED INSURANCE POLICY.

**THIS POLICY APPLIES TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED
AND REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD.**

Insurance is afforded by the company indicated below: (A capital stock corporation)

☒ Great American Assurance Company

Note: The Insurance Company selected above shall herein be referred to as the **Company**.

Policy Number: **RAP3186533-23**

Renewal of: **RAP3186533-22**

Program Administrator: **Herbert H. Landy Insurance Agency Inc.**
100 River Ridge Drive, Suite 301 Norwood, MA 02062

Item 1. **Named Insured:** **Marc Anthony Gizzi**

Item 2. **Address:** **1217 Cape Coral Parkway #120**

City, State, Zip Code: **Cape Coral, FL 33904**

Item 3. **Policy Period:** From 06/25/2023 To 06/25/2024
(Month, Day, Year) (Month, Day, Year)

(Both dates at 12:01 a.m. Standard Time at the address of the **Named Insured** as stated in Item 2.)

Item 4. **Limits of Liability:**

A. \$ 1,000,000 **Damages Limit of Liability – Each Claim**

B. \$ 1,000,000 **Claim Expenses Limit of Liability – Each Claim**

C. \$ 2,000,000 **Damages Limit of Liability – Policy Aggregate**

D. \$ 2,000,000 **Claim Expenses Limit of Liability – Policy Aggregate**

Item 5. **Deductible (Inclusive of Claim Expenses):**

A. \$ 500 **Each Claim**

B. \$ 1,000 **Aggregate**

Item 6. **Premium:** \$ **1,078.00** **Additional 2.0% FL Guaranty Association Assessment \$21.56**

Item 7. **Retroactive Date (if applicable):** **06/25/2022**

Item 8. **Forms, Notices and Endorsements attached:**

D42100 (03/15) D42300 FL (05/13) IL7324 (07/21)

D42402 (05/13) D42412 (03/17) D42413 (06/17) D42414 (08/19)

Authorized Representative

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

Yellow Sheet Number: **2025-330**

1. Request:

Meeting Date: April 8, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250056, REQUESTING FOUR VARIANCES FOR THE PROPERTY LOCATED AT 2900/2902 ESTERO BLVD., IN THE RM ZONING DISTRICT, AND GENERALLY REFERED TO AS STRAP NUMBER 30-46-24-W2-003M0.0140 IN FORT MYERS BEACH, 1) A VARIANCE OF 5 FEET FROM REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM ESTERO BLVD., TO ALLOW A PRIMARY STRUCTURE 20 FEET FROM ESTERO BLVD., 2) A VARIANCE OF 10 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM SEAVIEW ST., TO ALLOW A PRIMARY STRUCTURE 15 FEET FROM SEAVIEW ST. 3) A VARIANCE OF 15 FEET FROM THE REQUIRED ACCESSORY STRUCTURE STREET SETBACK, IN DIVISION 4. TABLE 34-3, TO ALLOW AN AT-GRADE POOL WITHOUT SCREEN ENCLOSURE 10 FEET FROM SEAVIEW ST., 4) A VARIANCE FROM SEC. 34-1174(b) TO ALLOW A POOL CLOSER TO THE STREET THAN THE PRIMARY STRUCTURE; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA may recommend to Council or decide unanimously to approve variances.

What the action accomplishes:

Approval of the variances would allow a primary structure 20 feet from Estero Blvd. and 15 feet from Seaview St. and would allow an at-grade pool 10 feet from Seaview St. and closer the street than the primary structure.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is requesting four variances from the Town's Land Development Code (LDC). From Table 34-3 the applicant is requesting a variance of 5 feet from Estero Blvd and a 10-foot variance from Seaview St. This will allow the proposed residential structure 20 feet from Estero Blvd and 15 feet from Seaview St. The applicant is also requesting a variance to allow an at-grade pool without a screen enclosure to be 10 feet from Seaview St. and from Sec. 34-1174(b) to allow the pool closer to the street than the primary structure.

Attachments:

1. Final LPA Resolution 25-XX 2900 2902 Estero
2. Exhibit A Criteria for Variances
3. Exhibit B site_plan
4. Staff report
5. Exhibit C draft_drawings
6. Exhibit D Complete Application
7. Exhibit E LPA AND TC VAR postcard 2900 Estero

Financial Impact:

unknown

6. **Alternative Action**

Deny

7. **Staff Recommendations:**

Recommend approval with conditions

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: April 01, 2025

Frankie Kropacek, Operations & Compliance Director

Date: April 01, 2025

nancy stuparich, Town Attorney

Date: April 01, 2025

Amy Baker, Town Clerk

Date: April 01, 2025

LPA RESOLUTION 2025-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250056, REQUESTING FOUR VARIANCES FOR THE PROPERTY LOCATED AT 2900/2902 ESTERO BLVD., IN THE RM ZONING DISTRICT, AND GENERALLY REFERED TO AS STRAP NUMBER 30-46-24-W2-003M0.0140 IN FORT MYERS BEACH, 1) A VARIANCE OF 5 FEET FROM REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM ESTERO BLVD., TO ALLOW A PRIMARY STRUCTURE 20 FEET FROM ESTERO BLVD., 2) A VARIANCE OF 10 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK, IN DIVISION 4. TABLE 34-3, FROM SEAVIEW ST., TO ALLOW A PRIMARY STRUCTURE 15 FEET FROM SEAVIEW ST. 3) A VARIANCE OF 15 FEET FROM THE REQUIRED ACCESSORY STRUCTURE STREET SETBACK, IN DIVISION 4. TABLE 34-3, TO ALLOW AN AT-GRADE POOL WITHOUT SCREEN ENCLOSURE 10 FEET FROM SEAVIEW ST., 4) A VARIANCE FROM SEC. 34-1174(b) TO ALLOW A POOL CLOSER TO THE STREET THAN THE PRIMARY STRUCTURE; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Tamara Diepholz ("Applicant"), on behalf of the Tamara Diepholz Trust, ("Owner") of the property located at 2900/2902 Estero Blvd. (Property), and is proposing the construction of a new single-family residence in the RM zoning district and is requesting four variances from LDC Table 34-3, **1)** a variance from the primary structure street setback of 5 feet from Estero Blvd, to allow a setback of 20 feet from Estero Blvd., and **2)** a variance of 10 feet from Seaview St., to allow a setback of 15 feet from Seaview St., and **3)** a variance for the accessory structure (an at-grade pool) of 15 feet from the required street setback, to allow an at-grade pool 10 feet from Seaview St., and **4)** a variance from Sec. 34-1174(b) to allow the pool to be closer to Seaview St. than the primary structure; and

WHEREAS, the STRAP number for the subject property is 30-46-24-W2-003M0.0140; and

WHEREAS, the Property is located in the "Boulevard" Future Land Use Map of the Comprehensive Plan and the "Residential Multifamily" zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 8th, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

WHEREAS, eligible members of the LPA voted __ to __ by roll call vote to approve / approve with conditions / deny the requested variances with the following conditions:

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and

2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250056, with the conditions contained herein, received / did not receive unanimous approval from eligible voting members of the LPA on April 8th, 2025.

3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

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

Chair Anita Cereceda	_____
Vice-Chair Jane Plummer	_____
Member James Boan	_____
Member Douglas Eckmann	_____
Member Don Sudduth	_____
Member John McLean	_____
Member James Dunlap	_____

DULY PASSED AND ADOPTED THIS _____ day of April, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Vose Law Firm, Town Attorney

By: _____
Amy Baker, Town Clerk

EXHIBIT A: Criteria for Variances
EXHIBIT B: Site Plan

Evaluation of each variance request per LDC criteria.

1) A VARIANCE OF 5 FEET FROM REQUIRED 25-FOOT STREET SETBACK FROM ESTERO BLVD. IN DIVISION 4. TABLE 34-3, TO ALLOW A PRIMARY STRUCTURE 20 FEET FROM ESTERO BLVD.

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
There are exceptional conditions inherent to the property. The lot is an irregularly shaped, and irregularly configured, nonconforming RM zoned parcel. The request may be considered de minimis under these circumstances because rigid compliance is not essential.
- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.
The property has a street setback on two sides and is small and irregularly shaped. These are not the result of the actions of the applicant.
- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
The variance will provide adequate setback from Estero Blvd and is similar to a rear setback on a non-waterfront lot.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
The requested 5-foot variance will not be injurious to the neighborhood. The proposed home appears to have a greater setback than the previous existing home on this property.
- D. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.
This is not a request that should be applied to all properties and therefore would not be appropriate for a code amendment.

2) A VARIANCE OF 10 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK FROM SEAVIEW ST., IN DIVISION 4. TABLE 34-3, TO ALLOW A PRIMARY STRUCTURE 15 FEET FROM SEAVIEW ST.

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance

under circumstances or conditions where rigid compliance is not essential to protect public policy.

There are exceptional conditions inherent to the property. The lot is an irregularly shaped, and irregularly configured, nonconforming RM zoned parcel. The request may be considered de minimis under these circumstances because rigid compliance is not essential.

- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The requested variance will allow for two vehicles to be parked under the structure on an oddly shaped, nonconforming parcel. These conditions are not the result of actions of the applicant.

- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The requested variance is the minimum amount to allow for two cars to be parked under the structure and to maintain a 20 foot setback from Estero Blvd.

- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

It does not appear that the variance will be injurious to neighbors. This street has many oddly shaped and small parcels which will be difficult to develop without requesting variances.

- E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

This is not a request that should be applied to all properties and therefore would not be appropriate for a code amendment.

3) A VARIANCE OF 15 FEET FOR FROM THE REQUIRED ACCESSORY STRUCTURE STREET SETBACK, IN DIVISION 4. TABLE 34-3, TO ALLOW AN AT-GRADE POOL WITHOUT SCREEN ENCLOSURE 10 FEET FROM SEAVIEW ST.

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

There are exceptional conditions inherent to the property. The lot is an irregularly shaped, and irregularly configured, nonconforming RM zoned parcel. The request may be considered de minimis under these circumstances because rigid compliance is not essential.

- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

This parcel has street frontage on the front and the rear. In order to allow the development of a pool, in a yard, this property requires a variance. Most properties on the island allow a setback of 5 feet from the rear property line, the applicant is requesting a 10-foot setback from the street property line.

- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The requested variance is minimal and the proposed pool is small. Additionally, the pool will be at-grade and the applicant is not proposing a screen enclosure.

- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

It does not appear that the variance will be injurious to neighbors. This street has many oddly shaped and small parcels which will be difficult to develop without requesting variances.

- E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

This is not a request that should be applied to all properties and therefore would not be appropriate for a code amendment.

4) A VARIANCE FROM SEC. 34-1174(b) TO ALLOW A POOL CLOSER TO THE STREET THAN THE PRIMARY STRUCTURE.

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

There are exceptional conditions inherent to the property. The lot is an irregularly shaped, and irregularly configured, nonconforming RM zoned parcel. The request may be considered de minimis under these circumstances because rigid compliance is not essential.

- B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The conditions justifying the variance are inherent in the lot. Because there is a street at the front and at the rear of the property, this variance request would be necessary to put a pool in almost any location on this parcel.

- C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

The variance request is the minimum variance to allow a pool on the Seaview side of the parcel or the Estero side of the parcel.

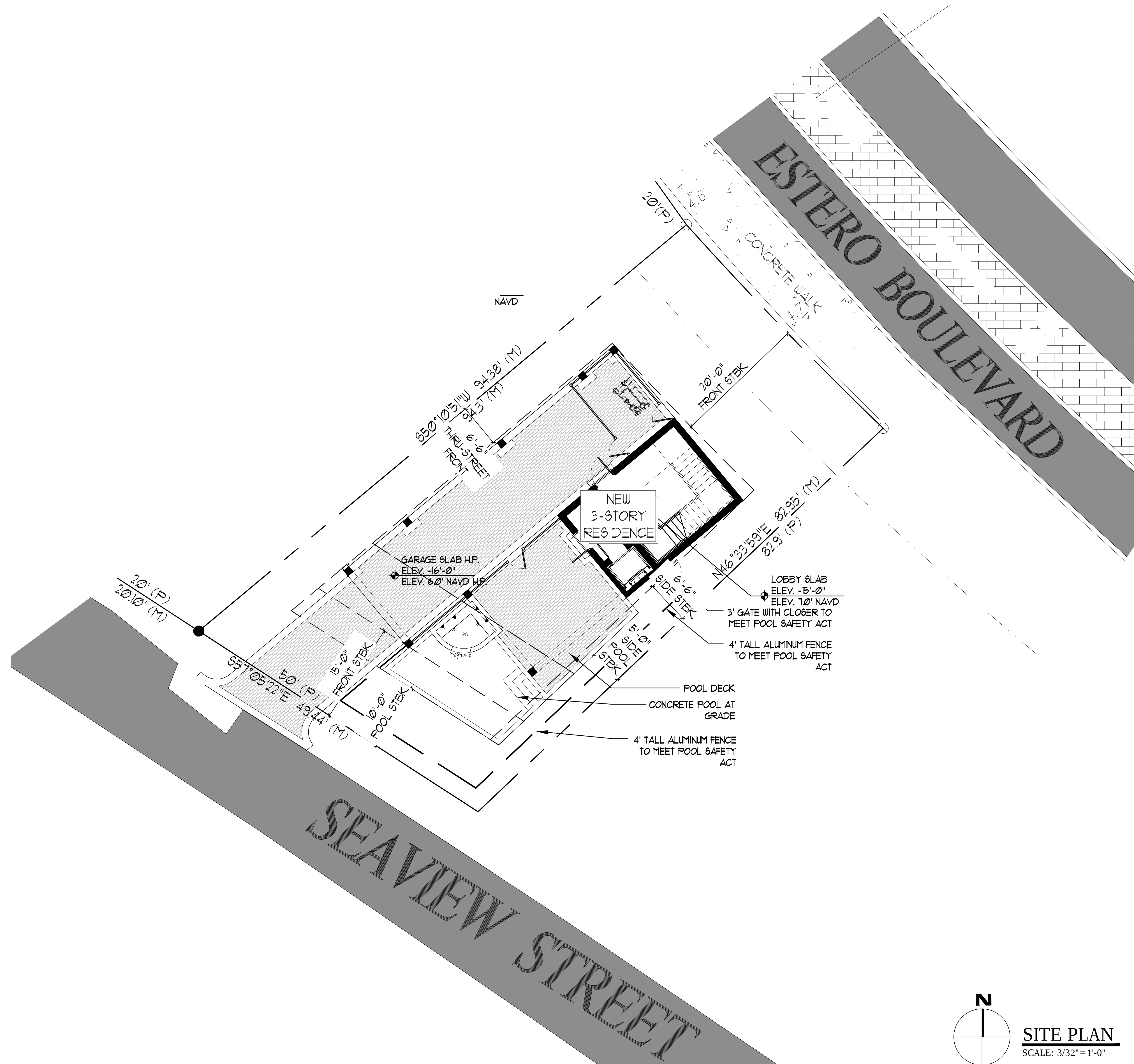
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

It does not appear that the variance will be injurious to neighbors. This lot is bounded on the front and rear by streets and any pool in a yard would require this variance unless the proposed pool was in a courtyard.

- E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

This is not a request that should be applied to all properties and therefore would not be appropriate for a code amendment.

EXHIBIT "A" PROPOSED SETBACKS



ZONING DATA

ZONE:

VILLAGE OF FORT MYERS BEACH
ZONING:

FLOOD ZONE (2019):

X

BFE: 10'00" NAYD.
DFE: 11'00" = 1" NAYD.

MAX BUILDING HEIGHT:

35'-0"

FROM MORE RESTRICTIVE OF:
FEMA HABITABLE FLOOR
18" ABOVE CROWN OF ROAD

GENERAL NOTES

1. G.C. TO COORDINATE REMOVAL OF EXISTING VEGETATION.
2. ALL DOORS & WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT.
3. ALL SCREEN DOORS (IF APPLICABLE) ARE TO BE SELF LATCHING AND SELF CLOSING. LATCH MECHANISM SHALL BE MOUNTED @ 54".
4. ALARMS SHALL ALSO BE INSTALLED ON SCREEN DOORS (IF APPLICABLE) G.C. TO VERIFY THAT ALL EXITS TO THE BACKYARD MEET SWIMMING POOL SAFETY ACT.
5. TO VERIFY ALL EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOT ALL EXISTING CONDITIONS ARE NECESSARILY SHOWN ON THIS PLAN.
6. REFER TO SURVEY FOR EXISTING CONDITIONS.
7. REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR INFORMATION ON THE POOL, LANDSCAPING AND OTHER SITE FEATURES.
8. REFER TO SITE DRAINAGE PLANS BY CIVIL ENGINEER FOR PROPOSED SITE ELEVATIONS, GRADING, ETC.
9. ALL INFORMATION SHOWN HEREON IS TAKEN FROM A SURVEY BY: ***** INC. DATED ***23. PROJECT FILE: ***** THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL EXISTING CONDITIONS. ALL EXISTING CONDITIONS ARE NOT NECESSARILY SHOWN HEREON.



Date

Revisions

PRIVATE RESIDENCE

---- ESTERO BLVD
FORT MYERS BEACH, FLORIDA 33931



ARCHITECT:
BECK ARCHITECTURAL
GROUP, LLC.
804 ANCHOR RODE DR.
NAPLES, FL 34103
CONTACT: KYLE VAYDA
EMAIL: KYLE@BECK
ARCHITECTURAL.COM
PHONE: (239) 431-1686

PROJ. #: 2402-07
DRAWN BY: K.A.V.
DATE: 11.11.24

A2

DESIGN DEVELOPMENT

(239) 431.1686

WWW.BECKARCHITECTURAL.COM

NAPLES, FLORIDA

804 ANCHOR RODE DRIVE

FL LICENSE NUMBER AA102813



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250056

CASE NAME: 2900/2902 Estero Blvd; three variances from Table 34-3 to decrease the required street setbacks & a variance from Sec. 34-1174(b) to allow an accessory structure closer to a street than the primary structure.

LPA

HEARING DATE: April 8, 2025

STAFF

RECOMMENDATION: Approval

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

I. APPLICATION SUMMARY

Owner: Tamara Diepholz Trust

Applicant/Agent: Tamara Diepholz (Applicant)/ Kara Steward (Agent)

Request: Two variances for the primary structure from Table 34-3:
1) 10-foot variance from the required 25-foot street setback from Seaview St, and
2) 5-foot variance from the required 25-foot street setback from Estero Blvd.
Two variances for the for the pool/accessory structure:
1) Variance from 34-1174(b) to allow an accessory structure closer to the street than the primary structure, and
2) 15-foot variance from the required 25-foot setback from Seaview St.

Subject property: See attached site plan

Physical Address: 2900/2902 Estero Blvd

STRAP #: 30-46-24-W2-003M0.0140

FLU: Boulevard

Zoning: Residential Multifamily (RM)

Adjacent zoning and land uses:

North: Boulevard
Commercial Office (CO)

South: Boulevard
RM

East: Boulevard
RM

West: Boulevard
RM

II. BACKGROUND AND ANALYSIS

Background:

Tamara Diepholz, on behalf of the Tamara Diepholz Trust, owner of 2900/2902 Estero Blvd, is requesting four variances from the Town's Land Development Code (LDC). From Table 34-3 the applicant is requesting a variance of 5 feet from Estero Blvd and a 10-foot variance from Seaview St. This will allow the proposed residential structure 20 feet from Estero Blvd and 15 feet from Seaview St. The applicant is also requesting a variance to allow an at-grade pool without a screen enclosure to be 10 feet from Seaview St. and from Sec. 34-1174(b) to allow the pool closer to the street than the primary structure.

Prior to Hurricane Ian, the property contained a residential structure that appears to have not complied with the street setback from Estero Blvd and from Seaview St. The property did not contain a pool prior to the storm.

Analysis:

The lot is nonconforming for size in the RM zoning district; it is approximately 4,400, square feet and is irregularly shaped. The parcel has two street setbacks, one from Seaview St and one from Estero Blvd. The property is accessed from Seaview St and abuts a beach access easement to the west. The lot is less than 50 feet wide and is therefore allowed a 6.5-foot side setback.

The proposed home will provide two parking spaces under the home and will be open except for an enclosure around pool equipment at the rear (toward Estero Blvd) and the elevator and staircase. The primary structure will be two stories over required flood elevation, which according to the FDEP 100-year storm study is 20.6 feet. The

pool is at grade with no screen enclosure and is required to meet only a 5-foot side setback.

Neighborhood Compatibility:

A review of the neighborhood using the Lee County Property Appraiser GIS aerial imagery indicates that many of the houses previously in the neighborhood appeared to provide less than the required setbacks.

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.*

There are exceptional conditions inherent to the property. The lot is irregularly shaped, nonconforming RM zoned parcel. The request may be considered de minimis under these circumstances because rigid compliance is not essential.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are not the result of actions of the applicant. Some variances would have been needed in order to allow the construction of a reasonable sized home, on this small parcel.

- 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 his property.*

Whether the request may be considered de minimis is subjective. However, the ground level of the home is the minimum depth to allow two cars to park under the home. This will improve the situation that existed prior to Ian, when cars were typically parked in the beach access easement. Additionally, any pool on this parcel would require at least one variance to be closer to the right of way than the primary structure and the pool is further from the property line than would be required on a standard lot with a front and a rear.

- 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 this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. It appears that the previous home

provided a similar or less setbacks and this design will allow cars to park under the home, eliminating automobiles encroaching the right of way and easements.

- 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 two variances for the primary structure from Table 34-3, a 10-foot variance from the required 25-foot street setback from Seaview St, and a 5-foot variance from the required 25-foot street setback from Estero Blvd. AND Two variances for the for the pool/accessory structure, a variance from 34-1174(b) to allow an accessory structure closer to the street than the primary structure, and a 15-foot variance from the required 25-foot setback from Seaview St. Staff finds that the variance request meets the requirements set forth in Sec. 34-87.

IV. CONDITIONS

If approval of the request is granted, the following conditions should be considered for incorporation into the resolution of approval.

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.

V. EXHIBITS

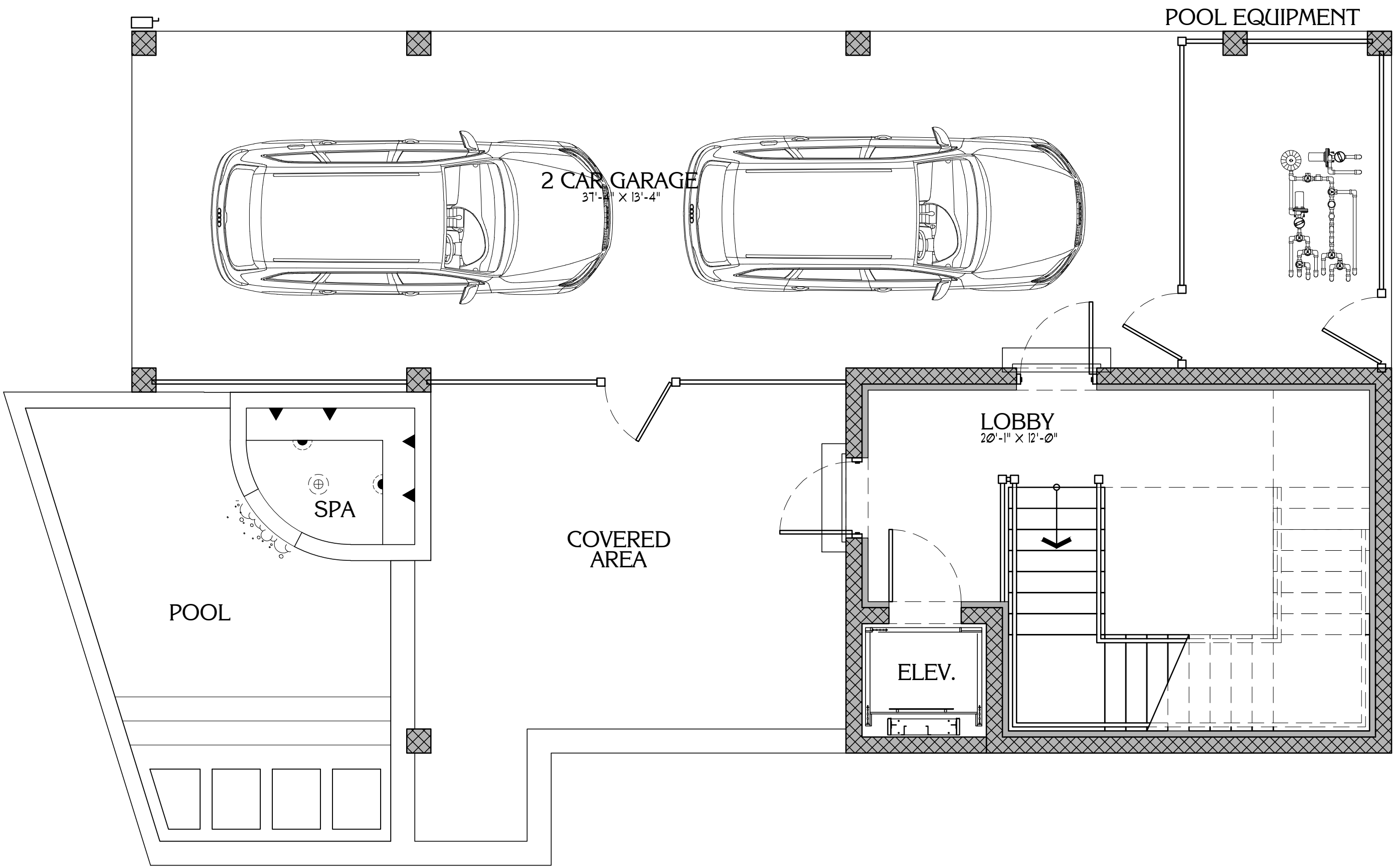
Exhibit A: Criteria for Each Variance

Exhibit B: Site Plan

Exhibit C: Draft Building Plans

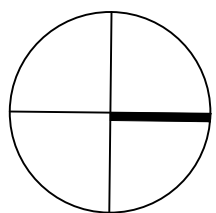
Exhibit D: Complete Application Packet

Exhibit E: Postcards to Adjacent Property Owners



SQUARE FOOTAGE	
GROUND FLOOR - A/C	362 S.F.
FIRST FLOOR - A/C	1,060 S.F.
SECOND FLOOR - A/C	1,142 S.F.
TOTAL A/C SQUARE FOOTAGE	2,564 S.F.

OPTION A



GROUND FLOOR NOTE PLAN

SCALE: 1/4"=1'-0"

FLOOD VENT CALCULATIONS

(1) 8" x 16" SMART VENT	= 200 SQ. FT. (FLOOD)
2 CAR GARAGE	= 657 SQFT. (4 SMART VENTS)
1 CAR GARAGE	= 332 SQFT. (2 SMART VENTS)
LOUER LOBBY	= 332 SQFT. (2 SMART VENTS)

FLOOD RESISTANT MATERIALS

ALL STRUCTURAL & FINISH MATERIALS BELOW THE DESIGN FLOOD ELEVATION (12.00' NAVD) SHALL BE CONSTRUCTED OF APPROVED MATERIALS AS LISTED BELOW FROM FEMA TECHNICAL BULLETIN 2-00 (2023) "FLOOD DAMAGE-RESISTANT MATERIAL REQUIREMENTS"

STRUCTURAL MATERIALS	
EXTERIOR WALLS	CONCRETE MASONRY
FLOOR (SLAB)	CONCRETE (C.I.P.)
INTERIOR WALLS	P.T. LUMBER
INTERIOR SHEATHING	NON-PAPER-FACED GYPSUM BOARD
FINISH MATERIALS	
FLOORING	STONE TILE (MORTAR SET)
WINDOWS/DOORS	DECAY-RESISTANT WOOD***
BASEBOARD/TRIM	PVC LUMBER
PAINT	LATEX OR OIL-BASED
WATERPROOF TYPE	STONE & DECAY-RESISTANT WOOD ***
STAIR TREADS	

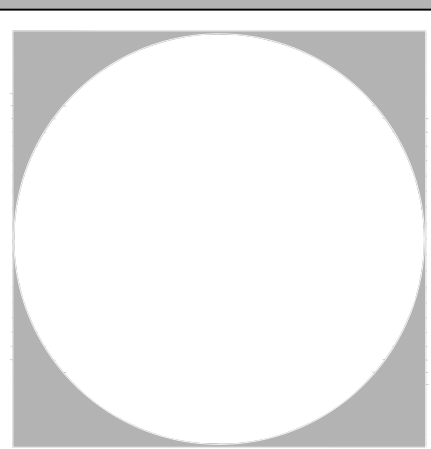
***DECAY RESISTANT WOOD PER FBC (2023), RESIDENTIAL R322.2 & FEMA TB-2. AWWPA U1 REFERENCED FOR ACCEPTABLE DECAY RESISTANT WOOD SPECIES.

LEGEND

- 3" INTERIOR WALL FURRING SYS. (REFER TO WALL SECT.)
- REINFORCED CMU WALL SYSTEM
- STONE CLADDING ON CMU WALL. SEE PLAN FOR DIM. & LOCATIONS.
- STUCCO ON CMU WALL. TYP. SEE PLAN FOR LOCATIONS.
- CONCRETE COLUMN WALL. REFER TO STRUC. PLANS.
- INTERIOR STUD BEARING WALL
- INTERIOR STUD WALL
- TUBULAR STEEL COLUMN. REF. STRUCT. FOR SIZE & LOCATION.
- GANG STUD COLUMN. REF. STRUCT. FOR SIZE & LOCATION.
- FLOOD VENT. SEE PLAN FOR NUMBER & LOCATIONS.

GENERAL NOTES

- THE G.C. IS TO VERIFY ALL WINDOW AND DOOR ROUGH OPENING SIZES WITH INSTALLATION REQUIREMENTS PRIOR TO INSTALL.
- ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESSSES FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT. (CHAPTER 45, FBC 2020 RESIDENTIAL EDITION)
- ALL WINDOWS AND FRENCH DOORS SHALL BE IMPACT RESISTANT. GARAGE DOORS SHALL BE IMPACT RESISTANT. MAHOGANY ENTRY DOORS SHALL ALSO BE IMPACT RESISTANT.
- ALL SCREEN DOORS ARE TO BE SELF LATCHING, SELF CLOSING AND HAVE ALARMS. G.C. IS TO VERIFY THAT ALL EXITS TO THE POOL AREA MEET THE POOL SAFETY ACT.
- G.C. PROVIDE SOUND INSULATION FOR ALL INTERIOR WALLS AND CEILINGS, AND INSULATE ALL EXTERIOR WALLS.
- POOL DESIGN AND LANDSCAPING BY OTHERS.
- A 40" HIGH AFF. (BALCONY) AND 36" HIGH (STAIR) ALUMINUM OR COMPOSITE RAILING SHALL BE CONSTRUCTED SUCH THAT A 4" SPHERE SHALL NOT PASS THROUGH AT ANY POINT (TYP.) (SECTION R302 OF THE FBC 2020). G.C. TO VERIFY HANDRAIL IS INSTALLED TO MEET A CIRCULAR CROSS SECTION WITH A DIAMETER OF 1-1/4" - 2" OR PROVIDE A NONCIRCULAR CROSS SECTION WITH EQUIVALENT GRASP ABILITY PERFORMANCE TO MEET THE FBC 2020 R311.8.3.
- THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE BY NOT LESS THAN 1/2" TYPE "X" GYPSUM BOARD, AND 5/8" TYPE "X" GYPSUM BOARD FROM HABITABLE ROOMS ABOVE THE GARAGE AS PER RESIDENTIAL FBC 2020 R302.6.
- OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH SOLID WOOD DOORS NOT LESS THAN 1 3/8" IN THICKNESS, SOLID OR HONEYCOMB-CORE STEEL DOORS NOT LESS THAN 1 3/8", OR 20 MIN. FIRE-RATED DOORS, EQUIPPED WITH A SELF-CLOSING DEVICE, PER SEC. R302.5.1
- DUCT WORK WHICH PENETRATE THE WALLS BETWEEN THE GARAGE AND THE RESIDENCE SHALL BE CONSTRUCTED OF A MIN. OF NO. 26 GAGE SHEET METAL OR OTHER APPROVED MATERIAL AS PER R302.5.2 OF THE RESIDENTIAL 2020 F.B.C.
- ALL FIRST FLOOR ELEVATIONS REFERENCED FROM FINISHED CONCRETE SLAB ELEV. 0'-0" (1130' NAVD).
- G.C. TO VERIFY POSITIVE SLOPE OF FINISHED FLOOR TO ENSURE PROPER DRAINAGE AT LANAIS, COVERED ENTRY, OUTDOOR LIVING, BALCONIES, AND GARAGES.
- G.C. TO PROVIDE ICYNENE INSULATION AT THE UNDERSIDE OF ALL ROOF TRUSSES INCLUDING GARAGES, LANAIS, AND BALCONIES IF APPLICABLE. G.C. TO ALSO PROVIDE MAKE UP AIR EQUAL TO ULTRA AIR ADEQUATE FOR THIS SYSTEM. G.C. TO PROVIDE (2) VENTS INSTALLED INSIDE THE GARAGE OPEN TO THE ATTIC SPACE.
- MAKE UP AIR FOR KITCHEN HOOD WILL BE PROVIDED BY A BROAD UNIVERSAL AUTOMATIC MAKE-UP AIR DAMPER SIZED AT A RATE APPROX. EQUAL TO THE EXHAUST AIR RATE. MAKEUP AIR SYSTEM SHALL BE EQUIPPED WITH A MEANS OF CLOSURE AND SHALL BE AUTOMATICALLY CONTROLLED TO START AND OPERATE SIMULTANEOUSLY WITH THE EXHAUST SYSTEM AS REQUIRED PER M1603.4.
- G.C. TO COORDINATE W/ ELECTRICAL DRAWINGS FOR SIZE & LOCATION OF A/C PADS, POOL EQUIPMENT, ELECTRICAL METER, ELECTRICAL PANELS & H.B.
- ALL ELECTRICAL, PLUMBING AND MECHANICAL EQUIPMENT TO BE SLAB ON GRADE AND ABOVE ELEVATION +3.00' NAVD.
- REFER TO STRUCTURAL DRAWINGS FOR EXACT LOCATION OF STRUCTURAL WALLS, COLUMNS, AND BEAMS.
- REFER TO LOW ROOF PLAN FOR UET DECK SLOPE / DRAINAGE LOCATIONS.
- REFER TO INTERIOR DRAWINGS FOR FINAL CEILING HEIGHTS AND INFORMATION.
- ALL STEAM SHOWERS SHALL HAVE A SLOPED CEILING AT A MIN. 12" PER FT. G.C. TO COORDINATE LOCATION OF EQUIPMENT WITH ARCHITECT AND/OR INTERIOR DESIGNER PRIOR TO INSTALLATION.



Date

Revisions

PRIVATE RESIDENCE

----- ESTERO BLVD
FORT MYERS BEACH, FLORIDA 33931



ARCHITECT:
BECK ARCHITECTURAL
GROUP, LLC.
804 ANCHOR RODE DR.
NAPLES, FL 34103
CONTACT: KYLE VAYDA
EMAIL: KYLE@BECK
ARCHITECTURAL.COM
PHONE: (239) 431-1686

PROJ. #: 2402-07
DRAWN BY: K.A.V.
DATE: 11.11.24



DESIGN DEVELOPMENT

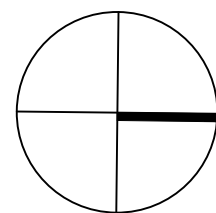
FL LICENSE NUMBER AA102813

(239) 431.1686

WWW.BECKARCHITECTURAL.COM

NAPLES, FLORIDA

804 ANCHOR RODE DRIVE



FIRST FLOOR NOTE PLAN
SCALE: 1/4"=1'-0"

LEGEND	
	3" INTERIOR WALL FURRING SYS. (REFER TO WALL SECT.)
	REINFORCED CMU WALL SYSTEM
	STONE CLADDING ON CMU WALL. SEE PLAN FOR DIM. & LOCATIONS.
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DRAWN BY:

K.A.V.

DATE:

11.11.24

A7

DESIGN DEVELOPMENT

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BECK
ARCHITECTURAL GROUP

2402-07
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11.11.24

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431.1686

FL LICENSE NUMBER AA102813



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: 2900 Estero Blvd

STRAP Number: 30-46-24-W2-003M0.0140

Applicant: Tami Jo Diepholz Phone: _____

Contact Name: Kara Stewart Phone: 239-770-4198

Email: stewart.karalyn@gmail.com Fax: _____

Current Zoning District: RM

Future Land Use Map (FLUM) Category: Mixed Residential

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

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Tamara Diepholtz 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: 9 TINSBURY MATTOON IL 61938

Email: tamidiopholz@hotmail.com Fax: _____

Contact Name: Tamara Diepholtz Phone: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: Kara Stewart Phone: 239-770-4198

Address: _____

Email: stewart.karalyn@gmail.com Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 638; 1174
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

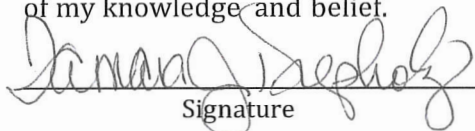
Name

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

Tamara J. Diepholtz
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, Tamara J Diepholtz (name), as trustee (title)
of TAMI JO DIEPHOLZ TRUST (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

TAMI JO DIEPHOLZ TRUST

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

Tamara J Diepholz Trust by Tamara J Diepholz

Signature

trustee

Title

Tamara J Diepholtz

3/4/2025

Typed or Printed Name

Date

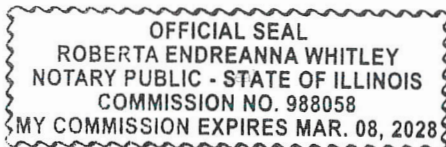
STATE OF IL COUNTY OF Coles

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

presence OR ☐ online notarization, this 4 day of March, 2025, by

Tamara J Diepholtz ☒ who is personally known to me OR ☐ who has produced

_____ as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 30-46-24-W2-003M0.0140

Property Address: 2900 Estero Blvd

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: Winkler 2nd Div

Book: 8 Page: 49 Unit: _____ Block: _____ Lot(s): 14

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

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

Tamara J. Diepholtz

100

_____	_____
_____	_____
_____	_____

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

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 49.44 feet
Depth (please provide an average width if irregular in shape) 88.61 feet
Frontage on street: 41.29 feet. Frontage on waterbody: 0 feet
Total land area: 4430 ☐ acres ☒ square feet

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

Over bridge go right

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Case # _____

Date Received: _____

Amended

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name: 2900 Estero Blvd Replacement SFR
Authorized Applicant: Tami Diepholtz
LeePA STRAP Number: 30-46-24-W2-003M0.0140

Current Property Status: Vacant	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638	Setbacks
34-1174 (b)	Accessory structure

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-638; 1174(b) **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
Required street setback along Seaview is 25'; requesting the house be setback
minimum 15' from Seaview; the pool setback will be a minimum 10' from
Seaview therefore requiring a 10' reduction in setback for principle structure and
a 15' reduction for an accessory structure from Seaview
34-638 requires Estero street setback be 25', we are proposing a 20' setback
thus requiring a 5' reduction in setback.
34-1174(b) No accessory structure may be placed closer to a street right
of way line or easement than then the principle structure. The pool will extend
beyond the front of the home by approx 5' and therefore be closer to the street
right of way than principle structure

Reasons for request

Explain why the variance is needed:
Hurricane Ian destroyed the home. The lot is an irregular small lot approx
49 X 83+-; the lot has an irregular angle along Seaview, and is a through lot
between Estero and Seaview while also having an access ROW along the
west property line. Basically providing for 2 different 25' setback requirements.
Additionally the lot is only approx 4420 sf which makes more of a challenge
The applicant is only looking to have 2 stories above flood with approx 362 sf of
enclosed area for storage,elevator, stair access and pool equipment at grade
The footprint of the home is approx. 1000sf
See Exhibit " C " Bldg Drawings

Explain the possible effect the variance, if granted, would have on surrounding properties:

The property is accessed along Seaview St which is not a thoroughfare for traffic.

The replacement home appears to be situated further from Estero as previously

existed as well as appears to have been rather close to the Access #10 ROW

Proposed may be closer to compliance than the prior structure. The pool being

located in front of the home along Seaview will allow the owner to enjoy a view

of the beach and better enable their use of the property. Seaview provides access

to only 4 lots on the north side of Seaview and 6 on the south which are

much larger homes. The proposed structure and layout will be consistent

with the proposed ongoing development in the immediate area.

While the home will encroach on setbacks it will comply with the required lot

coverage and drainage requirements.

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

The irregularity of the small lot makes it difficult to meet setbacks. The property is approx 49 X 83 with an angle, and two ROW setback requirements.

The property is seaward of the CCCL which is requiring a greater elevation. The area below flood other than access elevator and stairway is being left open. The additional height requirement creates the elevator and elongated entry area which again takes away from the truly useable square footage for living area.

Due to the small size of the lot, the property has received a Minimum Use Determination.

Pls see Exhibit A Site plan

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
EXTRAORDINARY CONDITIONS EXIST : the size of the lot and having two
ROW setbacks to meet makes it unreasonable to replace a single family
with a pool on the property without relief to current setback requirements
THE RESULT OF THE VARIANCE IS NOT FROM ANY ACTION TAKEN BY :
APPLICANT: Hurricane Ian removed the structure; the size of the lot is
existing and has obtained a favorable MUD; The setbacks in LDC do not work
with this lot configuration to allow a usable single family
MINIMUM VARIANCE REQUIRED: This is the minimum variance needed
in order to construct a comfortable comparable living space as pre Ian.
The 2 ROW setbacks makes it impossible not to need relief for a home on FMB
GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE NEIGHBOR:
The replacement of this single family will not be injurious to the neighbors as it
is being replaced in a similar fashion, while complying with FEMA and DEP.
There is adequate parking being provided and pushing the home to towards
Estero allows for further separation to the ROW on Seaview.
THE REQUEST IS SO BROAD TO CHANGE THE CODE: This request is
not so broad to change the code as it is unique to have 2 ROW setbacks
on an irregular lot.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

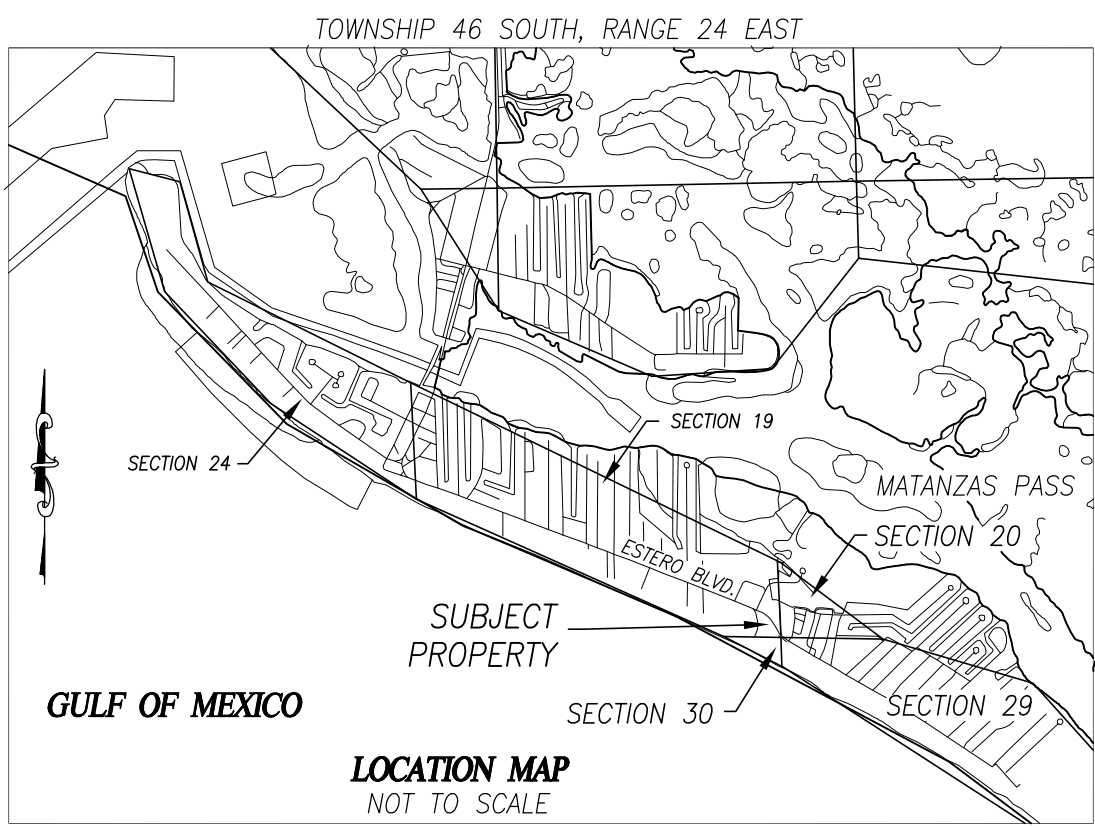
1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

MAP OF BOUNDARY AND TIDAL WATER SURVEY
OF LOT 14, BLOCK M, WINKLER'S SECOND DIVISION,
LYING IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

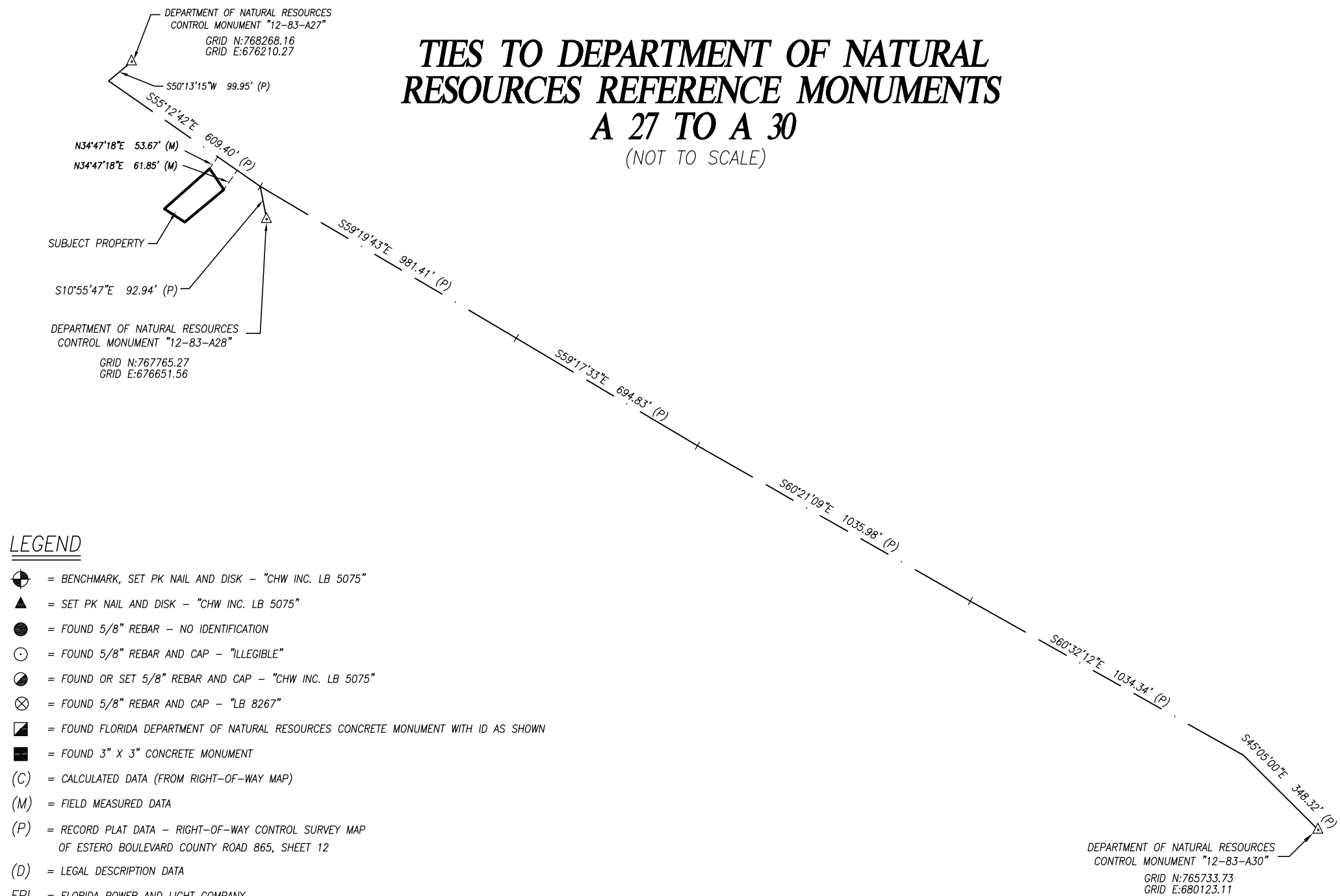
CURVE TABLE					
CURVE	DELTA (M)	RADIUS (M)	ARC (M)	CHORD BEARING (M)	CHORD (M)
C1	1°55'25"	1507.46'	50.61'	S34°08'32"E	50.61'
C2	1°58'11"	1507.46'	51.82'	S32°09'24"E	51.82'
C3	4°08'45"	579.54'	42.10'	S44°00'51"E	42.09'

CURVE	DELTA (C)	RADIUS (C)	ARC (C)	CHORD BEARING (C)	CHORD (C)
C1	1°54'29"	1507.46'	50.20'	S34°07'09"E	50.20'
C2	1°58'28"	1507.46'	51.95'	S32°09'58"E	51.95'
C3	4°08'15"	579.54'	41.85'	S44°11'40"E	41.84'

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.



TIES TO DEPARTMENT OF NATURAL
RESOURCES REFERENCE MONUMENTS
A 27 TO A 30
(NOT TO SCALE)



LEGEND

- = BENCHMARK, SET PK NAL AND DISK - "CHW INC. LB 5075"
- ▲ = SET PK NAL AND DISK - "CHW INC. LB 5075"
- = FOUND 5/8" REBAR - NO IDENTIFICATION
- = FOUND 5/8" REBAR AND CAP - "ILLEGIBLE"
- ⊙ = FOUND OR SET 5/8" REBAR AND CAP - "CHW INC. LB 5075"
- ⊗ = FOUND 5/8" REBAR AND CAP - "LB 8292"
- ⊠ = FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES CONCRETE MONUMENT WITH ID AS SHOWN
- = FOUND 3" x 3" CONCRETE MONUMENT
- (C) = CALCULATED DATA (FROM RIGHT-OF-WAY MAP)
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA - RIGHT-OF-WAY CONTROL SURVEY MAP OF ESTERO BOULEVARD COUNTY ROAD 865, SHEET 12
- (D) = LEGAL DESCRIPTION DATA
- FPL = FLORIDA POWER AND LIGHT COMPANY
- = SPOT ELEVATION, NAVD 1988
- = WOOD UTILITY POLE
- = GUY ANCHOR
- = CABLE PEDESTAL
- ⊙ = STUB OUT
- = WOOD MOORING PILING
- = SANITARY SEWER CLEAN-OUT
- ⊙ = TELEPHONE PEDESTAL
- ⊗ = WATER METER
- ⊠ = WATER VALVE
- ⊙ = ELECTRIC BOX
- ⊗ = SANITARY SEWER MANHOLE
- ⊠ = CATCH BASIN WITH GRATE INLET

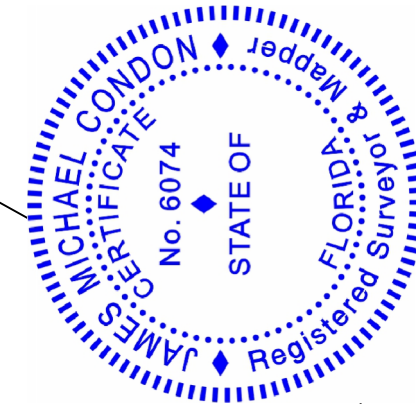
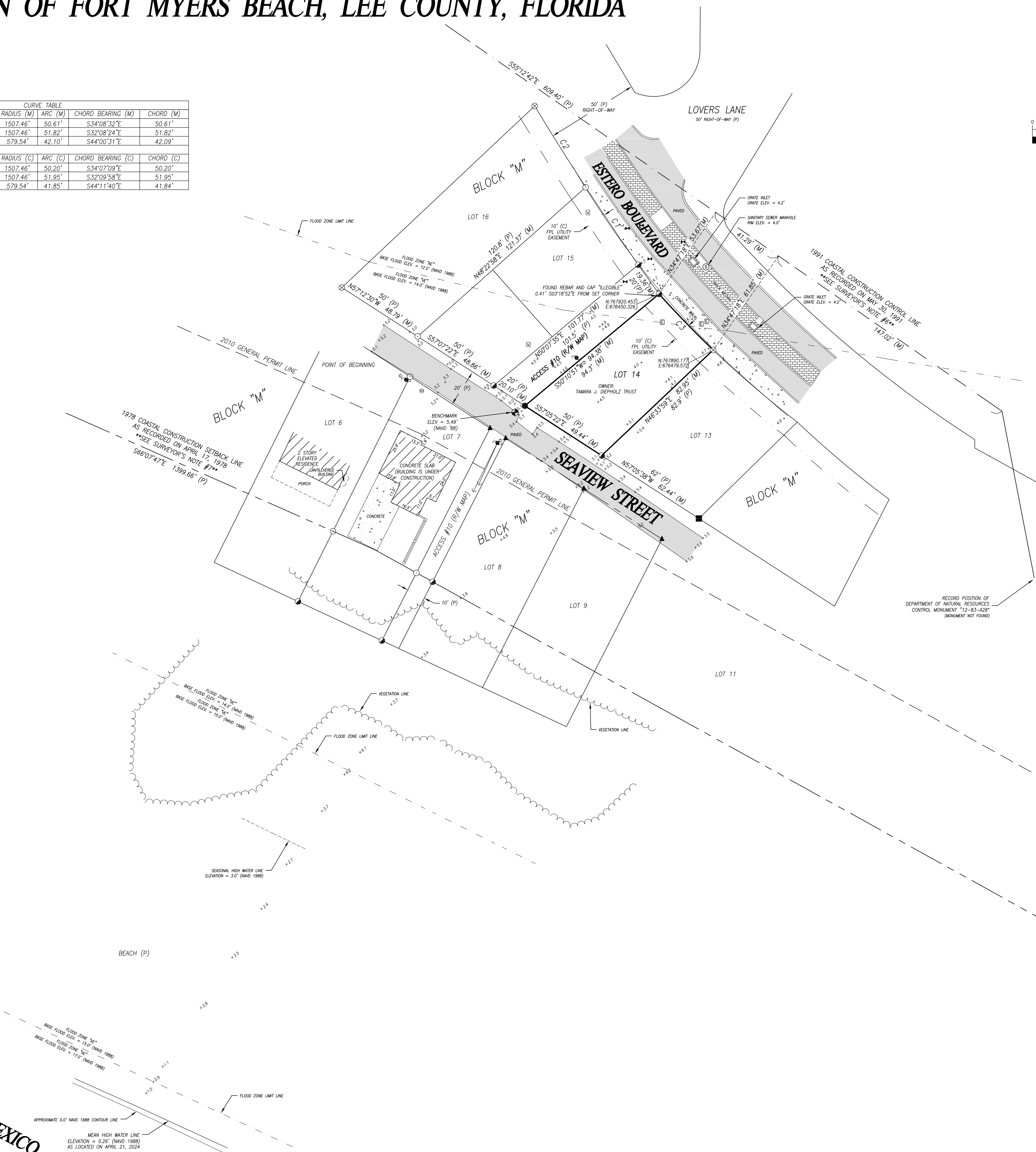
SURVEYOR'S NOTES

- BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/2011) FLORIDA WEST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN U.S. SURVEY FEET. COORDINATES SHOWN ARE GRID COORDINATES BASED UPON FLORIDA DEPARTMENT OF NATURAL RESOURCES CONTROL MONUMENTS 12-83-A27 AND 12-83-A30 HAVING NAD83/2011 GRID COORDINATES SHOWN, AS CALCULATED FROM THE COASTAL CONSTRUCTION CONTROL LINE PLAT RECORDED IN PLAT BOOK BOOK 48, PAGE 15, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 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 FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT REFERENCE NETWORK REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) CONTROL NETWORK.
- THIS PARCEL LIES IN THE FLOOD ZONES AS SHOWN. ZONES ARE BASED ON FEMA F.I.R.M. MAP PANEL PANEL 12071C0554G, DATED NOVEMBER 17, 2022. 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, LEGAL DESCRIPTION AND THE RIGHT-OF-WAY MAP OF ESTERO BOULEVARD COUNTY ROAD 865, BY BEAN, WHITAKER, LUTZ AND KAREH, INC. DATED APRIL 16, 2010. NO OTHER SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY PROVIDED, 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.
- THE PROPERTY ADDRESS IS:
2900/2902 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931
- THIS PARCEL CONTAINS 0.091 ACRES, OR 3,963 SQ. FT., MORE OR LESS.
- MEAN HIGH WATER ELEVATION OF 0.26' (NAVD 1988) IS BASED ON A DETERMINATION BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.

LEGAL DESCRIPTION

LOT 14, BLOCK M, WINKLER'S SECOND DIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 49, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

GULF OF MEXICO



12831 Westlakes Drive, Suite 508
Fort Myers, FL 33905
www.chw-inc.com
est. 1984 FLORIDA
CA-5075

CHW

AN INC COMPANY

COMPUTER FILE:
240292 05/07

DRAWING SCALE:
1" = 30'

REVISION DATE:

SURVEY DATE:
04/18/2024

SIGNATURE DATE:
05/14/2024

REVISION BY:

REVISOR BY:

This map prepared by:
JAMES M. CONDON, PSM
CERTIFICATE OF AUTHORIZATION NO. LB 5075
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

James M. Condon
Professional Surveyor & Mapper
License No. 8074

CERTIFIED TO:
AFONOVA DESIGN GROUP

DRAWN BY:
NH

CHECKED BY:
TLR

FIELD BOOK:
232/20

Copyright ©

Page 206 of 484



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

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250056 – Request for a primary structure setback reduction of 5' from Estero Blvd and 10' from Seaview St, an accessory structure setback reduction of 15' from Seaview St and a variance to allow an accessory structure closer to the street right of way than the primary structure.

ADDRESS: 2900/2902 ESTERO BLVD

APPLICANT: TAMARA DIEPHOLTZ/ KARA STEWART

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: APRIL 8TH, 2025

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: MAY 5TH, 2025

LOCATION: 2731 Oak St., FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Transcripts of the proceedings are not provided by the Town. Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



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

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250056 – Request for a primary structure setback reduction of 5' from Estero Blvd and 10' from Seaview St, an accessory structure setback reduction of 15' from Seaview St and a variance to allow an accessory structure closer to the street right of way than the primary structure.

ADDRESS: 2900/2902 ESTERO BLVD

APPLICANT: TAMARA DIEPHOLTZ/ KARA STEWART

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TIME: 9 AM

DATE: APRIL 8TH, 2025

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TIME: 9 AM

DATE: MAY 5TH, 2025

LOCATION: 2731 Oak St., FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

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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
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250056 – Request for a primary structure setback reduction of 5' from Estero Blvd and 10' from Seaview St, an accessory structure setback reduction of 15' from Seaview St and a variance to allow an accessory structure closer to the street right of way than the primary structure.

ADDRESS: 2900/2902 ESTERO BLVD

APPLICANT: TAMARA DIEPHOLTZ/ KARA STEWART

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: APRIL 8TH, 2025

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: MAY 5TH, 2025

LOCATION: 2731 Oak St., FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Transcripts of the proceedings are not provided by the Town. Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



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

Town of Fort Myers B each

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250056 – Request for a primary structure setback reduction of 5’ from Estero Blvd and 10’ from Seaview St, an accessory structure setback reduction of 15’ from Seaview St and a variance to allow an accessory structure closer to the street right of way than the primary structure.

ADDRESS: 2900/2902 ESTERO BLVD	APPLICANT: TAMARA DIEPHOLTZ/ KARA STEWART
LOCAL PLANNING AGENCY PUBLIC HEARING	TOWN COUNCIL PUBLIC HEARING*
TIME: 9 AM	TIME: 9 AM
DATE: APRIL 8TH, 2025	DATE: MAY 5TH, 2025
LOCATION: 2731 Oak St, FMB, Florida 33931	LOCATION: 2731 Oak St., FMB, Florida 33931
TOWN CONTACT: JUDITH FRANKEL jfrankel@fmbgov.com	

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

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2525 Estero Blvd,
Fort Myers Beach, FL 33931

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

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

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

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

Yellow Sheet Number: **2025-323**

1. Request:

Meeting Date: April 8, 2025

ARCHES COMMERCIAL PLANNED DEVELOPMENT: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET, 935, & 939 THIRD STREET, AND 401 OLD SAN CARLOS BLVD., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23-W3-0030A.0020 & 24-46-23-W3-0030A.0010 FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The Town Council makes final decisions on rezoning requests.

What the action accomplishes:

Approval of the CPD will allow for the development of a resort hotel and its accompanying restaurant and retail uses.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

Freeland FL Holdings, LLC, is seeking concurrent applications for a Small-Scale Comprehensive Plan Future Land Use Map Amendment and Commercial Planned Development Rezoning of the subject property encompassing ten parcels, +4.98 acres (216,928 sq. ft.) located at 450, 445, 441, and 436 Harbor Ct., 435 and 438 Bonita St., 935 and 939 Third St., and 401 Old San Carlos Boulevard. A companion Comprehensive Plan Amendment application has been filed to designate all properties to the Pedestrian Commercial FLU Designation. This revised narrative provides additional evidence to support the rezoning request for 10 properties. The request is for all 10 properties to be rezoned to a Commercial Planned Development (CPD) Zoning District from their current zoning districts.

A Comprehensive Plan Future Land Use Map Amendment for this site that would enable the CPD request was presented to the Local Planning Agency (LPA) on April 9, 2024. The LPA voted 4 – 2 to deny the request. A CPD application request did not accompany that application. The Town Council on May 6, 2024, granted continuance for the Comprehensive Plan Future Land Use Map Amendment to a date uncertain, until such time that it could be presented simultaneously with the Commercial Planned Development.

Attachments:

1. CPD Arches Ordinance 24-xx 3.19.25
2. LPA Staff Report CPD 3.19.25
3. Exhibit A: Applicant Summary
4. Exhibit B: Applicant Narrative
5. Exhibit C: Arches MCP and Schedule of Uses
6. Exhibit D: Supplemental Plans
7. Exhibit E Supplemental Concept Renderings

8. Exhibit F: Schedule Deviations & Justifications
9. Exhibit G: Applicant Proposed Conditions
10. Exhibit H: Transportation Impact Statement (TIS)
11. Exhibit I: Arches Application
12. Exhibit J: Postcards

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. Staff Recommendations:

8. Recommended Approval:

_____	Date: March 20, 2025
Judith Frankel, Principal Planner	
_____	Date: March 20, 2025
Frankie Kropacek, Operations & Compliance Director	
_____	Date: March 27, 2025
nancy stuparich, Town Attorney	
_____	Date: March 27, 2025
Amy Baker, Town Clerk	

ORDINANCE 24-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET, 935, & 939 THIRD STREET, AND 401 OLD SAN CARLOS BLVD., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23-W3-0030A.0020 & 24-46-23-W3-0030A.0010 FORT MYERS BEACH; PROVIDING FOR 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, The Neighborhood Company ("Applicant"), on behalf of Freeland FL Holdings, LLC, owners of the property generally located at 450, 445, 441 & 436 Harbor Court, 435 & 438 Bonita Street, 935 and 939 Third Street, 401 Old San Carlos Blvd. also respectively identified as strap numbers 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23-W3-0030A.0020 & 24-46-23-W3-0030A.0010 Fort Myers Beach ("Property"), filed an application to rezone the properties from Commercial Marina, Residential Conservation, Commercial Office and Downtown to a CPD with a corresponding Schedule of Uses and Master Concept Plan (MCP) with certain deviations from the Land Development Code (LDC) to include a resort; and

WHEREAS, the subject ten properties are located in the _____ Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the owners as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 8th, 2025, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted XXX to XXX to recommend approval/denial to the small scale map amendment request, and

WHEREAS, on _____ 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 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 properties from Commercial Marina, Residential Conservation, Commercial Office and Downtown to a CPD with a corresponding Schedule of Uses and Master Concept Plan (MCP) with eight deviations to the LDC in order to develop a Resort Hotel; and

WHEREAS, the requested deviations from the LDC include:

Deviation #1: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum lot width of 100 feet and a minimum lot depth of 100 feet. This deviation would allow for either a minimum lot width of 80 feet or minimum lot depth of 80 feet depending on the development's frontage on either Old San Carlos Boulevard or Third Street.

Deviation #2: A deviation from LDC Section 34-645(b) and Table 34-3, which allows for a maximum floor area ratio of 1.2 within the Commercial Resort (CR) zoning district and a maximum floor area ratio (FAR) of 1.8 within the Downtown Redevelopment district to allow for a maximum FAR of 2.0 within the Arches Bayfront Resort CPD.

Deviation #3: A deviation from LDC Section 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors as allowed per LDC Section 34-1804(a)(2). This deviation would allow an equivalency ratio of

9.1 and a maximum of 263 guest units.

Deviation #4: A deviation from LDC note 1 of Table 10-9 which requires a solid wall not less than six feet in height and with the landscaping to be placed on the adjacent property side of the wall to allow for a six foot high decorative fence with solid columns and landscaping to be placed on the interior (resort side) of the decorative fence for the southern property line as depicted on the enclosed MCP.

Deviation #5: A deviation from LDC Section 26-77(b) which states that new or expanded seawalls are not allowed along natural waterbodies in order to allow the existing boat ramp to be replaced by seawall.

Deviation #6: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum height set at 30 feet and 3 stories to allow a maximum building zoned height of 81' (as defined in the FMBLDC) for the Resort Tract. Maximum building heights will be in compliance with the approved Master Concept Plan.

Deviation #7: A deviation from LDC Table 34-3 which states that property setbacks in a CPD zoning district shall be the same as for the Commercial Resort zoning district to allow for adjusted building setback lines within the Resort Tract and adjusted side setbacks and build to lines for the buildings located within the Old San Carlos Tract as outlined within the enclosed Development Standards Exhibit.

Deviation #8: A deviation from LDC Section 34-2020, required parking regulations, to allow a parking reduction of 50% in accordance with LDC Section 34-676(a)(1).

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

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested small scale map amendment request **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.

Exhibits:

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



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Comprehensive Plan Amendment CASE

NUMBER: CPA20230151

CASE NAME: Arches Bayfront Resort Commercial Planned Development (450 Harbor Court, 445 Harbor Court, 441 Harbor Court, 436 Harbor Court, 435 Bonita Street, 438 Bonita Street, 935 Third Street, 939 Third Street, 401 Old San Carlos Blvd.)

LPA

HEARING DATE: April 8th, 2025

STAFF

RECOMMENDATION: DENIAL

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

I. APPLICATION SUMMARY

Applicant/Owner: Freeland FL Holdings, LLC/The Neighborhood Company

Request: Commercial Planned Development Rezoning of ten parcels encompassing 4,98 acres.

Subject property: See attached plan

Physical Address: 450 Harbor Court, 445 Harbor Court, 441 Harbor Court, 436 Harbor Court, 435 Bonita Street, 438 Bonita Street, 935 Third Street, 939 Third Street and 401 Old San Carlos Blvd.

STRAP #s: 24-46-23-W3-00027.0000, 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23-W3-0030A.0020, 24-46-23-W3-0030A.0010

FLU: Marina & Mixed Residential (Platted Overlay)

Zoning: Commercial Marina (CM), Residential Conservation (RC), Commercial Office (CO), and Downtown

Adjacent zoning and land uses:

North: Tidal Waters, Matanzas Pass

South: RESIDENTIAL CONSERVATION (RC)
Mixed Residential (Platted Overlay)

East: DOWNTOWN (D)
Pedestrian Commercial

West: Tidal Waters, Canal

II. BACKGROUND AND ANALYSIS

Background:

Freeland FL Holdings, LLC, is seeking concurrent applications for a Small-Scale Comprehensive Plan Future Land Use Map Amendment and Commercial Planned Development Rezoning of the subject property encompassing ten parcels, +4.98 acres (216,928 sq. ft.) located at 450, 445, 441, and 436 Harbor Ct., 435 and 438 Bonita St., 935 and 939 Third St., and 401 Old San Carlos Boulevard. A companion Comprehensive Plan Amendment application has been filed to designate all properties to the Pedestrian Commercial FLU Designation. This revised narrative provides additional evidence to support the rezoning request for the identified 10 properties. The request is for all 10 properties to be rezoned to a Commercial Planned Development (CPD) Zoning District from their current zoning districts as listed below. All properties are identified by STRAP Number, Address, Future Land Use designations and zoning districts in the table below:

STRAP #	ADDRESS	EXISTING FUTURE LAND USE	EXISTING ZONING
24-46-23-W3-00026.0020	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-00027.0000	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-0030B.0200	445 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030B.0190	441 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0060	436 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0040	435 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0110	438 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0030	935 Third St.	Pedestrian Commercial	Commercial Office
24-46-23-W3-0030A.0020	939 Third St.	Pedestrian Commercial	Downtown
24-46-23-W3-0030A.0010	401 Old San Carlos Blvd.	Pedestrian Commercial	Downtown

Moss Marina was established in 1969. Matanzas View subdivision was platted in 1952, the first homes appear to have been built in the early 1950s. This neighborhood appears to have been primarily single family and two-family homes prior to hurricane Ian. More than half of the pre-Ian homes are still standing; however staff does not know what portion of the homes are currently

habitable.

Moss Marina has long been an iconic landmark on Fort Myers Beach. It was originally established as a marina by John and Betty Moss in 1969 and expanded by George Freeland in 1983. Due to significant damage from Ian, the age of the marina and island-wide redevelopment efforts, the Freeland family is now seeking to create a bayfront redevelopment project intended to complement the downtown district.

A Comprehensive Plan Future Land Use Map Amendment for this site that would enable the CPD request was presented to the Local Planning Agency (LPA) on April 9, 2024. The LPA voted 4 – 2 to deny the request. A CPD application request did not accompany that application. The Town Council on May 6, 2024, granted continuance for the Comprehensive Plan Future Land Use Map Amendment to a date uncertain, until such time that it could be presented simultaneously with the Commercial Planned Development.

Analysis:

The proposed mixed-use resort aims to provide a high-end resort, wet dock marina, commercial retail, ancillary restaurant, bar and banquet space, an event chapel, and an outdoor market and bodega. The applicant's proposal lists public benefits including public access to the waterfront, a bayfront public promenade lined with commercial retail storefronts, view corridors, a linear park & memorial garden, and a potential water ferry/taxi and terminal in the downtown area.

Density

The Arches Bayfront Resort site consists of +4.98 acres and is subject to a companion Small-Scale Comprehensive Plan Map Amendment to change the property's future land use category from Marina and Mixed Residential to Pedestrian Commercial. The Pedestrian Commercial future land use category allows a maximum density of 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). This proposal requests 263 lodging units which is reached through an equivalency factor of 9.1. This is the same equivalency factor utilized by the Margaritaville development. The Downtown core area is considered the nucleus of commercial and tourist activities on the island and is identified as an appropriate area for higher densities and intensities.

F.A.R.

The development is also subject to a maximum Floor Area Ratio (FAR). In addition to density (lodging units), the development is also subject to a maximum Floor Area Ratio (FAR). The Comprehensive Plan allows a FAR of up to 2.5 in the Pedestrian Commercial Future Land Use category. LDC Section 34-645 allows for a maximum floor area ratio of 1.2 within the Commercial Resort (CR) zoning district and a maximum floor area ratio of 1.8 within the Downtown Redevelopment district. A deviation request has been included in this application to allow for a maximum FAR of 2.0 within the Arches Bayfront Resort CPD. The preliminary schematic design for the resort calls for an FAR of 1.93, which allows a maximum of 417,879 square feet inclusive of the commercial area, lodging units, and ground level under-building parking. An FAR of 2.0 (433,858 SF) is requested to provide some leeway for changes that may be needed as the project proceeds to final design and permitting. The proposed FAR is less than the maximum of 2.5 allowed through the Comprehensive Plan.

Height

The Town's Comprehensive Plan allows for additional height through Policy 4-C-4 for parcels that

are contiguous (or directly across a street) from taller buildings. The Arches Bayfront Resort site is west of the Marina Village at Snug Harbor, a six-story condominium with an overall height of ±71 feet. Across the canal to the west on Matanzas Court, a single-family residence exists which is 3 stories. The proposed project is requesting buildings that will vary between one and seven stories with a maximum zoned height of 81 feet (measured from base flood elevation plus 3 feet of freeboard to the mid-point to the main roof) and a total height of 102 feet measured from grade to top of the main roof. Allowing additional height through the planned development process allows for narrower buildings with greater separation and greater setbacks from adjacent properties. This

Schedule of Uses:

- **RESORT TRACT:**
 - RESORT
 - HOTEL/MOTEL WITH A MAXIMUM 263 ROOMS
 - RESORT ACCESSORY USES
 - ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AND INCLUDING OUTDOOR SEATING AREAS ASSOCIATED WITH ANY ESTABLISHMENT
 - AUTOMOBILE RENTAL
 - OFFICES, GENERAL OR MEDICAL
 - PERSONAL SERVICES
 - COMMERCIAL ACCESSORY USES
 - ADMINISTRATIVE OFFICE
 - BAR OR COCKTAIL LOUNGE
 - PARKING GARAGE
 - PARKING LOT
 - RESTAURANT – DRIVE-THROUGH PROHIBITED
 - RETAIL STORE, SMALL (LESS THAN 5,000 SF)
 - RETAIL STORE, LARGE (MORE THAN 5,000 SF)
 - MARINA
 - MARINA ACCESSORY USES
 - DOCKS AND TERMINAL - WATER TAXI/FERRY AND COMMUNITY/EMERGENCY SERVICES
 - DOCKS (LIVEABOARDS PROHIBITED)
 - DOCKS - NON-MOTORIZED WATERCRAFT
 - PERSONAL WATERCRAFT OPERATIONS OFFICE
 - BOAT DEALER (NO OUTSIDE SALES): LIMITED TO OFFICE SPACE
 - ESSENTIAL SERVICES
 - ESSENTIAL SERVICE EQUIPMENT
- **OLD SAN CARLOS TRACT:**
 - RESORT ACCESSORY USES
 - SUBORDINATE COMMERCIAL USES
 - ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AND INCLUDING OUTDOOR SEATING AREAS ASSOCIATED WITH ANY ESTABLISHMENT
 - OFFICES, GENERAL OR MEDICAL
 - PERSONAL SERVICES
 - COMMERCIAL ACCESSORY USES
 - ADMINISTRATIVE OFFICE
 - BAR OR COCKTAIL LOUNGE
 - SUBORDINATE COMMERCIAL USES
 - PARKING LOT

- RESTAURANT – DRIVE-THROUGH PROHIBITED
- RETAIL STORE, SMALL (LESS THAN 5,000 SF)
- BOAT DEALER (NO OUTSIDE SALES): LIMITED TO OFFICE SPACE
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE EQUIPMENT

Neighborhood Compatibility:

The current Comprehensive Plan refers to this area as the “north end” in one section and the “core area”, in another section. It describes that “north end” area as follows: *“The north end of the island retains its residential and resort identity. Its motel rooms, older cottages and high-rises all benefit from their proximity to Bowditch Point and the downtown “core area,” yet are comfortably removed from seasonal traffic congestion and outdoor entertainment activities that many residents find intrusive.”* The 1999 Comprehensive Plan does not provide a vision or plan for this part of the “core area”.

Marina Zoning, creates a buffer between the higher impact downtown and the lower density residential districts. Elimination of that buffer between the intense commercial district and the neighborhoods could increase conflict. Uses that create additional noise in residential neighborhoods have been of particular concern to the Town of Fort Myers Beach in the past. Evaluation of the proposed of outdoor music and COP areas, along with vehicular circulation is needed to ensure that nearby homes are not negatively impacted this proposed development.

The applicant is proposing a buffer area that varies from 30 to 50-feet in width to reduce impact on the homes along Harbor Court, Bonita Street and Third Street. A vehicular circulation plan will direct and keep all guest vehicles off of these streets. Of concern is the noise issues that may arise from the pool deck location on Building E which faces the eastern canal. The applicant is requesting an ability to serve alcohol (COP) and play amplified music from this location. Staff recommends that these two elements be removed from the request.

The proposed development is compatible with the uses found along Old San Carlos Boulevard. The resort visitors will be in close proximity to the downtown area and must walk through the district to reach the beach. Although this application has not been evaluated for economic impact, it is likely to have a positive economic benefit on these shops and restaurants. The increased density of visitors is most appropriate in a downtown district to support a variety of amenities.

Infrastructure Impacts:

The traffic impact statement for the proposed CPD application is attached to this report, but is not in its final form. A final analysis of that traffic impact statement is expected to be available by the LPA meeting date.

Requested Deviations:

Deviation #1: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum lot width of 100 feet and a minimum lot depth of 100 feet. This deviation would allow for either a minimum lot width of 80 feet or minimum lot depth of 80 feet depending on the development’s frontage on either Old San Carlos Boulevard or Third Street.

Applicant Justification: The deviation request will align the property development regulations within the Old San Carlos Tract with the dimensions of the property to avoid creating a non-conforming lot within the CPD. The property frontage measures approximately 80 feet on Old San Carlos Boulevard and approximately 200 feet on Third Street, which does not meet the intended CR zoning district dimensional

regulations. The approval to deviate from the dimensional regulations will not result in any negative impacts to the community's health, safety, and welfare.

Staff Response: The LDC requires CPD to refer to the restrictions of the CR zoning. This deviation will allow for the use of the properties at 401 Old San Carlos and 935 and 939 Third Street as otherwise these parcel would be non-conforming.

Deviation #2: A deviation from LDC Section 34-645(b) and Table 34-3, which allows for a maximum floor area ratio of 1.2 within the Commercial Resort (CR) zoning district and a maximum floor area ratio (FAR) of 1.8 within the Downtown Redevelopment district to allow for a maximum FAR of 2.0 within the Arches Bayfront Resort CPD.

Applicant Justification: The companion Comprehensive Plan Future Land Use Map Amendment will designate the entire subject property as Pedestrian Commercial, which allows a maximum FAR of 2.5. The proposed FAR of 2.0 is therefore consistent with the Comprehensive Plan. The increase in FAR is requested to allow a world-class resort that will offer guest amenities, event space, marina uses, public parking and commercial uses open to the public. Today's building codes, FEMA regulations, public spaces and hospitality standards calling for larger rooms and greater amenities dictate the need for an increased FAR. However, the FAR requested is far short of the 2.5 allowed within the Pedestrian Commercial Future Land Use category.

The CPD allows applicants to request an FAR of up to 2.5 within the Pedestrian Commercial Future Land Use designation. In support of the CPD and the request to increase the FAR to 2.0, the applicant is proposing the following public benefits:

- Bayfront Promenade Public access to bayfront
- Splash pad for kids
- Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a cohesive downtown with two dynamic bookends that provide first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring: FMB history & historic FMB Arches
- Hurricane Ian impacts & casualties
- Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures

- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

The deviation for increased FAR is consistent with the Comprehensive Plan and will not result in any negative impacts to the community's health, safety, and welfare.

Staff Response: The Application to amend the Comprehensive Plan Future Land Use category must be approved in order for this deviation to be in compliance with the Comprehensive Plan. The applicant is proposing several elements to support their request of increased size and height. The most notable benefits are the public bay-side promenade area and the linear park and memorial garden.

Deviation #3: A deviation from LDC Section 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors as allowed per LDC Section 34-1804(a)(2). This deviation would allow an equivalency ratio of 9.1 and a maximum of 263 guest units.

Applicant Justification: The Arches Bayfront Resort property consists of +4.98 acres and is currently pending a Small-Scale Comprehensive Plan Future Land Use Map Amendment to change from Marina and Mixed Residential future land use category to Pedestrian Commercial. The Pedestrian Commercial future land use category allows 6 dwelling units per acre with equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1893(a)(1) for units within the Pedestrian Commercial FLU are 3.0 for units less than 450 square feet, 2.5 for units between 450 square feet and 750 square feet, and 2.0 for units between 750 square feet and 1,000 square feet which would allow at a minimum 60 hotel units up to a maximum of 90 hotel units.

The proposed additional hotel rooms are requested pursuant to LDC Sec. 34-1802(a)(2), which allows for additional units under "exceptional circumstances" and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contributed to the projects consistency with LDC Sec. 34-1803(a)(2):

- Bayfront Promenade Public access to bayfront
- Splash pad for kids
- Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a dynamic downtown that connects the beach to the bay with first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program

- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring:
- FMB history & historic FMB Arches
- Hurricane Ian impacts & casualties Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

These exceptional circumstances and public benefits support the 263 hotel units requested. The deviation and justification as outlined above demonstrate the public benefits that will be provided by the Arches Bayfront Resort and the exceptional circumstances which have led to this request. The development of this pedestrian friendly resort will not adversely impact the public's health, safety, or welfare.

Staff Response: The Application to amend the Comprehensive Plan Future Land Use category must be approved in order for this deviation to be in compliance with the Comprehensive Plan. The Pedestrian Commercial future land use category allows 6 dwelling units per acre with equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1893(a)(1) for units within the Pedestrian Commercial FLU are 3.0 for units less than 450 square feet, 2.5 for units between 450 square feet and 750 square feet, and 2.0 for units between 750 square feet and 1,000 square feet which would allow at a minimum 60 hotel units up to a maximum of 90 hotel units. Density is necessary for the economic revitalization of the downtown area. The economic and character losses on Old San Carlos that were wrought by Hurricane Ian are particular to this location. The proposed density may provide the requisite conditions to encourage other businesses to return to the area. The applicant is proposing several elements to support their request of increased dwelling units. The most notable benefits are the public bayside promenade area and the linear park and memorial garden.

Deviation #4: A deviation from LDC note 1 of Table 10-9 which requires a solid wall not less than six feet in height and with the landscaping to be placed on the adjacent property side of the wall to allow for a six foot high decorative fence with solid columns and landscaping to be placed on the interior (resort side) of the decorative fence for the southern property line as depicted on the enclosed MCP.

Applicant Justification: The deviation is requested to allow for a 6-foot decorative fence to be provided at the southern property boundary where the resort is located adjacent

to single-family residences. This decorative fence will have a minimum of 10' of landscaping planted to the interior of the fence between the resort and the existing single-family residences. This will provide approximately 35 to 50 feet of separation between the resort buildings and the residential property. The placement of the landscaping to the interior of the decorative fence will allow for ease of maintenance and enhancement of the Linear Park & Memorial Garden area. For additional buffering and compatibility with the residential development, the Linear Park & Memorial Garden area will be designed in such a manner that the public will be directed away from the residential development through sidewalks and wayfinding signage.

The proposed decorative fence with 10 feet of landscape plantings on the interior of the fence adjacent to the existing residential development will not cause or result in any negative impacts to the community's health, safety, and welfare.

Staff Response: Allowing a boundary wall to directly abut the neighboring properties, instead of placing landscaping on the outside of the wall will permit easier maintenance of the landscaping. Most residential properties have fences at their boundaries and placing landscaping between a wall and fence would not provide a benefit. This deviation will also promote security of the site and thereby the neighboring residences.

Deviation #5: A deviation from LDC Section 26-77(b) which states that new or expanded seawalls are not allowed along natural waterbodies in order to allow the existing boat ramp to be replaced by seawall.

Applicant Justification: This deviation request is made so that the existing boat ramp, located on the northeast corner of property, shall be removed and replaced with a permitted, code compliant seawall. The existing private boat ramp is located on the Moss Marina site and no longer in use. Through the proposed Arches Bayfront Resort design, the site will provide a minimum 670-foot public bayfront promenade to be used by resort guests and the public. This bayfront promenade will provide access to the ferry/water taxi terminal, docks, ground floor retail and restaurants. The resort and seawall design will also comply with stormwater management so that runoff will not be discharged directly into the bay as currently occurs.

The proposed seawall construction will be a public benefit to the island, its residents and an improvement to the existing conditions thus supporting the intent of LDC Section 26-77(b) which is to protect the island's natural bodies of water.

Staff Response: A new seawall will require the appropriate permitting from local and state agencies. An existing unused boat ramp is present at the Bay edge of the property. This deviation will allow that area to be filled and protected by a seawall. This will continue the existing seawall across the Bay edge of the property.

Deviation #6: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum height set at 30 feet and 3 stories to allow a maximum building zoned height of 81' (as defined in the FMBLDC) for the Resort Tract. Maximum building heights will be in compliance with the approved Master Concept Plan.

Applicant Justification: The comprehensive plan allows for additional height utilizing the planned development process in Policy 4-C-4 with implementing language in Section 34-1803(2) FMBLDC. This review allows additional height for consistency with existing building height and extraordinary public benefits. The proposed maximum height is similar to the adjacent Marina Village Condominium. The proposed height does not affect views from the peak of the skybridge above the existing skyline. This will ensure preservation of the views of the Gulf from vehicular traffic when arriving to the island

via San Carlos Boulevard. The height is requested to allow for five view corridors varying in width from 25 to approximately 70 feet through the site toward the extensive bayfront promenade, waterfront, and sky. The additional view corridors and public access through the creation of a bayfront promenade will create a pedestrian plaza and reduce the building mass to present a human scaled experience along the bayfront and Arches Way. Additionally, the additional height results in smaller building footprints which allows for greater setbacks and buffering from adjacent residential properties and the creation of the Linear Park & Memorial Garden.

Staff Response: The Application to amend the Comprehensive Plan Future Land Use category must be approved in order for this deviation to be in compliance with the Comprehensive Plan. The requested height allows for a reduced mass above the parking level. Only two of the five view corridors will allow someone outside of the property and ground level to see through to the Bay. All of the view corridors enable to reduction in overall massing and contribute to the flow of light and air through the property.

The applicant is proposing several elements to support their request of increased height. The most notable benefits are the public bayside promenade area and the linear park and memorial garden. The additional height results in smaller building footprints which allows for greater setbacks and buffering from adjacent residential properties and the creation of the Linear Park & Memorial Garden.

Deviation #7: A deviation from LDC Table 34-3 which states that property setbacks in a CPD zoning district shall be the same as for the Commercial Resort zoning district to allow for adjusted building setback lines within the Resort Tract and adjusted side setbacks and build to lines for the buildings located within the Old San Carlos Tract as outlined within the enclosed Development Standards Exhibit.

Applicant Justification: This unique configuration of the properties which make up the Arches Bayfront Resort necessitates the requested deviation from setbacks and build-to lines. Under the Table 34-3 regulations, the section of the property which abuts Old San Carlos Boulevard would have a setback ranging from a minimum of 10' – 15' which would not support the Town's vision as presented in the Old San Carlos Boulevard-Crescent Street Master Plan of having all buildings built to the sidewalk. This deviation supports the desire to promote a building form that engages the public along Old San Carlos Boulevard, through building placement and design. The proposed build-to lines for the Old San Carlos Boulevard Tract are 0-5 feet for Old San Carlos Boulevard and 0 – 10 feet on Third Street. These build-to lines will create a human-scaled, walkable, engaging public realm along both Old San Carlos Boulevard and Third Street. The proposed side setback on the north side of the building is 0 feet, consistent with setbacks permitted in the Downtown district in which the property is located.

The proposed setbacks for the Resort Tract will allow the development to be designed in such a manner that the active public areas are located along the Bayfront Promenade while the Linear Park and Memorial Garden will create a passive recreational area near Third Street and thus buffering the residential properties from the more intense uses. The setbacks will also allow the development to create five view corridors to the bay from Third Street. The granting of this deviation will not cause or result in any negative impacts to the community's health, safety, and welfare.

Staff Response: The deviation allows for a more cohesive urban streetscape along Old San Carlos Blvd and greater open space along the linear park and promenade areas.

Deviation #8: A deviation from LDC Section 34-2020, required parking regulations, to allow a parking reduction of 50% in accordance with LDC Section 34-676(a)(1).

Applicant Justification: LDC Section 34-676(a)(1) allows for the request of a 50% reduction from the off-street parking requirements for properties abutting Old San Carlos Boulevard through the deviation process. By virtue of the overall CPD's location and proximity to the water, the parking reduction will allow for consideration to be given to the alternative modes of transportation available to access the site. The Arches Bayside Resort intends to promote and support multimodal transportation through providing parking facilities for vehicles, golf carts, bicycles and docks for both vessel and personal watercraft and non-motorized personal watercraft as well as a water taxi/ferry dock. The resort will also have a stop for access to the Fort Myers Beach Trolley and Tram system.

The site creates the northern "bookend" of the expanded Times Square pedestrian-friendly zone along Old San Carlos Boulevard from Times Square to Matanzas Pass, connecting the beach to the bay as described in the Old San Carlos Boulevard – Crescent Master Plan.

The parking analysis demonstrates that a total of 336 vehicle parking spaces will be provided by the developer as well as 13 golf cart spaces, 26 bicycle spaces, and transient boat slips. 96 spaces of the 336 will be provided for paid public parking. The amount of parking meets and exceeds the code requirements and the excess provides a significant public benefit that supports the Park Once initiative.

The proposed parking alternatives and access to alternative modes of transportation will reduce the need for parking within the downtown area and help alleviate traffic congestion on the island. The granting of this deviation will not create negative impacts to the health, safety and welfare of the island's residents and visitors.

Staff Response: Staff finds that a deviation from LDC sec. 34-2020 to allow for a 50% reduction of the total parking requirement does not align with sec. 34-676(a)(4) which requires other streets in the Downtown district to multiply the total requirement by .67. The proposed development will be similar in nature to the existing Downtown District and this comparison is appropriate. The proposed development has more intense uses (i.e. event space) than the Old San Carlos businesses within the Downtown zoning district. The total required parking spaces for the resort calculated by use is 489.8. The number would be appropriately reduced in a manner similar to the abutting Downtown zoning by $490 \times .67 = 328$. 336 spaces are provided. The applicant is providing more than the required minimum, however this leaves only 8 parking spaces available to the public for commercial/shared parking, not the 91 spaces that the applicant has stated.

Staff suggest allowing the applicant to conduct a parking study after the development is fully operational to determine if additional spaces could be allocated to public commercial parking. The applicant is proposing several operational programs to reduce the need for parking, but the full impact of those programs can't be known until the resort is in use.

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.
 - a. No errors or ambiguities exist.
- (2) Whether there exists changed or changing conditions which make approval of the request appropriate.
 - a. The site as existing is damaged and in need of repair or redevelopment due to the destruction caused by Hurricane Ian.

- (3) The impact of a proposed change on the intent of this chapter.
 - a. The proposed change will not have any impact on the intent of this chapter (LDC). The CPD rezone will allow the redevelopment of the damaged Moss Marina structures and adjoining properties
- (4) The testimony of any applicant.
 - a. The professional experts retained by the applicant to support this petition will provide testimony at both the Local Planning Agency (LPA) hearing and the Town Council hearing.
- (5) The recommendation of staff and of the local planning agency.
- (6) The testimony of the public.
 - a. The public will be provided with the opportunity to present testimony to the LPA and Town Council.
- (7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
 - a. Provided the concurrent applicant for Future Land Use category amendment to the Comprehensive Plan is approved, the request is consistent with the goals, objectives, policies, and intent, and densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
- (8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
 - a. 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.
 - a. The urban services exist in this location.
- (10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
 - a. The proposed redevelopment is located on a previously developed site which does not contain any environmentally critical areas or natural resources.
- (11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
 - a. The request is compatible with existing or known planned commercial, and civic uses adjacent to the subject redevelopment and will not cause damage, hazard, nuisance or other detriment to the commercial or civic property uses of Fort Myers Beach. It is less clear whether the proposed development will cause a nuisance to the abutting single-family residences. The property was previously a working marina without buffers and adequate landscaping and the proposed development will create additional open space and buffering to enhance the visual aesthetics of the area
- (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.
 - a. The location of the proposed development, immediately adjacent to the Matanzas Pass Bridge and the Old San Carlos downtown area will contain any traffic impacts to the vicinity of the development. The addition of 239 lodging units will likely impact the flow of traffic in the downtown area through guest's arrivals and departures. Once guests are parked there would not be a need to move their vehicle until departure unless they have a planned excursion, as the beach, restaurants, bars and other amenities

would be easily accessible on foot. Staff has concerns regarding the sufficient of parking provided for a commercial/shared parking lot.

(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.

The concurrent CPA application to amend the Future Land Use Category must be approved prior to the approval of this CPD application to comply with the Comprehensive Plan.

(2) This chapter.

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

(3) Any other applicable town ordinances or codes.

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(a)(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 (lodging, commercial, restaurant) is appropriate in this location in general. However, the COP area of Building E and the request for ambient noise at that location may create a nuisance for the single-family home across the canal.

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: Linear Park buffer, bayfront public access, view corridors from neighborhood, separation between buildings acts as safeguards to the public interest.

The applicant is proposing signage to reduce resort vehicles for accessing that neighborhood. The abutting single-family neighborhood may be impacted by noise and increased traffic.

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

Staff response: All recommended conditions are related to the public's 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:

Staff response: The CPA application to amend the Future Land Use Category must be approved prior to the approval of this CPD application to comply with the Comprehensive Plan.

LDC sec. 34-216(a)(4) requires that the local planning agency's recommendation must approve, approve with modification, or reject each requested deviation based upon a finding that:

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

a. Staff concurs except for Deviation #8

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

- a. Staff concurs
- c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
 - a. Staff concurs
- d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.
 - a. The CPA application to amend the Future Land Use Category must be approved prior to the approval of this CPD application to comply with the Comprehensive Plan.
- e. If the local planning agency concludes that the application omits necessary deviations, it may include the necessary deviations in its recommendation without an additional hearing.

III. RECOMMENDATIONS

Staff finds that the CPD with deviations does not meet the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends **DENIAL** of CPD20230151, a request for a CPD with deviations. If the Town's LPA recommends approval for the variance, staff recommends the following conditions of approval.

Recommended Conditions of Approval

Site Development Conditions

- Owner will provide an accessible stabilized surface for the area between Harbor Court and Bonita Street for emergency personnel and vehicles, as noted on the MCP
- The MCP indicates the access points at Harbor Ct. and Bonita St. provide for "Emergency/Limited Access Only." "Limited Access" is intended to allow vehicles that have unintentionally driven down Harbor Court or Bonita Street to temporarily access the Arches property; maneuver through the turn-around area; and then exit the property.
- All walkover/pedestrians bridges will be constructed at a height to permit fire and other emergency vehicles to pass underneath
- Night controlled access will be a system of gated sections with keypad or scanning capabilities to only allow employees, current registered owners/guests of the property and emergency personnel to enter and exit the property from these locations during the night (1 hour after sunset)
- Access to the Arches resort through the easement number 2008000332365 on First Street should be limited to vehicular travel. No pedestrian pathway is located along this 30-foot-wide easement.
- A detailed landscaping plan showing the location and type of all plantings must be provided with the development order application. All landscaping materials will be native varieties/Florida friendly species.
- Vehicular access to the resort will be directed to Arches Way, and "Local Traffic Only" "No Thru Traffic" signage will be placed immediately west of the intersection of Third Street and Arches Way to minimize vehicular trips within that neighborhood.
- Ride hailing spot must be a separate spot from the LeeTran stop location

Operational restrictions

- Applicant shall remove the COP location at the 100 level amenity deck of building E from the MCP.
- Hours of Operation:
 - The Arches Gateway Restaurant and rooftop deck at corner of San Carlos Blvd and 3rd St will operate 7:00am to midnight. Amplified sound will be oriented away from adjacent residential properties.
 - Sunset Deck: 7:00am to midnight and amplified sound until 9pm. Amplified sound will be oriented away from adjacent residential properties
 - Commercial plaza restaurant(s) along Bayfront Promenade: 7:00am to midnight
 - Pool deck (Buildings B and C): 7:00am to midnight
 - Pool deck (Building E): 7:00am to one hour after sunset and amplified sound (ambient music only) from 10am to 6:00pm. Amplified sound will be oriented away from adjacent residential properties.
 - Outdoor deck area by the Events Chapel and reception hall (Building D): 7:00am to midnight

IV. EXHIBITS

- a. Applicant Summary
- b. Applicant Narrative
- c. MCP and Schedule of Uses
- d. Supplemental plan
- e. Concept Renderings
- f. Deviations
- g. Proposed Commitments and Conditions
- h. Transportation Impact Statement
- i. Application
- j. Post Cards



THE ARCHES BAYFRONT RESORT
COMMERCIAL PLANNED DEVELOPMENT
Rezoning Application
#20230151

EXECUTIVE SUMMARY

INTRODUCTION

The Arches Bayfront resort was officially introduced to Fort Myers Beach over a year ago on May 15, 2023. The Freeland family, owners of Moss Marina, started to re-imagine a new future for the aging marina soon after Hurricane Ian. They assembled a stellar team of local professionals and the DPZ CoDesign firm to re-envision and design the subject property.

They began public outreach at the beginning of 2023 and met with numerous stakeholders including neighbors, residents, business owners, Local Planning Agency (LPA) and Town Council members. They evaluated development options, gathered public feedback and conducted multi-day design workshops to develop a new concept for the property. The resulting concept was for a mixed-use project that provided a “Bay Walk” public promenade, elevated civic plazas, a marina, multiple hotels with a maximum of 400 rooms, and up 18,500 square feet of commercial use for restaurant and retail space. A detailed site plan, architectural designs and numerous renderings were revealed at the public workshop on May 15th. Based on the overwhelming support they received at the workshop and through an on-line survey, they applied for a Comprehensive Plan Amendment (CPA) and Commercial Planned Development (CPD) to allow the proposed concept.

On April 9, 2024, the CPA for a Future Land Use Map change went before the LPA. To the surprise of the Applicant, the LPA recommended denial citing concerns over intensity of use and the inability to evaluate project details since the CPD was not being reviewed as a companion item. Pursuant to discussions with staff, stakeholders and elected officials, on May 6, 2024, the Applicant asked Town Council for a continuance to reevaluate the project, make adjustments and bring back the CPA and CPD as companion items to be evaluated concurrently.

A recurring comment heard from stakeholders was that they supported a mix-use project at this location but not at that scale. With that in mind, the Applicant set out to address all public comments and refine the existing concept by reducing the overall density and intensity, adopting a coastal architectural theme, enhancing public benefits and improving compatibility with surrounding uses.

The following document summarizes the changes made to the original concept, outlines the significant public benefits provided, describes why this is the right project in the right place and defines efforts made to ensure compatibility with surrounding uses.



BEFORE & AFTER SNAPSHOT

	<u>BEFORE</u>	<u>AFTER</u>
Density (lodging units):	400	263
Commercial Retail Space:	±18,500 SF, commercial retail space along bayfront promenade and on elevated deck	±15,000 SF, concentrated along Bayfront promenade to ensure viability and success of all businesses
Intensity/Floor Area Ratio:	2.07 or 450,929 SF	Proposed Concept: 1.93 - 417,879 SF Max. Request: 2.0 - 433,858 SF
Hotel Height (Zoned):	60-70 feet, 5 and 6 stories	±58 - ±81 feet, 5, 6 and 7 stories
Bayfront Promenade:	860 feet public promenade	±670 feet public promenade, where canal front access is eliminated to ensure compatibility with adjacent residential uses
Setbacks & Buffering from Residential Uses:	Min. 20-foot-wide greenbelt with minimum planting area of 7.5 feet	Min. 30-foot wide, with a majority at 40-foot wide, linear park with minimum planting area of 10 feet
Separation from closest residential homes:	25 feet minimum	38 feet minimum, with 55 feet or more from most homes.
View Corridors:	4 view corridors	5 enhanced view corridors, increase in light and air along skyline
Massing:	5 wider buildings	5 narrower buildings and smaller footprints
Parking:	381 total spaces, 1 large parking garage, 93 public spaces	336 total spaces, dispersed under building garages, 96 public spaces (91 within the under-building garages + 5 on-street)



Bike/Pedestrian Access:	Bike/ped access throughout	Access throughout but design features and wayfinding utilized to direct most of the bike/ped traffic toward bayfront and eastern portion of the resort
Vehicular Access:	Proposed vehicular connector between Harbor and Bonita	All access focused along Arches Way. Only local residential traffic to Harbor and Bonita Streets. Vehicular connectivity internal to resort. Elimination of vehicular connector between Harbor and Bonita, limited to multi-use pathway with increased buffering.
Intensity of Use & Gradient:	Density, amenities, retail and public activity was distributed throughout the site	Focused all access and most intense resort uses along Arches Way with reduced activity or intensity of use as you proceed to the west.
Architectural Theme:	Retro chic, stucco exterior with simple classic lines	Coastal architecture with Key West, Old Florida and St. Augustine Spanish influences. Showcasing metal roofs, varied rooflines, horizontal siding, cupolas and arches honoring FMB's history.
Public/Private Spaces:	Public spaces along promenade and elevated deck intermingled with hotel operations and guest experience	Separation of guest and public spaces. All public space at ground level. Deck levels relegated to hotel guests. Improves the public and hotel guest experiences and operations
Hotel-Resort Operations:	Back of the house hotel operations were comingled with public and guest experience	Improved hotel operations by clearly defining and separating back-of-the-house, guest, public, retail, marina, reception/banquet uses and areas.



Old San Carlos Parcel:

Arches café and parking

Bodega with rooftop restaurant & covered Outdoor Market providing versatile retail and market uses that are community based and create a sense of place and downtown attraction

PUBLIC BENEFITS

- Bayfront Promenade
 - Public access to bayfront
 - Splash pad for kids
 - Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a cohesive downtown with two dynamic bookends that provide first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring:
 - FMB history & historic FMB Arches
 - Hurricane Ian impacts & casualties
 - Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up



JUSTIFICATION & COMPATIBILITY

- **Great Downtown Location:**
 - Existing off-ramp from Skyway Bridge for easy and direct access
 - In area of Town meant to have highest allowable densities and intensities
 - Consistent with Old San Carlos Plan
 - Providing public access to the Bayfront
 - Creating great bookend to the downtown, connecting and activating Old San Carlos and creating a cohesive downtown
 - Within walkable downtown district which supports the “park once” intent by providing sufficient resort and guest parking in the heart of downtown
 - Helps create a vibrant and dynamic downtown where the mix of uses provides something for everyone, and reduces the need to leave the area
 - Beautiful, coastal resort concept offering a world class lodging, dining and shopping experience that complements the more lively and boisterous Times Square entertainment district
- **Density Reduction:** Reduced lodging density from 400 lodging units to 263, which is proportionally the same as Margaritaville. Requesting an equivalency factor of 9.1 which is the same as Margaritaville obtained.
- **Commercial Intensity Reduction:** Reduced commercial intensity from a maximum of 18,500 SF to a maximum of 15,000 SF.
- **Improved Compatibility**
 - Increased setbacks
 - Increased buffers
 - Reduced massing
 - Increased view corridors
 - Varied heights
 - Focused all vehicular access along Aches Way to minimize traffic intrusion into adjacent neighborhood
 - Created an intensity of use/activity gradient with more intensity along Old San Carlos to less intensity along the abutting canal
 - Designed site to focus public activity along waterfront and eastern portion of the resort
 - Separated public and private uses more clearly to improve public and guest experience and ensure success of all venues/businesses
 - Eliminated the large parking garage and distributed parking under all buildings
 - Revised architectural design theme to be more coastal with casual elegance – Key West meets St. Augustine, but unique to Fort Myers Beach.
 - Maintained marina use while removing more intense commercial/industrial components
 - Separated and internalized all back-of-house activity to improve guest experience and operational efficiency while minimizing potential impacts on adjacent properties.



**THE ARCHES BAYFRONT RESORT
COMMERCIAL PLANNED DEVELOPMENT
Rezoning Application
#20230151**

NARRATIVE

BACKGROUND & REQUEST

Freeland FL Holdings, LLC, is seeking concurrent applications for a Small-Scale Comprehensive Plan Future Land Use Map Amendment and Commercial Planned Development Rezoning of the subject property encompassing ten parcels, $\pm$ 4.98 acres (216,928 sq. ft.) located at 450, 445, 441, and 436 Harbor Ct., 435 and 438 Bonita St., 935 and 939 Third St., and 401 Old San Carlos Boulevard. A companion Comprehensive Plan Amendment application has been filed to designate all properties to the Pedestrian Commercial FLU Designation. This revised narrative provides additional evidence to support the rezoning request for the identified 10 properties. The request is for all 10 properties to be rezoned to a Commercial Planned Development (CPD) Zoning District from their current zoning districts as listed below. All properties are identified by STRAP Number, Address, Future Land Use designations and zoning districts in the table below:

STRAP #	ADDRESS	EXISTING FUTURE LAND USE	EXISTING ZONING
24-46-23-W3-00026.0020	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-00027.0000	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-0030B.0200	445 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030B.0190	441 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0060	436 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0040	435 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0110	438 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0030	935 Third St.	Pedestrian Commercial	Commercial Office
24-46-23-W3-0030A.0020	939 Third St.	Pedestrian Commercial	Downtown
24-46-23-W3-0030A.0010	401 Old San Carlos Blvd.	Pedestrian Commercial	Downtown



The Comprehensive Plan Future Land Use Map Amendment was reviewed by Town Staff and presented to the Local Planning Agency (LPA) on April 9, 2024. The LPA voted 4 – 2 to deny the request. Most dissenting members expressed concern over the two petitions not being reviewed concurrently and the lack of details contained in the simple map amendment. The Town Council on May 6, 2024, granted a continuance for the Comprehensive Plan Future Land Use Map Amendment to a date uncertain, until such time that it could be presented simultaneously with the Commercial Planned Development.

This revised narrative, along with the enclosed exhibits as part of the submittal, provides supplemental evidence to support the approval of the CPD rezoning and the companion Comprehensive Plan Future Land Use Map Amendment.

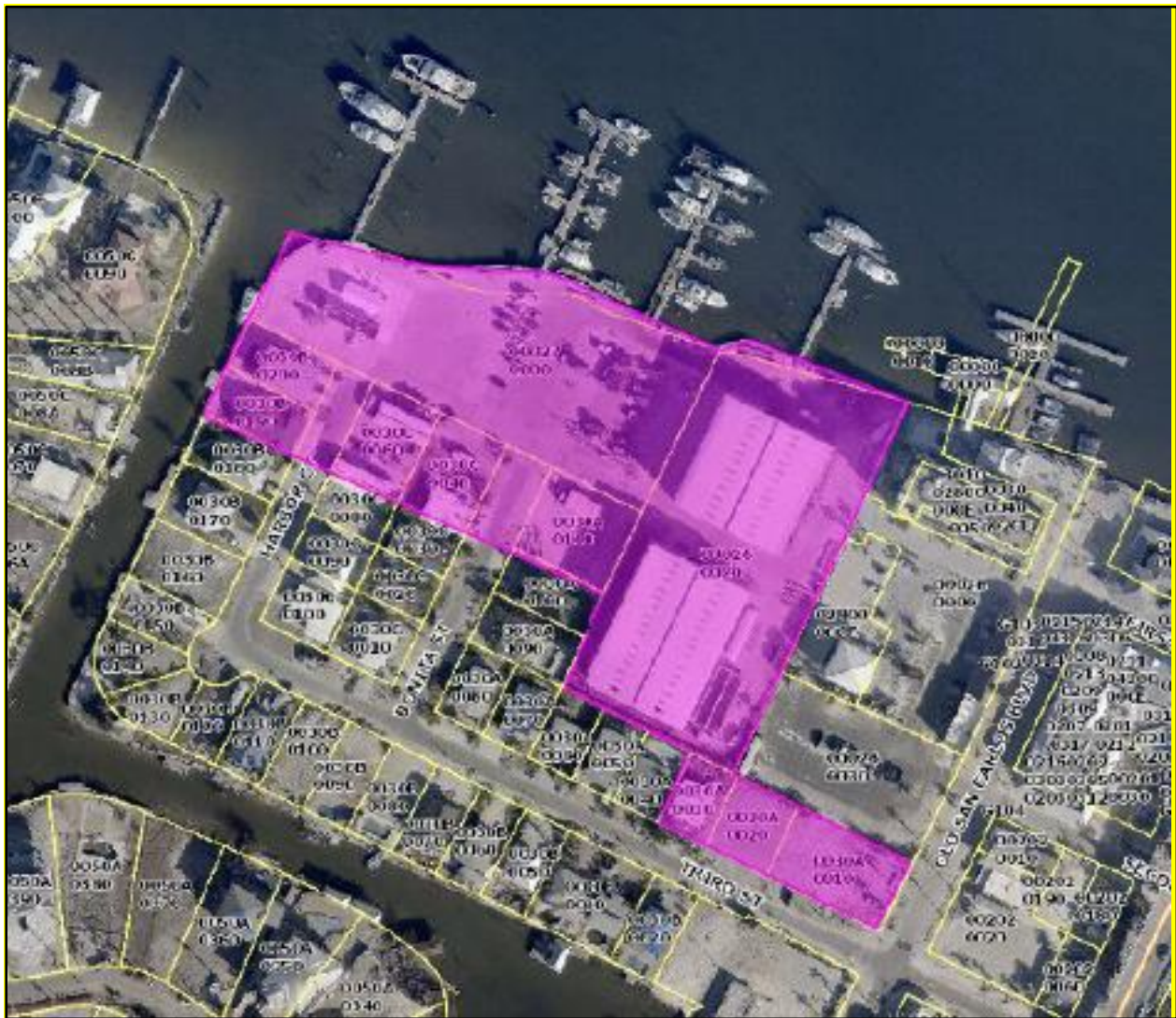


Figure 1. Location Map

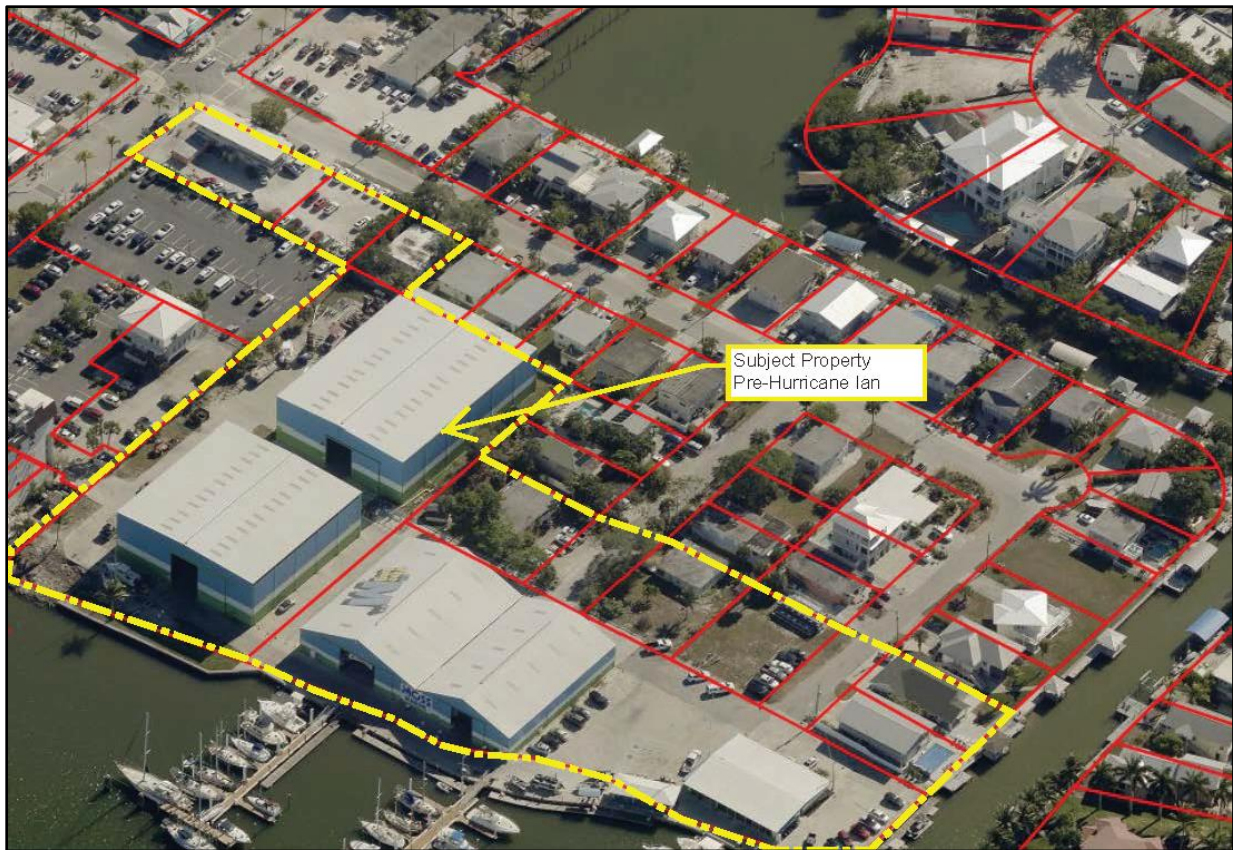


Figure 2. Pre-Hurricane Ian

Moss Marina has long been an iconic landmark on Fort Myers Beach. It was originally established as a marina by John and Betty Moss in 1969 and expanded by George Freeland in 1983. Due to the significant damage from Ian, the age of the marina and island-wide redevelopment efforts, the Freeland family saw an opportunity to reinvent the property and create a unique bayfront redevelopment project to complement the Fort Myers Beach downtown district. They also saw an opportunity to create a significant redevelopment project that would speed up the island's recovery, help revitalize the "main street", stimulate economic activity, and enhance visitation to our downtown. The proposed mixed-use resort will provide a world class hotel, marina, commercial retail, ancillary restaurant, bar and banquet space, an event chapel, and an outdoor market and bodega. The resort will also provide numerous public benefits such as public access to the waterfront and aquatic environment, a bayfront public promenade lined with commercial retail storefronts, multiple view corridors, a linear park & memorial garden, a water ferry/taxi and terminal, and public parking spaces in the heart downtown.



Figure 3. Post-Hurricane Ian

PROPOSED USE/DEVELOPMENT

Portions of Moss Marina, and some surrounding properties were destroyed by Hurricane Ian. In the aftermath of the storm, some neighbors decided to not rebuild and to sell their island properties. The purchase of several adjacent lots provided an opportunity for the Freelands to redevelop the marina into a vibrant, mixed-use resort. This proposed vision opens the bayfront to the public and enhances the downtown by creating a cohesive “main street” with complementary bookends that allow visitors and residents to experience the island’s beautiful beach and back bay environments. It also represents a significant investment and a mixed-use project that will be a catalyst to the revitalization of the downtown and the entire island. It strengthens the downtown “core” of the island, creates a destination of interest and a sense of place, and provides economic stimulus that will benefit other island businesses and the Town’s annual revenues.



The proposed Arches Bayfront Resort development is designed to be a multiple building mixed-use resort, which includes the following:

- A luxury hotel with a maximum of 263 lodging units (hotel and condo-hotel units)
- Ancillary restaurants, bars, banquet hall, lounge, and lobby space
- Bayfront Public Promenade with commercial storefronts
- Linear Park & Memorial Garden
- Outdoor Market
- Bodega and restaurant along Old San Carlos Blvd
- Marina with ancillary boat store and mariner's lounge
- Ferry/water taxi terminal and ferry/water taxi service
- Guest and Public Parking
- Wedding/Events Chapel

The resort will have a coastal architectural theme consisting of Key West, Old Florida and St. Augustine/Spanish influences. The buildings will showcase metal roofs, varied rooflines, horizontal siding, cupolas, and arches to reflect and honor the history of Fort Myers Beach.

The Freeland family are longtime island business owners who are committed to this community. They want to develop a unique resort project that will assist in the redevelopment of the island and create a cohesive walkable downtown that will connect and activate Old San Carlos Boulevard and complement Times Square and Margaritaville. The narrative below demonstrates how the Arches Bayfront Resort will transform the previous dry-boat storage structures and marina into a beautiful, world class resort offering quality lodging, dining, and shopping experiences.

LOCATION, SITE DEVELOPMENT/DESIGN & COMPATIBILITY

Location

The Arches Bayfront Resort is proposed in an ideal location. It has easy access on and off the Skyway Bridge, is located directly on the back bay, and it is in the heart of Downtown. The Downtown district has always been identified as a redevelopment area and the preferred location for the Town's most dense and intense development.

The property begins at the northwest corner of Old San Carlos Boulevard and Third Street and extends all the way to the back bay, encompassing ± 4.98 acres (see Fig. 1 Location Map). The Downtown location is easily accessible via the existing off-ramp from the Skyway Bridge that brings visitors directly to Old San Carlos Boulevard and the resort's entrance via Third Street and Arches Way.



As envisioned in the Comprehensive Plan and in the 1999 “Old San Carlos Boulevard – Crescent Master Plan”, the desired vision for this area of the island is to “expand the Times Square pedestrian-friendly zone along Old San Carlos Boulevard from Times Square to Matanzas Pass, connecting the beach to the bay.” The plan also envisioned a “Bayfront Square” at the Matanzas Pass end of Old San Carlos Boulevard, providing “special public spaces which capture the ‘postcard’ character” of the Town and implementing the desire to connect the beach to the bay. The proposed development provides a natural extension of that vision, creating public access to the Matanzas Pass bayfront and the opportunity to further connect to the rest of downtown.

The development supports the Town’s “Park-Once” strategy by providing sufficient parking for resort guests and paid public parking in the downtown area that will support other businesses and venues such as Times Square. The Arches Bayfront resort will provide dedicated public bicycle parking onsite, a downtown ferry/water taxi terminal and service, docks for both motorized and non-motorized watercraft, and a dedicated beach tram and Uber stop, supporting multi-model transportation options. Downtown Fort Myers Beach is only ±300 yards (less than a quarter mile) wide between the Gulf and Bayfront, making it ideal for pedestrian travel. The short distance along Old San Carlos Boulevard creates a walkable district, thereby reducing the need for vehicle travel. The typical “pedestrian shed”, or distance the average person can comfortably walk, is a quarter mile or a 5-minute walk. The Arches Bayfront, with its expansive pedestrian and bike network, creates a pedestrian-friendly environment which is a logical location for a mixed-use destination resort which will include lodging, dining and shopping for guests, residents and the general public.

Surrounding Uses

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

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	Tidal Water	Beyond Town Boundary	Water body - Matanzas Pass
SOUTH	Mixed Residential w/ Platted Overlay and Pedestrian Commercial	Residential Conservation, Commercial Office, and Downtown	Vacant and Residential
EAST	Pedestrian Commercial	Downtown	Marina Village at Snug Harbor (fractional ownership hotel) parking lot and Commercial Retail
WEST	Tidal Water and Low Density	Residential Conservation and Residential Single- family	Canal and Single-family Residential beyond

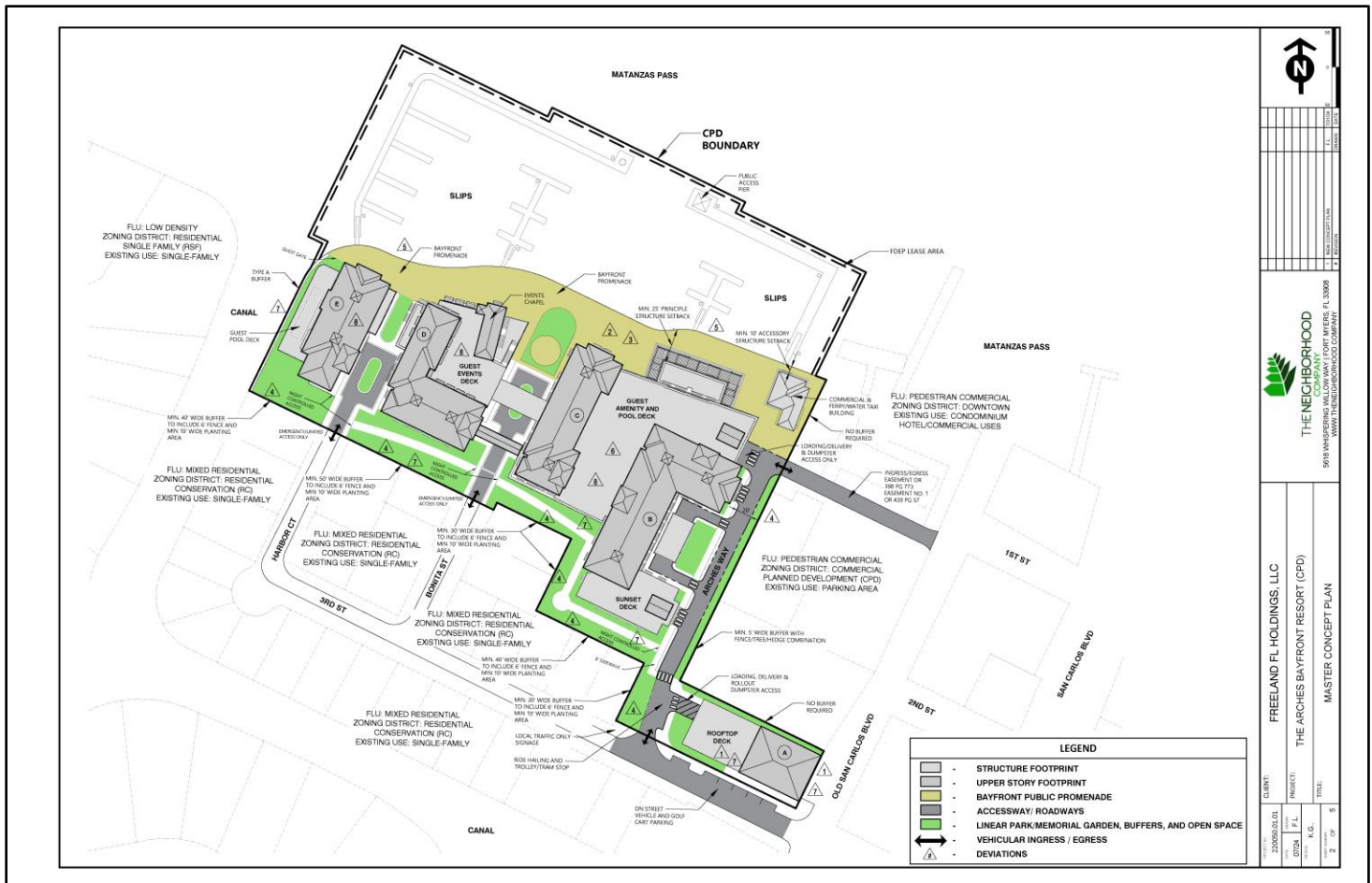


The subject property is located on a small peninsula with Matanzas Pass to the north, a ± 70 foot canal to the west, commercial uses to the east and residential uses with another canal to the south. This peninsula creates a small enclave solidly anchored Downtown but physically separated from other neighborhoods. This land configuration allows for a logical extension of the Downtown district. The size of the property also offers the opportunity to design a resort that provides active and lively spaces combined with quieter and more serene, landscaped areas. The following sections evaluate the proposed resort in context with surrounding land uses and describes how it was carefully designed to ensure compatibility with those uses.

It should be noted that the subject property has been and remains an active commercial marina with dry-stack storage, boat yard, and boat repair and maintenance uses. It is separated from other uses to the north and west by waterbodies and it abuts commercial uses to the east. These uses include the six-story Marina Village timeshare, parking lots, multiple restaurants, and lodging establishment. The only residential uses that abut the property are to the south, which have co-existed peacefully for many years. The proposed resort will replace the boat barns and the more intense marina uses with an amenity-rich resort which will maintain the recreational marina component that offers easy access and enjoyment of the local waters.

The proposed resort has been redesigned pursuant to comments and concerns expressed by some neighbors, the public, as well as LPA and Council members. The design improves upon previously proposed conditions and exceeds all required development standards to ensure compatibility with surrounding uses.

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Site Design

The Arches Bayfront Resort has been carefully designed to be compatible with adjacent properties by providing uses and buildings that fit within the surrounding context. It does this by creating an intensity-of-uses gradient within the property, adjusting building heights and massing according to their location and adjacent uses, funneling all access to the front of the resort along the newly created Arches Way, and by providing generous setbacks and buffering where adjacent to residential uses.

The resort is comprised of five primary buildings and one accessory ferry/water taxi terminal. These buildings are identified as A through F on the **attached site plan**. Building A will be a two-story structure located at the intersection of Old San Carlos Boulevard and Third Street. It will house a bodega with a rooftop restaurant and open deck. Under the deck will be an Outdoor Market that will be “open-air” but protected from the elements. Moving west, Arches Way will lead visitors and hotel guests to buildings B



and C, the resort entrance and the public Bayfront Promenade. Buildings B and C will vary in height from five to seven stories and will form the heart of the resort where the lobby and the majority of amenities and rooms will be located. As we move to building D, the level of activity drops and so does the building mass. This six-story building is limited to hotel rooms, an events chapel, and reception/banquet space. Moving furthest west, Building E is the smallest hotel building and drops to five stories. This building will be comprised of condo-hotel units, which are larger suites catering to longer stays. Access to this building and the associated pool will be restricted to guests only and the canal-front area will be lushly buffered to ensure compatibility with residential uses across the canal.

Public access and the Bayfront Promenade were carefully evaluated and redesigned to create a similar intensity-of-use gradient and to provide a clear separation between public, guest, and operational spaces. The public promenade will provide a mix of dining, shopping, and entertainment venues. It will offer public access to the waterfront and a recreational marina that will include the downtown ferry/water taxi terminal, eco-tour charters, and non-motorized watercraft docking. The ferry/water taxi terminal building and the more active commercial spaces will be located closest to Old San Carlos at the base of buildings B and C. At the base of building D, commercial space is planned for a marine store and mariner's lounge. Moving furthest west, there will be no commercial uses at the base of building E.

The site was also designed to create resort grounds that provide separation and buffering to adjacent residential properties, while also providing green space and passive public areas. That was achieved by locating an outdoor (farmer's/arts and crafts) market closest to Old San Carlos Boulevard and leading visitors to a linear park that contains a memorial garden honoring the island's history, commemorating the devastation of Hurricane Ian, and celebrating the rebuild of Fort Myers Beach. This linear park will be open to the public and will provide bicycle and pedestrian access through the resort and to the bayfront. Public spaces will be at ground level and will be interconnected. Guest amenities will be separate and provided on upper deck levels. The hotel restaurant and sunset deck will be open to the public and will offer a more refined dining and cocktail bar experience than the more eclectic Bayfront Promenade. By separating and focusing uses to specific areas, the design can influence the level of activity, can create a better guest and public experience, and can help ensure the viability of the Bayfront Promenade businesses by concentrating the storefronts and foot traffic to one area.

Height

The Town's Comprehensive Plan allows for additional height through Policy 4-C-4 for parcels that are contiguous (or directly across a street) from taller buildings. The Arches Bayfront Resort site is west of the Marina Village at Snug Harbor, a six-story condominium with an overall height of ± 71 feet. Across the canal to the west on Matanzas Court, a single-family residence exists which is 3 stories. The proposed project is requesting buildings that will vary between one and seven stories with a maximum zoned height of 81 feet



(measured from base flood elevation plus 3 feet of freeboard to the mid-point to the main roof) and a total height of height of 102 feet measured from grade to top of the main roof (see Figure 5).



Figure 5: Building Height Exhibit

As described above, the site was designed to have multiple buildings to address uses, functionality, and architectural design, but above all, providing varying building heights allows for less massing, improved view corridors, and greater separation from adjacent uses. At two stories, Building A will be similar in height to other buildings along the Old San Carlos corridor, including Wahoo Willies, Shipwreck, and Yucatan. Buildings B and C will be five and seven stories, inclusive of three levels of parking and with the southern wing of Building B, closest to residences, dropping to five stories. Building D will be six stories inclusive of two levels of parking and Building E will be five stories with limited parking at the ground level. The tallest buildings will be located on the eastern and center portions of the property, closest to the Downtown commercial uses and the adjacent Marina Village at Snug Harbor, a six-story building with retail and hotel uses.

Allowing for additional height through the planned development process allows for narrower buildings with greater separation and greater setbacks from adjacent properties. This revised design allows for five view corridors versus the previous four. Additionally, those view corridors are wider and create more light and space along the skyline. The additional view corridor is located between Buildings B and C. While those buildings share a common three-story pedestal, the additional four stories are separated by over 60 feet. When compared to the previous site plan, that location was occupied by the widest "U-shaped" building and five-story parking garage. The previous building provided an uninterrupted mass of ±283 feet in width. Breaking up the hotel into multiple buildings reduces the massing and creates greater visual interest. Moreover, the revised design allows for greater setback and buffering where the previous greenbelt is being replaced by a wider Linear Park & Memorial Garden, which ranges in width from 30-50 feet with a minimum planting area of 10 feet.



Setbacks (Yards) & Buffers

The development proposes the following setbacks/yards:

RESORT TRACT DEVELOPMENT STANDARDS	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
MINIMUM FRONT YARD: EASTERN BOUNDARY	40 FEET	10 FEET
MINIMUM REAR- WATERFRONT: CANAL	25 FEET	SPS
MINIMUM SIDE – NON-WATERFRONT YARD: SOUTHERN BOUNDARY	30 FEET	SPS
MINIMUM SIDE - WATERFRONT: MATANZAS PASS	25 FEET	10 FEET ⁴
MINIMUM LOT AREA: 20,000 SF		
MINIMUM LOT WIDTH: 100 FEET		
MINIMUM LOT DEPTH: 100 FEET		
MAXIMUM BUILDING COVERAGE: N/A		
MINIMUM BUILDING SEPARATION	25 FEET	10 FEET
MAXIMUM ZONED HEIGHT ¹	81 FEET	N/A
MAXIMUM ACTUAL HEIGHT ²	102 FEET	N/A
MAXIMUM STORIES	7	3
MAXIMUM FLOOR AREA RATIO ³	2.0	N/A

1. MEASURED FROM DESIGN FLOOD ELEVATION TO MID-POINT OF MAIN ROOF
 2. MEASURED FROM GRADE TO PEAK OF MAIN ROOF
 3. INCLUSIVE OF ENTIRE CPD BOUNDARY
 4. ONLY APPLICABLE TO FERRY/WATER TAXI TERMINAL, PERGOLAS/SIMILAR STRUCTURES, AND ESSENTIAL/EMERGENCY SERVICE FACILITIES. WALLS, FENCES, RAILINGS, BOLLARDS, ETC., MAY BE LOCATED WITHIN THE THIS SETBACK.
- SPS: SAME AS PRINCIPAL STUCTURE



OLD SAN CARLOS TRACT DEVELOPMENT STANDARDS	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
BUILD-TO LINE - OLD SAN CARLOS BOULEVARD (DEVIATION 7)	0 - 5 FEET	
BUILD-TO LINE - THIRD STREET (DEVIATION 7)	0 -10 FEET	
MINIMUM REAR YARD: EDGE OF PAVEMENT FROM ARCHES WAY ROADWAY	30 FEET	SPS
MINIMUM SIDE YARD (DEVIATION 7)	0 FEET	SPS
MINIMUM LOT AREA: 20,000 SF		
MINIMUM LOT WIDTH: 100 FEET		
MINIMUM LOT DEPTH: 80 FEET (DEVIATION 1)		
MAXIMUM BUILDING COVERAGE: N/A		
MINIMUM BUILDING SEPARATION	10 FEET	SPS
MAXIMUM ZONED HEIGHT ¹	30 FEET	N/A
MAXIMUM ACTUAL HEIGHT ²	45 FEET	N/A
MAXIMUM STORIES	2	N/A
MAXIMUM FLOOR AREA RATIO ³	2.0	N/A

1. MEASURED FROM DESIGN FLOOD ELEVATION TO MID-POINT OF MAIN ROOF

2. MEASURED FROM GRADE TO PEAK OF MAIN ROOF

3. INCLUSIVE OF ENTIRE CPD BOUNDARY

SPS: SAME AS PRINCIPAL STUCTURE

These allow for a design which promotes a pedestrian oriented resort complex with parking placed below the primary hotel structures in order to provide more open space and pathways.

Residences to the west of the site are separated via the existing canal, a restricted access pool, and buffering along the property boundary adjacent to the canal. Buffering to adjacent residential properties will be provided through a linear park that will include landscaping, decorative fencing, a pathway, and a memorial garden with benches and monuments. Design features and wayfinding will be utilized to direct most of the pedestrian and bicycle traffic toward the bayfront and eastern portion of the resort and away from adjacent residential properties.



Density/Intensity

The Arches Bayfront Resort site consists of ± 4.98 acres and is subject to a companion Small-Scale Comprehensive Plan Map Amendment to change the property's future land use category from Marina and Mixed Residential to Pedestrian Commercial. The Pedestrian Commercial future land use category allows a maximum density of 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan).

The original request for the Arches Bayfront Resort was for a lodging density of 400 units. The revised resort plan reduces lodging density to 263 units, which is a 34% reduction from the original request. Additional density above the base of 6 dwelling units per acre is necessary in order to develop a world class resort and the proposed mixed-use project with desired public benefits such as dining, shopping, and entertainment. Additional density is allowed per LDC Section 34-1803 through the use of equivalency ratios. Per LDC Section 34-1803(a)(2) equivalency ratios exceeding the allowances in the table can be requested under exceptional circumstances and through the provision of public benefits. As supported throughout this narrative and evidenced by the destruction caused by Hurricane Ian, the proposed redevelopment meets the exceptional circumstance requirement and is providing numerous public benefits as outlined below.

Specifically, the requested density will require an equivalency ratio of 9.1. This is the same equivalency ratio that was approved for the Margaritaville resort:

- Margaritaville: $4.78 \text{ AC (Dev. Area)} \times 6 \text{ du/ac (Base Density)} = 28 \text{ units (by right units rounded down)}$
 - $28 \times 9.1 \text{ (equivalency ratio/multiplier)} = 254$
- Arches Bayfront: $4.98 \text{ AC (Dev Area)} \times 6 \text{ du/ac (Base Density)} = 29 \text{ units (by right units rounded down)}$
 - $29 \times 9.1 \text{ (equivalency ratio/multiplier)} = 263$

As described above the location is ideal for the proposed resort. The Downtown core area is considered the nucleus of commercial and tourist activities on the island, and has always been identified as an appropriate area for higher densities and intensities. The proposed resort will be a counterpart to Margaritaville along the gulf and will proportionally have the same density as that landmark resort.

The development is also subject to a maximum Floor Area Ratio (FAR). In addition to density (lodging units), the development is also subject to a maximum Floor Area Ratio (FAR). The Comprehensive Plan allows a FAR of up to 2.5 in the Pedestrian Commercial Future Land Use category. LDC Section 34-645



allows for a maximum floor area ratio of 1.2 within the Commercial Resort (CR) zoning district and a maximum floor area ratio of 1.8 within the Downtown Redevelopment district. A deviation request has been included in this application to allow for a maximum FAR of 2.0 within the Arches Bayfront Resort CPD. The preliminary schematic design for the resort calls for an FAR of 1.93, which allows a maximum of 417,879 square feet inclusive of the commercial area, lodging units, and ground level under-building parking. An FAR of 2.0 (433,858 SF) is requested to provide some leeway for changes that may be needed as the projects proceeds to final design and permitting. The proposed FAR is considerably less than the maximum of 2.5 allowed through the Comprehensive Plan and is appropriate for the proposed mixed-use resort.

Public Benefits

The Arches Bayfront Resort will provide numerous public benefits to the Town of Fort Myers Beach, its residents and visitors. Public benefits being provided include the following:

- Bayfront Promenade
 - Public access to bayfront
 - Splash pad for kids
 - Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Boulevard-Crescent Street Master Plan
 - Creating a cohesive downtown with two dynamic bookends that provide first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking Spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Memorial Garden Park honoring:
 - FMB history & historic FMB Arches
 - Hurricane Ian impacts & casualties
 - Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place



- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

Significance of this Development

Most importantly, the Arches Bayfront Resort represents the most significant post-Ian redevelopment project proposed and can serve as a catalyst for the renewal of this island. No other project, to date, can provide the numerous benefits nor the memorable places and experiences it offers. The cumulative public benefits represent “actual game changers” - they implement long standing revitalization goals; they embrace urban design guidelines espoused by the Comprehensive Plan and LDC; they provide desired public spaces; they promote alternative modes of transportation and pedestrian activity; they support the “park once” concept; and they provide transportation mitigation measures such as the ferry, airport shuttle and DRAC program that represent a new approach and willingness for private entities to collaborate with the Town to devise public solutions. This redevelopment project is pivotable to the island’s rebirth and can influence how we move forward and the character of this island.

Transportation, Parking and Pedestrian Access

As depicted on the MCP, all traffic will be directed to the resort’s entrance along Arches Way via Old San Carlos Boulevard and Third Street. This will include deliveries, hotel guests, employees, and visitors who want to use the paid public parking. Access onto Bonita Street and Harbor Court, which in the previous design, provided access to the resort and marina will be limited to “local traffic only” and signs to that effect will be posted along Third Street. Through this application, a right-of-way (ROW) vacation is requested for the portions of Bonita Street and Harbor Court that fall wholly within the project boundary. Although the ROW will be vacated, the terminus of both local streets will be designed as small, landscaped squares that will allow emergency and limited local access. Resort traffic is not intended to use those local roads. All resort, marina and visitor parking is designed to be accessed via Arches Way. Arches Way will have sidewalks and pathways extending into the development. Pedestrians will be directed toward the Bayfront Promenade and Linear Park & Memorial Garden through design and wayfinding signage. The Linear Park will have decorative fencing and foliage to further separate and screen the resort from the residential properties to the south.



A traffic impact statement has been prepared by Hall Planning & Engineering, Inc. and concludes that the Arches Bayfront development will not have a detrimental impact on the Town of Fort Myers Beach. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate upon the proposed 2027 buildout. Therefore, no roadway capacity improvements will be required as a result of this development. The trip generation of the Proposed 2027 Arches Development will add 20 new peak hour trips to the test link on Estero Boulevard. The resultant Proposed Development traffic contributes 1.7% at that location. Future traffic conditions with the Proposed Development will not cause Estero Boulevard to exceed the minimum LOS standard established by Policy 7-I-2 of the Comprehensive Plan for the Town of Fort Myers Beach.

The Arches Bayfront resort is an example of a multimodal development. Visitors will be able to reach the property by walking, vehicle, boat, bicycle, ferry and the Fort Myers Beach "Trollee". The development proposes vehicle parking both on-street and beneath its hotel buildings, public dock space for various types of boats and kayaks, a designated ferry/water taxi terminal, and golf cart and bicycle parking throughout the site in order to encourage the "Park-Once" concept. Located within the Downtown district, the development is entitled to apply the 50% reduction in required parking. For the basis of calculating the required parking, the following parking standards were applied.

- LDC Section 34-1804 which states, "the minimum requirement for off-street parking is 1.2 parking spaces for guest units up to 450 square feet."
- LDC Sec. 34-2020(2)(a) a. Bars and cocktail lounges. The minimum requirement is 15 spaces per 1,000 square feet of total floor area. If outdoor seating is provided, an additional one space per four outdoor seats or 75 square feet of outdoor seating area (whichever is greater) must be provided. See also subsection (2)h. of this section, pertaining to restaurants, and subsection (4) of this section.
- LDC Sec. 34-2020(2) e. Hotels and motels. The minimum requirement is 1.2 parking spaces for each guest unit up to 450 square feet and 1.5 spaces for each larger guest unit.
- LDC Sec. 34-2020(3) h. Restaurants. With the exceptions noted below, the minimum parking requirements for restaurants is eight spaces per 1,000 square feet of total floor area plus any outdoor seating area.
 1. Accessory restaurant. When a restaurant is located within the same building as the principal use and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required.
 2. Bars and cocktail lounges. If the restaurant contains a cocktail lounge or bar, the minimum requirement is eight spaces per 1,000 square feet of total floor area plus five additional spaces per 1,000 square feet of floor area used for the bar or cocktail lounge. If



outdoor seating is provided, parking must also be provided for the area used for outdoor seating at these same rates.

- LDC Sec. 34-2020(4) b. Marinas and other water-oriented uses. Minimum requirements are as follows:
 1. Boat slips: One space per two slips.
 2. Dry storage: One space per six-unit stalls.
 3. Charter or party fishing boat services: One space per three people based on maximum passenger capacity of the boats using the dock or loading facility.
 4. Cruise ships: One space per three people based on the maximum passenger and crew capacity of the ship.
 5. Water taxis: Dedicated parking spaces are not required at stopping points for water taxis or water shuttles.
 6. Other uses: Other uses including accessory or ancillary marina uses such as restaurants, bars, or lounges, boat sales, etc. must be calculated separately in compliance with this division.

Based upon preliminary hotel unit size assumptions and square footage of the other proposed uses within the mixed-use development, the total number of spaces required for this redevelopment according to LDC standards is 245 parking spaces (see parking calculations table below). This number utilizes the 50% reduction as allowed for Old San Carlos Boulevard in LDC Sec. 34-676(a)(1). The Arches Bayfront Resort will provide 336 parking spaces which will result in an excess of 91 parking spaces. Additionally, 5 on-street parking spaces will be constructed along Third Street, which will result in a total of 96 public parking spaces. These additional paid public parking spaces will provide a public benefit to support the Town's "Park-Once" initiative.

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The Arches Bayside Resort Parking Analysis			
Resort Lodging Units Required			
Typical Unit Size	# of Units	Parking Ratio	Spaces
Up to 450 SF	218	1.2 spaces per unit	261.6
Greater than 450 SF	45	1.5 spaces per unit	67.5
		Subtotal	329.1
Multiple-Occupancy Complex Required			
Commercial Uses – Bayfront Promenade	Square Footage	Parking Ratio	Spaces
Retail/Restaurant*/Office/Services	15,000	6 per 1,000 SF or 1 per 167 SF	90
Restaurant Bar Area (Within restaurants)	1,125	6 per 1,000 SF or 1 per 167 SF	6.7
Restaurant Outdoor Seating Area	2,250	6 per 1,000 SF or 1 per 167 SF	13.5
		Subtotal	110.2
Marina Required			
Marina Uses	Slips	Parking Ratio	Spaces
Boat Slips	69	1 space per 2 slips	34.5
Charter or party fishing boat services	6	One space per three people based on maximum passenger capacity of the boats using the dock or loading facility (Average Estimated Max. Passengers per Boat: 8)	16
		Subtotal	50.5
	TOTAL REQUIRED FOR RESORT & MARINA		489.8
	TOTAL REQUIRED FOR RESORT & MARINA with a 50% Reduction per Deviation #8		245*
Provided			
	TOTAL VEHICLE SPACES PROVIDED FOR RESORT & MARINA		245* (parking garage)
	DEDICATED PUBLIC PARKING SPACES PROVIDED		96 (91 parking garage + 5 on-street)
	TOTAL PARKING SPACES PROVIDED		336**
	Golf Cart parking: None Required Min. Provided – 5% of Required Vehicles Spaces		13
	Bicycle parking: None Required Min. Provided - 10% of Required Vehicle Spaces		26

*Per LDC Sec. 34-2020(d)(4)(b)(3) and Deviation #8. Restaurant gross floor area limited to 11,250 SF or 75% of 15,000 SF of a multiple occupancy complex's gross floor area.

**Additional parking may be provided by stacking vehicles utilizing valet service.



Compatibility

As presented above and further discussed in the Rezoning Criteria below, the applicant and design team have given careful consideration to assemble a redevelopment design which is compatible with surrounding uses. The redesigned resort provides attractive landscaping and extensive buffers, focusing public activity along the waterfront and eastern portion of the resort away from the neighboring residential development. The buildings have been designed with a coastal architectural theme and with varied heights. The placement of the buildings provides increased separation from adjacent residences and offers expanded view corridors. The walkable Linear Park & Memorial Garden buffers and shield adjacent uses and also create an attractive and a human-scale interface between the residential neighborhood and the resort.

Arches Bayfront Resort fulfills the desires expressed in the Comprehensive Plan and the Old San Carlos Boulevard – Crescent Street Master Plan to expand the Times Square pedestrian-friendly zone along Old San Carlos Boulevard and supports the “Park-Once” strategy. The Bodega with rooftop restaurant and covered Outdoor Market on Old San Carlos Boulevard provide versatile retail and outdoor market uses that engage the public and enhance the pedestrian-friendly nature of the boulevard. The “Park-Once” strategy is supported by the proposed downtown ferry/water taxi terminal and service, marina with temporary docking/ parking for both motorized and non-motorized watercraft, public parking spaces, golf cart parking, and bicycle racks.

The Arches Bayfront Resort will be an asset to the Town as evidenced by the considerate design, appropriate uses and construction of resilient and sustainable buildings. The mixed-use redevelopment of Moss Marine will provide numerous public benefits to the island and will become a destination for families will create fond memories year after year.



REZONING APPROVAL CRITERIA

The proposed rezoning request from Commercial Marina (CM), Downtown, and Residential Conservation (RC) to Commercial Planned Development (CPD) must be found consistent with the established rezoning criteria provided in LDC Section 34-85 and Section 34-216 as well as post-disaster build back criteria in accordance with Policy 4-D-1 of the Fort Myers Beach Comprehensive Plan and LDC Section 34-3238. The following narrative demonstrates compliance with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code.

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

A. COMPREHENSIVE PLAN AMENDMENTS

The Arches Bayfront resort is consistent with the following Comprehensive Plan Amendments which are pending and could affect the future use of this property:

Policy FLU-1-A-5 The Town shall explore opportunities to provide innovative parking solutions on the Island to meet future demands. The town shall maximize efficient use of land, minimize gaps in the urban landscape, and improve urban form by encouraging redevelopment of existing surface parking lots; discouraging creation of new surface lots; consolidate parking in strategically located parking structures; and manage parking as a system. The Town shall consider/encourage the use of shared parking.

Policy FLU 1-A-9 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal/ Management Elements of this plan outline the town's efforts on these matters.

FLU-1-B—7 “PEDESTRIAN COMMERCIAL”: a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is up to 6 dwelling units per acre. Those developments previously vested with 10 units under the “platted overlay” may continue. Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan.

Policy 4-C-2 FLU1-C-2 COMMERCIAL INTENSITY: The maximum intensity of allowable commercial development in any category may be controlled by height and Floor to Area Ratio (FAR) regulations or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses on properties with frontage on Estero Boulevard and only in the “Pedestrian Commercial” “Mixed-Use” and “Boulevard” categories.

Policy FLU-1-C-6 MOTEL TRANSIENT DENSITIES: The Land Development Code shall provide for the usage of commercial, mixed-use, or transient residential FAR, and minimum hotel/motel unit sizes as the basis for calculating transient residential unit.



Policy CD-3-A-3 MAINTAIN PEDESTRIAN CIRCULATION

Maintain the pedestrian circulation plan:

- a. Bayside sidewalk and streetscape improvements for Estero Boulevard within the Core area with underground utilities and improved sidewalks.
- ii. Sidewalks (5' wide minimum sidewalk) along all streets in the Core Area.
- iii. Bike path along Estero Boulevard utilizing Crescent Street to Third Street across to Old San Carlos and then connecting back to Estero Boulevard and north to Bowditch Point.
- iv. Old San Carlos as a pedestrian spine linking Times Square and the marina by implementing public sidewalks and major crosswalks designed to work in conjunction with arcades or plazas located on private property.
- v. A new public pedestrian plaza at the east of Old San Carlos.
- vi. New on-street parking and sidewalk on the south side of Crescent Street.
- vii. Third and Fourth Streets with on-street parking and sidewalks on both sides of the street.

Proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.

POLICY T-1-D-2 REDUCE NEED OF CAR: Promote compact development, enhance pedestrian realm, and promote modes of transportation other than single occupancy vehicles.

POLICY T-17-F-2 SHARED PARKING NEAR TIMES SQUARE: The town shall strive to alleviate parking congestion and enhance accessibility for visitors and residents near Time Square by supporting or encouraging the development of shared parking facilities or a parking garage.



B. PHASING OF CONSTRUCTION

A proposed phasing plan is included on Sheet 4 of 5 of the Master Concept Plan. There are 6 phases, which are as follows:

- Phase One: Building A fronting Old San Carlos and Third Street to include:
- Bodega/Corner Store, Restaurant, and Outdoor Market
 - Third Street improvements and portion of Arches Way
- Phase Two: Reconfiguration of the Marina Basin to include:
- Vessel and personal watercraft docks/slips
 - Non-motorized personal watercraft dock/slip and access
- Phase Three: Buildings B and C to include:
- Arrival and Entry Plaza
 - Arches Way
 - Bayfront Pedestrian Promenade: Retail, Restaurants, and Services
 - Water /ferry/water taxi dock and terminal facility
 - Underbuilding Parking
 - Amenities, operations and support infrastructure
- Phase Four: Building D to include:
- Bayfront Pedestrian Promenade
 - Underbuilding Parking
 - Amenities, operations, and support infrastructure
- Phase Five: Building E to include:
- Bayfront Pedestrian Promenade
 - Underbuilding Parking
 - Amenities, operations, and support infrastructure
- Phase Six: Linear Park & Memorial Garden

The phases are representative of a conceptual development program, but resequencing and combinations may occur during final design and by market forces.



C. COMPREHENSIVE PLAN COMPLIANCE

COMMUNITY DESIGN ELEMENT:

GOAL 1 To continually improve the appearance and functioning of transportation corridors, commercial areas, and links to natural and recreational areas.

OBJECTIVE 1-B OTHER PUBLIC SPACES – Beautify public spaces throughout the island.

The redevelopment of the Moss Marina property into the Arches Bayfront Resort will create publicly accessible amenities, including a Linear Park & Memorial Garden, five view corridors to the bay from Third Street, and a 670-foot-wide Bayfront Promenade. The view corridors will provide aesthetically pleasing visual links to the island's bayside in an area that was restricted due to the type of development that was previously in place. Landscaped sidewalks will connect the Linear Park & Memorial Garden to the Bayfront Promenade, allowing pedestrians to enjoy the natural beauty of the island and waterfront.

GOAL 3 To revitalize and improve specific transitional neighborhoods.

OBJECTIVE 3-D TIMES SQUARE - Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.

Although the Arches Bayfront Resort property is not directly adjacent to Time Square, this development will play an integral role in supporting Object 3-D, which is to revitalize the downtown core area. As called for in the 1999 Old San Carlos Boulevard – Crescent Street Master Plan, redevelopment was desired within the area to create a strong sense of place and achieve a Park-Once strategy for the downtown core. The proposed infill redevelopment creates the northern bookend for a cohesive downtown area. This development will create the expansion of the Times Square pedestrian friendly zone along Old San Carlos Boulevard to the Matanzas Pass bayfront. The addition of Arches Way extending from Third Street to the bay will provide vehicular access to the resort while encouraging pedestrian traffic through sidewalk interconnections. Pedestrians will be within short walking distance from the bay to the Gulf sides of the island and with retail shops, an outdoor market, Linear Park & Memorial Garden, and restaurants in between.

Additional enhancements such as landscaping, public art, bicycle parking, ferry dock, and watercraft docks interconnect via sidewalks create a development which is accessible via multiple modes of transportation and offers many types of activities to be enjoyed by the public. The creation of a destination to extend the downtown to the bayside of the island supports the vision of Objective 3-D to stimulate and revitalize the downtown core as the nucleus of commercial and tourist activities.



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.

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.

POLICY 4-A-7 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this Plan outline the town’s efforts on these matters.

Hurricane Ian destroyed many of the island’s favorite establishments. As businesses look to rebuild, they must find a balance between the desire to remain the eclectic small town and the necessity of creating structures which are compliant with current codes and regulations. As the Freeland team redesigned the site, they considered the needs of the island and have found a balance which will give residents and visitors a pedestrian-oriented resort that will contribute to the small-town character of the island.

The new Bayfront Promenade provides public access to an area of the island which was previously occupied by a working marina, that will remain as a recreational marina. In addition, this area will contain other amenities open to the public such as the chapel event space, harborside docks, non-motorized vessel docking space, retail shops, ferry dock, and areas for sitting and observing the bay waters. This area will allow residents and visitors to interact and enjoy the beautiful scenery of the island.

The improved public access to the bayfront and the walkable elements of the proposed resort support the policies contained in Objective 4-A, including the creation of new commercial activities which contribute to the pedestrian-oriented public realm and improve public access to the bayfront. The Arches Bayfront Resort will include a redesign of the current stormwater management system to adhere to today’s stringent standards, which will improve protection of the water quality of the bay.



OBJECTIVE 4-B FUTURE LAND USE MAP CATEGORIES

Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.

POLICY 4-B-6 “PEDESTRIAN COMMERCIAL”: a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The mixed-use resort supports the Pedestrian Commercial future land use designation policy of the Comprehensive Plan in several ways, it reduces the building footprints and creates more open/green space on the site than previously existed. The hotel units will be placed above grade-level retail and underbuilding parking, allowing the public access to parking, the Bayfront Promenade and the Linear Park & Memorial Garden. The entrance to the resort on the corner of Old San Carlos Boulevard and Third Street will feature a second-story restaurant and ground-level bodega with a covered area for an outdoor market below to encourage pedestrian activity. The Linear Garden & Memorial Park will be added along the southern boundary of the property to honor Fort Myers Beach history, Hurricane Ian impacts, and lives lost. The buildings will feature coastal architecture showcasing metal roofs, varied rooflines with cupolas and arches to honor the architectural history of Fort Myers Beach and to meet the code required design concepts. The marina uses permitted under the previous Marina future land use designation will continue as permitted through Policy 4-B-6, which permits pre-existing Marina uses.

OBJECTIVE 4-C APPLYING THE FUTURE LAND USE

MAP — The Future Land Use Map shall be interpreted in accordance with the following policies.

Policy 4-C-2 COMMERCIAL INTENSITY: The maximum intensity of allowable commercial development in any category may be controlled by height regulations or other provisions of this plan and the LDC. Standards in the Land Development Code will encourage more intense



commercial uses only in the “Pedestrian Commercial” category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the “Pedestrian Commercial” category as high as 2.5, and in other categories as high as 1.5.

Under the provisions of Policy 4-C-2, Pedestrian Commercial can achieve a Floor Area Ratio (FAR) of 2.5. The current maximum FAR allowed under the Commercial Resort (CR) zoning district is 1.2. A maximum FAR of 2.0 is proposed utilizing the Commercial Planned Development process to rezone the subject property from Downtown, Commercial Marina, and Residential Conservation to CPD, which is consistent with Policy 4-C-2.

OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster build back policy.

The new buildings associated with the proposed project will be more resilient, complying with the latest and more stringent state requirements – labeled as Florida Building Code compliant structures, and eliminating the current non-conforming buildings and setbacks. Additionally, flood proofing will be provided, improving the resiliency of the island’s structures supporting the Objective 4-D.

COASTAL MANAGEMENT ELEMENT

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

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

The Coastal Management Element addresses special coastal management concerns which are specific to the Town of Fort Myers Beach and its need to protect resources, human life, and property, which are all vulnerable to events such as hurricanes and flooding. Existing uses pre-date the requirement for stormwater management; redevelopment of this area will require compliance with current stormwater



regulations, ensuring improvement over current conditions. The proposed development will be constructed in compliance with Florida Building Codes and FEMA standards, complying with Goal 5 and Policy 5-A-1.

TRANSPORTATION ELEMENT

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

POLICY 7-A-2 PARKING: Even though existing parking lots are not used to capacity; parking is not abundant at Fort Myers Beach. The welcome rebirth of commercial activity near Times Square will increase the demand for parking. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

POLICY 7-D-3 ALTERNATE TRAVEL MODES: The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas.

The Transportation Element of the Comprehensive Plan acknowledges that conventional traffic solutions, like road widening and alternative routes, are ineffective for Fort Myers Beach and instead emphasizes alternative modes of transportation to relieve congestion on constrained roadways. The following are mitigation solutions cited by the Comprehensive Plan and ways in which the proposed project supports each strategy.

- **Make it easier for visitors to arrive without a car (Policy 7-D-1)**
 - Shuttle service will be provided for guests and employees.
 - Participation in the DRAC program, which incentivizes resort guests to travel to the island without a car by providing a discounted rate to those who do not bring a car.
 - The mix of uses provided within the resort will be easily accessible by pedestrians/bicycles, creating internal capture of trips that would otherwise add to traffic on Estero Boulevard and other local roads.
 - Bicycles will be available for guest use, encouraging use of the bike/pedestrian network.
 - Golf cart parking will be provided.



- **Encourage a reliable system of water taxis (7-D-4)**
 - The Arches Bayfront Resort will be a founding partner in a proposed water ferry system, with a ferry/water taxi terminal on site. The ferry route includes multiple stops along the island's entire bayfront, from the Pink Shell on the north end of the island to the Fish Tail Marina on the south end.
- **Create a hidden-path system (7-D-5)**
 - A separated bike/pedestrian path system will be integrated throughout the resort and connected to downtown.
 - Wayfinding will direct bike/pedestrian traffic towards the bayfront and public recreation areas.
 - ±670 feet of public promenade area provided.
- **Encourage shared parking lots (Policy 7-F-1)**
 - The project will provide 96 parking spaces in excess of the required parking, all dedicated to the public. This supports the Town's "Park Once" strategy, allowing visitors to utilize public parking that has convenient access to the beach, Times Square, the Bayfront Promenade, bars restaurants and water related activities.

OBJECTIVE 7-I LEVEL-OF-SERVICE STANDARD: Maintain minimum acceptable levels of service for the transportation system.

POLICY 7-J-2 TRAFFIC IMPACT ANALYSES: A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:

- i. **decrease the thresholds for requiring traffic impact analyses;**
- ii. **require them to study the cumulative impacts of potential development; and**
- iii. **use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.**

A traffic impact statement has been prepared by Hall Planning & Engineering, Inc. and concludes that the Arches Bayfront development will not have a detrimental impact on the Town of Fort Myers Beach. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate upon the proposed 2027 buildout. Therefore, no roadway capacity improvements will be required as a result of this development. The trip generation of the Proposed 2027 Arches Development will add 20 new vehicles to the test link on Estero Boulevard. The resultant Proposed Development traffic contributes 1.7% at that location. Future traffic conditions with the Proposed Development will not cause



Estero Boulevard to exceed the minimum LOS standard established by Policy 7-I-2 of the Comprehensive Plan for the Town of Fort Myers Beach.

UTILITIES ELEMENT:

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

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

Complying with GOAL 8 and Policy 8-A-1, the proposed redevelopment will connect to central water and sewer utilities.

Sanitary Sewer: Lee County Utilities will provide Sanitary Sewer. There is existing infrastructure that services the site and sufficient capacity for the proposed project. A service availability letter is attached as Exhibit XCP-3.

Potable Water: Town of Fort Myers Beach will provide potable water. There is existing infrastructure that services the site and sufficient capacity for the proposed project. A service availability letter is attached as Exhibit XCP-4.

Solid Waste: The Lee County Solid Waste Department will provide solid waste collection for the project. A service availability letter is attached as Exhibit XCP-6.



D. DESIGN STANDARDS COMPLIANCE

(1) Encouraging traditional building forms that reinforce the pedestrian orientation and desired visual quality of the Town of Fort Myers Beach

As described above, the Arches Bayfront resort offers a mixed-use form with commercial uses at ground level and lodging uses above. The building along Third and Old San Carlos Boulevard is set close to the roadway to activate the public realm and encourage pedestrian activity. Fenestration is prevalent at ground level to create an attractive and inviting environment. The pedestrian environment is further enhanced through the opening of the public bayfront promenade, the addition of sidewalks and the linear park & memorial park with attractive landscaping and buffers. The proposed architecture is quintessentially coastal and incorporates Key West design elements for an attractive and beachy feel.

(2) Encouraging buildings of compatible type and scale to have creative ornamentation using varied architectural styles.

The proposed project can be characterized as contemporary coastal and includes Key West style architectural elements. As described in the Height section above, close attention was given to developing a design in which height and scale are compatible with surrounding uses the importance and utilizing a wedding cake approach to maintain a human scale.

(3) Enhancing the town's business districts as attractive destinations for recreation, entertainment and shopping.

The proposed project will provide for a mixture of uses that enhance the island's aesthetics, commerce, entertainment and recreation attributes. As described above the addition of the Bayfront Promenade, Linear Park & Memorial Garden, and Outdoor Market all contribute to the downtown public realm, linking the bay to the Gulf.

(4) Maintaining and enhancing the town's sense of place and its property values.

A sense of place is cultivated by design choices, complementary uses, architecture, incorporating island character and history, and having locally owned and operated businesses. Arches Bayfront resort incorporates these elements while honoring the history of the island and its citizens. The redevelopment of a former marina with large storage buildings into an island destination will



enhance the town's sense of place by creating spaces for people to gather, shop, eat and relax. The attractive, resilient resort buildings will increase property values and contribute to the tax base of the island so that it can maintain its infrastructure and remain the destination where people want to be.

(5) Implementing the design concepts in the Fort Myers Beach Comprehensive Plan.

As described throughout this narrative, Arches Bayfront resort strives to incorporate design concepts articulated in the Comprehensive Plan. The intent is to comply with the vision for the downtown, to improve the public realm, to provide attractive architecture and to encourage bicycle and pedestrian activity.



E. DECISION MAKING COMPLIANCE

The following considerations from LDC Sec. 34-85 shall be considered by town council whenever applicable:

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

There are no known errors or ambiguity that must be corrected in relation to the requested rezoning from CM, Downtown, and RC to CPD. If any exist, they will be discussed and resolved during staff review and public hearings before the Local Planning Agency (LPA) and Town Council. Utilizing the proposed CPD rezone request, reductions or elimination of any existing non-conformities will be corrected as applicable.

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

The site as existing is damaged and in need of redevelopment due to the destruction caused by Hurricane Ian. The property owners have evaluated the needs of the island and felt that the time was appropriate to expand the uses allowed onsite to better suit the island and its residents. The owners have obtained property which interconnects their existing marina to Old San Carlos Boulevard which has long been identified as an area where infill development should be encouraged. The 1999 Old San Carlos Boulevard – Crescent Street Master Plan called for the expansion of the Times Square pedestrian-friendly zone along Old San Carlos Boulevard, recommending redevelopment to be built to the sidewalk in order to help create a strong “sense of place” and achieve a “Park-Once” strategy that encourages pedestrian activity throughout the corridor. The hurricane’s destruction has presented an opportunity to achieve the desires as expressed through the Comprehensive Plan and the Old San Carlos Boulevard – Crescent Street Master Plan.

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

The proposed change will not have any impact on the intent of this chapter (LDC). The CPD rezone will allow the redevelopment of the damaged Moss Marina structures and adjoining properties to become an economic driver for the Town of Fort Myers Beach as well as a benefit to island residents and tourists.

(4) The testimony of any applicant.

The professional experts retained by the applicant to support this petition will provide testimony at both the Local Planning Agency (LPA) hearing and the Town Council hearing.



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

The Town staff will review the petition and provide a written report to be presented to the local planning agency at their appropriate public hearing. The petition along with the staff's report and the LPA recommendation will then be presented to the Town Council at the designated public hearing.

(6) The testimony of the public.

The public will be provided with the opportunity to present testimony to the LPA and Town Council.

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

As evidenced through this narrative, the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set for the in the Fort Myers Beach Comprehensive Plan.

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

The proposed location is ideal for the requested uses. The site is bound by water on two sides and has an existing marina use. The proposed redevelopment will provide a variety of uses which do not currently exist on the bayside of the island. The locational standards have been carefully considered to be compatible with the neighboring residential properties through building placement, design, buffering, and landscaping.

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

Urban services were in place and utilized by the existing Moss Marina development and will remain in place to adequately serve the subject site. It is critical to note that adequate services were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian, but now approximately only 1,000 hotel/motel units are online. 2020 Census data also shows that the overall permanent population in Fort Myers Beach has declined roughly 11% since the 1990 Census. The Town's population estimates associated with transient lodging also show a decline over the last 30 years and the percentage of the in-season population attributed transient lodging has declined from 24% to 18%.

- 1990 Peak Season Population Estimate – Lodging: 3,620 or 24% of the overall population.
- 2020 Peak Season Population Estimate – Lodging: 3,133 or 18% of the total population.



Based on the data outlined above, existing urban services are and will be available to support not only the proposed Arches Bayfront resort but many other proposed projects that will assist in the rebuilding of Fort Myers Beach.

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

The proposed redevelopment is located on a previously developed site which does not contain any environmentally critical areas or natural resources.

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

The request is compatible with existing or known planned commercial, residential and civic uses adjacent to the subject redevelopment and will not cause damage, hazard, nuisance or other detriment to persons or property of Fort Myers Beach. The property was previously a working marina without buffers and adequate landscaping. The proposed redevelopment will be compatible with existing uses and will create additional open space and buffering to enhance the visual aesthetics for nearby residential 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.

The proposed request does not create any burden upon existing transportation or other services and facilities. The roads will have adequate capacity to serve the project as indicated within the TIS provided as part of this application. Adequate transportation services, utilities and recreational facilities were in place for well over 2,000 hotel/motel units prior to both Hurricanes Charley and Ian. With now just over 1,000 hotel/motel units available for occupancy, there will continue to be available transportation capacity and level of service to not only support the proposed Arches Bayfront redevelopment, but many more future transient lodging units and other non-residential developments needed in the Town. Additionally, the Town is actively working to promote alternative modes of transportation and provide mobility solutions to mitigate peak seasonal traffic.

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

This request to rezone the subject property from CM, Downtown and RC to Commercial Planned Development (CPD) will be presented at public hearings before the LPA and the Town Council consistent with LDC Sec. 34-216(a)(1). As demonstrated throughout this narrative the proposed CPD meets the following findings criteria under LDC Sec. 34-216(2):

- a. The proposed uses are appropriate to the location as they are compatible with surrounding uses.

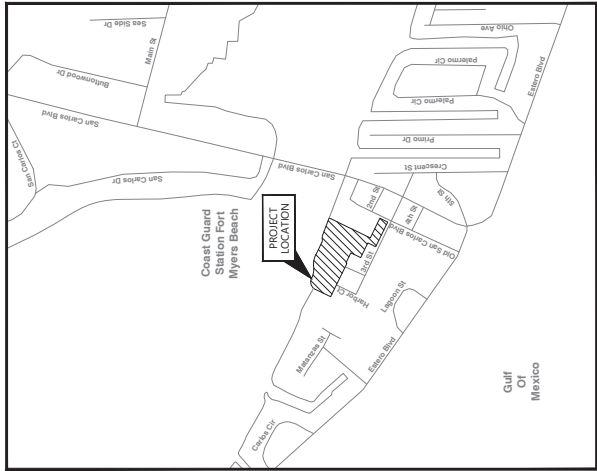


- b. Sufficient safeguards are in place or will be provided through applicable special conditions within the rezoning approval document, to protect the public interest.
- c. Special conditions will be provided through the rezoning approval document as determined to be necessary.
- d. The proposed uses meet all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:
 - 1. Policies 4-B-6 and 4-C-3 on commercial rezonings in the "Pedestrian Commercial" category. See Section "C" within the above narrative.
 - 2. Policy 4-C-4 on building heights taller than the standard height limit. See Section "C" within the above narrative.
 - 3. Policy 4-C-8 on density transfers. Not Applicable.
 - 4. Policy 4-E-1 on pre-disaster build back. See Section "C" within the above narrative.
 - 5. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts. See Section "C" within the above narrative.

CONCLUSION

Through the careful consideration of public input, staff comments, LPA and Council discussions, the redesigned Arches Bayfront resort as proposed and detailed in the above narrative, supporting application documents, and the proposed MCP, demonstrate consistency and compliance with the Fort Myers Beach Comprehensive Plan and Land Development Code. Utilizing the CPD process, and compliance with today's Florida Building Codes and FEMA standards The Arches Bayfront Resort will provide design, uses and public benefits that complement and enhance the downtown, create positive redevelopment momentum for the island, and deliver a significant economic catalyst. The attractive, mixed-use resort will be an asset to the Town and will serve the needs of resort guests, island visitors, and residents alike.

MASTER CONCEPT PLAN FOR THE ARCHES BAYFRONT RESORT CPD SECTION 24, TOWNSHIP 46S, RANGE 23E, FORT MYERS BEACH, FLORIDA



VICINITY MAP



SITE LOCATION MAP

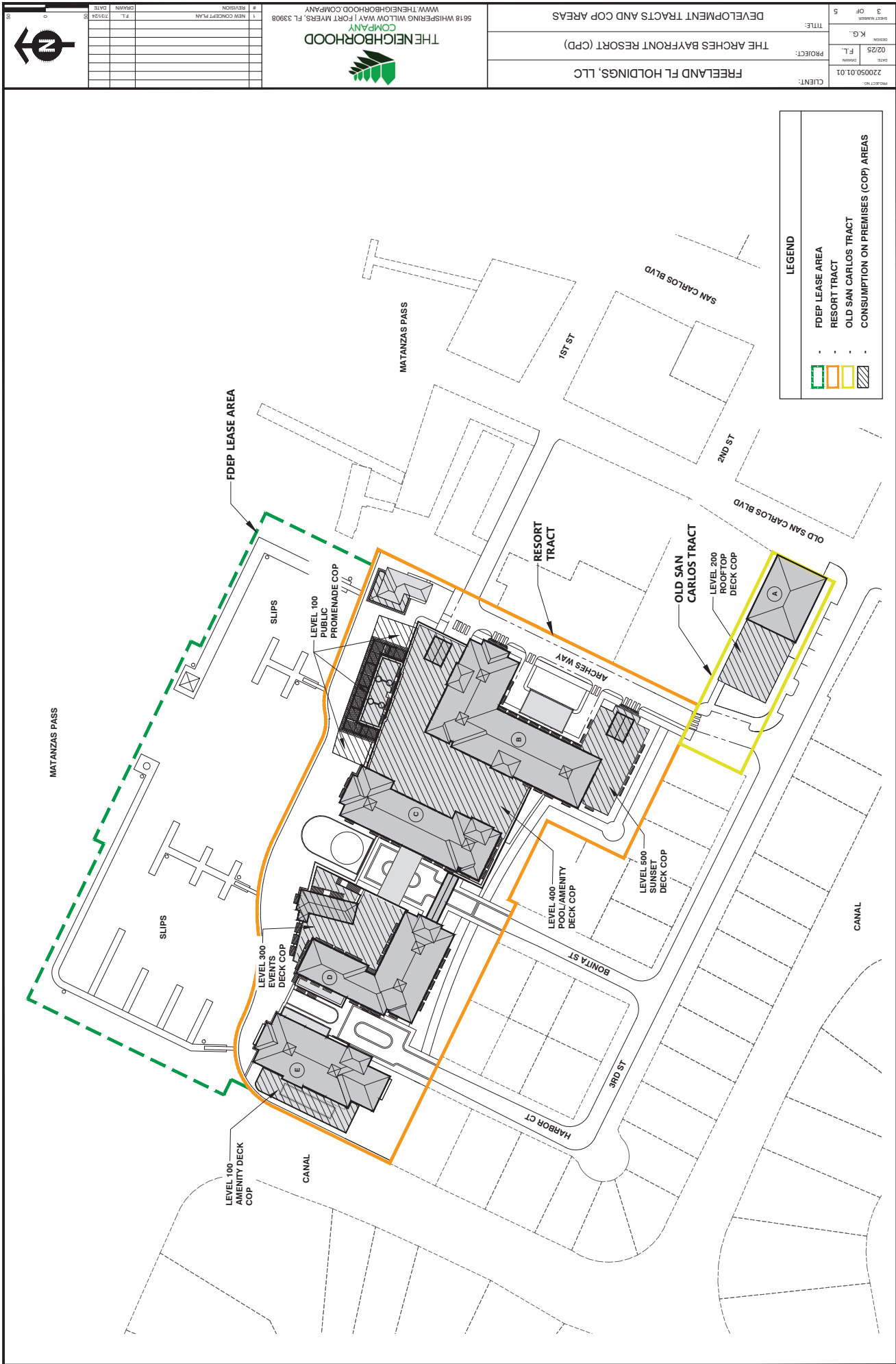
PROJECT TEAM:



PREPARED FOR:

FREELAND FL HOLDINGS, LLC
450 HARBOR CT
FORT MYERS BEACH, FL 33981

CONTENTS	
SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	DEVELOPMENT TRACTS AND COP AREAS
4	CONCEPT PHASING PLAN
5	NOTES
DATE: February, 2025	
SHEET No. 24011.01.02	
1 of 5	





GENERAL NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE. THE OVERALL CONFIGURATION, SIZE AND LOCATION OF THE STRUCTURE(S) AND OTHER IMPROVEMENTS MAY VARY. FINAL DESIGN AND IMPROVEMENT DETAILS WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER (D.O.) PROCESS.
2. TOTAL CPD/DEVELOPMENT AREA: 4.98 +/- ACRES
3. FUTURE LAND USE MAP CATEGORY: PEDESTRIAN COMMERCIAL
4. THE PROJECT WILL BE DEVELOPED IN FIVE PHASES. THE PHASES ARE REPRESENTATIVE OF A CONCEPTUAL DEVELOPMENT PROGRAM, BUT RESEQUENCING AND COMBINATIONS MAY OCCUR DURING FINAL DESIGN AND BY MARKET FORCES.
5. WATER MANAGEMENT REQUIREMENTS FOR REDEVELOPMENT PROJECTS CAN VARY SIGNIFICANTLY. THE WATER MANAGEMENT PLAN WILL BE DESIGNED AT THE TIME OF D.O.
6. NO ENVIRONMENTALLY SENSITIVE LAND OR WATERS EXISTS ON SITE AS THIS SITE WAS IMPACTED BY PREVIOUS DEVELOPMENT. THE ENVIRONMENTAL REPORT ALSO INDICATES NO PROTECTED SPECIES ARE IMPACTED BY THE PROPOSED PROJECT.
7. ALL OTHER DEVELOPMENT STANDARDS NOT PROVIDED HEREIN SHALL BE SET FORTH IN LDC CHAPTER 24 OR OTHER APPLICABLE PROVISIONS OF THE LDC.
8. IN COMPLIANCE WITH LDC SECTION 34-1803(A)(2), THE MAXIMUM OF 263 ROOMS/LODGING UNITS AND ARE ALLOWED DUE TO EXCEPTIONAL CIRCUMSTANCES AND PUBLIC BENEFIT PROVIDED BY THIS CPD.

SCHEDULE OF USES:

RESORT TRACT:

- RESORT
- HOTEL/MOTEL WITH A MAXIMUM 263 ROOMS
- RESORT ACCESSORY USES
- ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AND INCLUDING OUTDOOR SEATING AREAS ASSOCIATED WITH ANY ESTABLISHMENT
- AUTOMOBILE RENTAL
- OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- COMMERCIAL ACCESSORY USES
- ADMINISTRATIVE OFFICE
- BAR OR COCKTAIL LOUNGE
- PARKING GARAGE
- PARKING LOT
- RESTAURANT – DRIVE-THROUGH PROHIBITED
- RETAIL STORE, SMALL (LESS THAN 5,000 SF)
- RETAIL STORE, LARGE (MORE THAN 5,000 SF)
- MARINA
- MARINA ACCESSORY USES
- DOCKS AND TERMINAL – WATER TAXI/FERRY AND COMMUNITY/EMERGENCY SERVICES
- DOCKS (LIVEBOARDS PROHIBITED)
- DOCKS - NON-MOTORIZED WATERCRAFT
- PERSONAL WATERCRAFT OPERATIONS OFFICE
- BOAT DEALER (NO OUTSIDE SALES); LIMITED TO OFFICE SPACE
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE EQUIPMENT

OLD SAN CARLOS TRACT:

- RESORT ACCESSORY USES
- SUBORDINATE COMMERCIAL USES
- ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AND INCLUDING OUTDOOR SEATING AREAS ASSOCIATED WITH ANY ESTABLISHMENT
- OFFICES, GENERAL OR MEDICAL
- PERSONAL SERVICES
- COMMERCIAL ACCESSORY USES
- ADMINISTRATIVE OFFICE
- BAR OR COCKTAIL LOUNGE
- SUBORDINATE COMMERCIAL USES
- PARKING LOT
- RESTAURANT – DRIVE-THROUGH PROHIBITED
- RETAIL STORE, SMALL (LESS THAN 5,000 SF)
- BOAT DEALER (NO OUTSIDE SALES); LIMITED TO OFFICE SPACE
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE EQUIPMENT

DEVIATIONS:

1. A DEVIATION FROM LDC TABLE 34-3 WHICH REQUIRES PROPERTIES IN THE CR ZONING DISTRICT TO HAVE A MINIMUM LOT WIDTH OF 100 FEET AND A MINIMUM LOT DEPTH OF 100 FEET. THIS DEVIATION WOULD ALLOW FOR EITHER A MINIMUM LOT WIDTH OF 80 FEET OR MINIMUM LOT DEPTH OF 80 FEET DEPENDING ON THE DEVELOPMENT'S FRONTAGE ON EITHER OLD SAN CARLOS BOULEVARD OR THIRD STREET.
2. A DEVIATION FROM LDC SECTION 34-645(B) AND TABLE 34-3, WHICH ALLOWS FOR A MAXIMUM FLOOR AREA RATIO OF 1.2 WITHIN THE COMMERCIAL RESORT (CR) ZONING DISTRICT AND A MAXIMUM FLOOR AREA RATIO (FAR) OF 1.8 WITHIN THE DOWNTOWN REDEVELOPMENT DISTRICT TO ALLOW FOR A MAXIMUM FAR OF 2.0 WITHIN THE ARCHES BAYFRONT RESORT CPD.
3. A DEVIATION FROM LDC SECTION 34-1803(A)(1), WHICH ALLOWS THE CONVERSION OF DWELLING UNITS TO HOTEL/MOTEL GUEST UNITS PER ESTABLISHED EQUIVALENCY FACTORS AS ALLOWED PER LDC SECTION 34-1804(A)(2). THIS WOULD ALLOW A MAXIMUM OF 263 GUEST UNITS.
4. A DEVIATION FROM LDC NOTE 1 OF TABLE 10-9 WHICH REQUIRES A SOLID WALL NOT LESS THAN SIX FEET IN HEIGHT AND WITH THE LANDSCAPING TO BE PLACED ON THE ADJACENT PROPERTY SIDE OF THE WALL TO ALLOW FOR A SIX FOOT HIGH DECORATIVE FENCE WITH SOLID COLUMNS AND LANDSCAPING TO BE PLACED ON THE INTERIOR (RESORT SIDE) OF THE DECORATIVE FENCE FOR THE SOUTHERN PROPERTY LINE AS DEPICTED ON THE ENCLOSED MCP.
5. A DEVIATION FROM LDC SECTION 26-77(B) WHICH STATES THAT NEW OR EXPANDED SEAWALLS ARE NOT ALLOWED ALONG NATURAL WATERBODIES IN ORDER TO ALLOW THE EXISTING BOAT RAMP TO BE REPLACED BY SEAWALL.
6. A DEVIATION FROM LDC TABLE 34-3 WHICH REQUIRES PROPERTIES IN THE COMMERCIAL RESORT (CR) ZONING DISTRICT TO HAVE A MINIMUM HEIGHT SET AT 30 FEET AND 3 STORIES TO ALLOW A MAXIMUM BUILDING HEIGHT OF 70' (AS DEFINED IN THE FMBLDC) FOR THE RESORT TRACT AND 40' FOR THE OLD SAN CARLOS TRACT. BUILDING HEIGHTS WILL BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED MASTER CONCEPT PLAN.
7. A DEVIATION FROM LDC TABLE 34-3 WHICH STATES THAT PROPERTY SETBACKS IN A CPD ZONING DISTRICT SHALL BE THE SAME AS FOR THE COMMERCIAL RESORT ZONING DISTRICT TO ALLOW FOR ADJUSTED BUILDING SETBACK LINES WITHIN THE RESORT TRACT AND ADJUSTED SIDE SETBACKS AND BUILD TO LINES FOR THE BUILDINGS LOCATED WITHIN THE OLD SAN CARLOS TRACT AS OUTLINED WITHIN THE ENCLOSED DEVELOPMENT STANDARDS EXHIBIT.
8. A DEVIATION FROM LDC SECTION 34-2020, REQUIRED PARKING REGULATIONS, TO ALLOW A PARKING REDUCTION OF 50% IN ACCORDANCE WITH LDC SECTION 34-676(A)(1).

DEVELOPMENT STANDARDS:

RESORT TRACT DEVELOPMENT STANDARDS	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
MINIMUM FRONT YARD - EASTERN BOUNDARY	40 FEET	10 FEET
MINIMUM REAR - WATERFRONT: CANAL	25 FEET	SPS
MINIMUM SIDE - NON-WATERFRONT YARD SOUTHERN BOUNDARY	30 FEET	SPS
MINIMUM SIDE - WATERFRONT: MATANZAS PASS	20 FEET	10 FEET*
MINIMUM LOT AREA: 20,000 SF		
MINIMUM LOT WIDTH: 100 FEET		
MINIMUM LOT DEPTH: 100 FEET		
MAXIMUM BUILDING COVERAGE: N/A		
MINIMUM BUILDING SEPARATION	25 FEET	10 FEET
MAXIMUM ZONED HEIGHT ¹	81 FEET	N/A
MAXIMUM ACTUAL HEIGHT ²	102 FEET	N/A
MAXIMUM STORIES	7	3
MAXIMUM FLOOR AREA RATIO ³	2.0	N/A
1. MEASURED FROM DESIGN FLOOD ELEVATION TO MID-POINT OF MAIN ROOF		
2. MEASURED FROM GRADE TO PEAK OF MAIN ROOF		
3. ONLY APPLICABLE TO DERIVATIVE WATER TERMINAL. PERSONAL SERVICES STRUCTURES, AND ESSENTIAL EMERGENCY SERVICE FACILITIES, WALLS, FENCES, RAILINGS, BOLLARDS, ETC., MAY BE LOCATED WITHIN THIS SETBACK.		
SPS SAME AS PRINCIPAL STRUCTURE		

PARKING:

The Arches Bayside Resort Parking Analysis			
Resort Lodging Units Required			
Typical Unit Size	# of Units	Parking Ratio	Spaces
Up to 450 SF	218	1.2 spaces per unit	261.6
Greater than 450 SF	45	1.5 spaces per unit	67.5
Subtotal			329.1
Multiple-Occupancy Complex Required			
Commercial Uses – Bayfront Promenade	Square Footage	Parking Ratio	Spaces
Restaurant/Office/Services	15,000	6 per 1,000 SF or 1 per 167 SF	90
Restaurant Bar Area (Within restaurants)	1,125	6 per 1,000 SF or 1 per 167 SF	6.7
Restaurant Outdoor Seating Area	2,250	6 per 1,000 SF or 1 per 167 SF	13.5
Subtotal			110.2
Marina Required			
Marina Uses	Slips	Parking Ratio	Spaces
Boat Slips	69	1 space per 2 slips	34.5
Charter or party fishing boat services	0	One space per three people based on maximum passenger capacity of the boats using the dock or loading facility (Average Estimated Size: Passengers per Boat: 8)	16
Subtotal			50.5
TOTAL REQUIRED FOR RESORT & MARINA			489.8
TOTAL REQUIRED FOR RESORT & MARINA + 5% Reduction per Deviation #8			245*
Provided			
TOTAL VEHICLE SPACES PROVIDED FOR RESORT & MARINA			245* (parking garage)
DEDICATED PUBLIC PARKING SPACES PROVIDED FOR THE RESORT TRACT AND 40' FOR THE OLD SAN CARLOS TRACT. BUILDING HEIGHTS WILL BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED MASTER CONCEPT PLAN.			89 (81 parking garage + 8 on-street)
TOTAL PARKING SPACES PROVIDED			330**
None Required			13
Bicycle parking:			26
Min. Provided – 5% of Required Vehicle Spaces			
Min. Provided – 10% of Required Vehicle Spaces			

*Per LDC Sec. 34-2020(d)(4)(b)(3) and Deviation #8. Restaurant gross floor area limited to 11,250 SF or 75% of 15,000 SF of a building.

**Additional parking may be provided by tracking vehicles utilizing valet service.

MAXIMUM INTENSITY:

- MAXIMUM OF 263 HOTEL UNITS/ROOMS
- MAXIMUM OF 15,000 SQUARE FEET OF COMMERCIAL GROSS FLOOR AREA
- MAXIMUM FLOOR AREA RATIO (FAR): 2.0

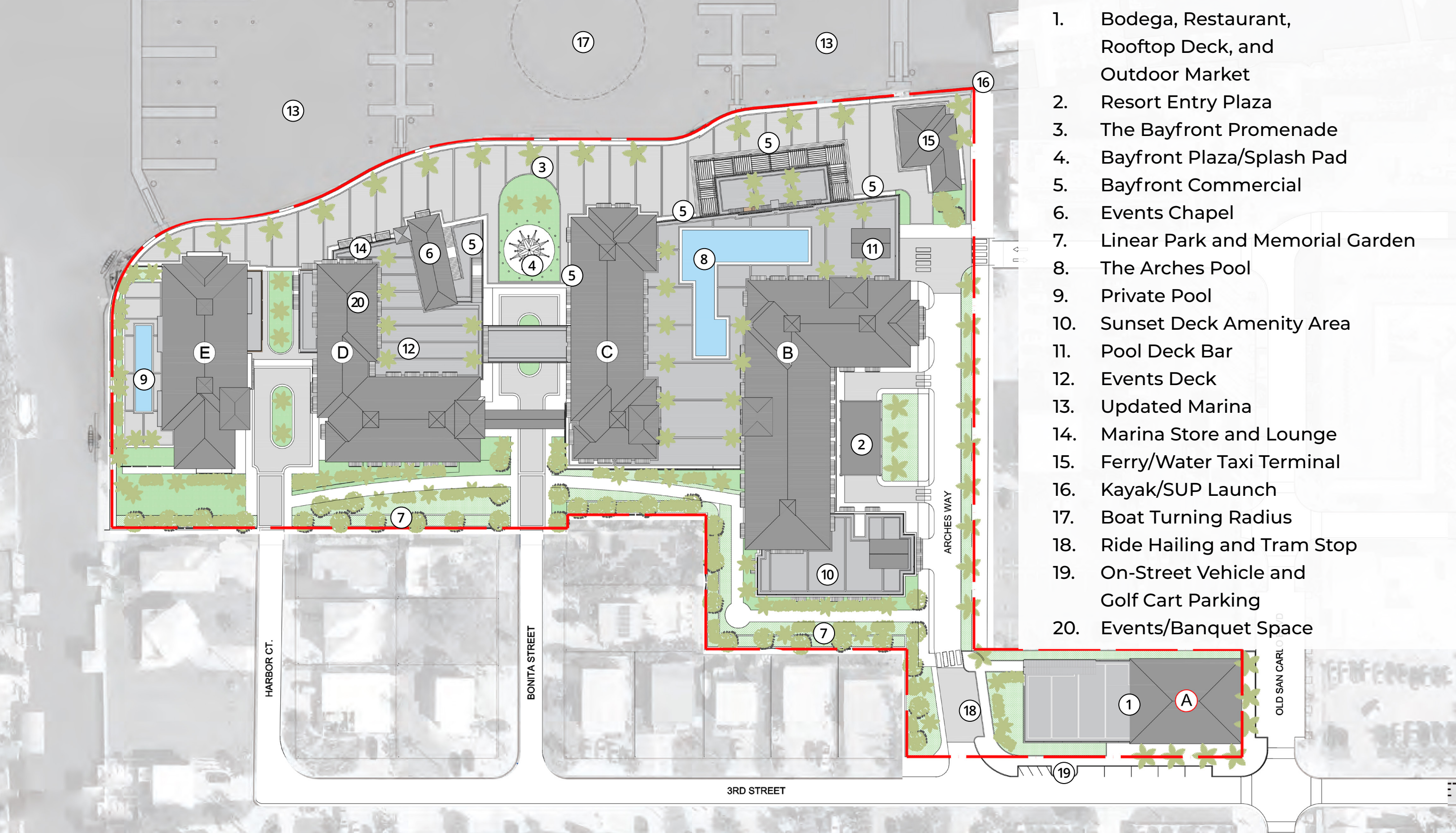
OLD SAN CARLOS TRACT DEVELOPMENT STANDARDS	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
BUILD TO LINE - OLD SAN CARLOS BOULEVARD (DEVIATION 7)	0 - 5 FEET	
BUILD TO LINE - THIRD STREET (DEVIATION 7)	0 - 10 FEET	
MINIMUM REAR YARD: EDGE OF PAVEMENT FROM ARCHES WAY ROADWAY	30 FEET	SPS
MINIMUM SIDE YARD (DEVIATION 7)	0 FEET	SPS
MINIMUM LOT AREA: 20,000 SF		
MINIMUM LOT WIDTH: 100 FEET		
MINIMUM LOT DEPTH: 80 FEET (DEVIATION 1)		
MAXIMUM BUILDING COVERAGE: N/A		
MINIMUM BUILDING SEPARATION	10 FEET	SPS
MAXIMUM ZONED HEIGHT ¹	30 FEET	N/A
MAXIMUM ACTUAL HEIGHT ²	46 FEET	N/A
MAXIMUM STORIES	2	N/A
MAXIMUM FLOOR AREA RATIO ³	2.0	N/A
1. MEASURED FROM DESIGN FLOOD ELEVATION TO MID-POINT OF MAIN ROOF		
2. MEASURED FROM GRADE TO PEAK OF MAIN ROOF		
3. ONLY APPLICABLE TO DERIVATIVE WATER TERMINAL. PERSONAL SERVICES STRUCTURES, AND ESSENTIAL EMERGENCY SERVICE FACILITIES, WALLS, FENCES, RAILINGS, BOLLARDS, ETC., MAY BE LOCATED WITHIN THIS SETBACK.		
SPS SAME AS PRINCIPAL STRUCTURE		



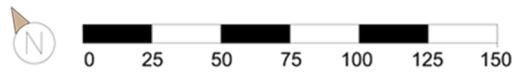
5618 WHISPERING WILLOW WAY, FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COM/PANY

CLIENT:		220050.01.01
PROJECT:		THE ARCHES BAYFRONT RESORT (CPD)
TITLE:		NOTES
REVISION:		K.G.
DATE:		02/25
SHEET NUMBER:		5 OF 5

MASTER PLAN
ILLUSTRATIVE MASTER PLAN



- 1. Bodega, Restaurant, Rooftop Deck, and Outdoor Market
- 2. Resort Entry Plaza
- 3. The Bayfront Promenade
- 4. Bayfront Plaza/Splash Pad
- 5. Bayfront Commercial
- 6. Events Chapel
- 7. Linear Park and Memorial Garden
- 8. The Arches Pool
- 9. Private Pool
- 10. Sunset Deck Amenity Area
- 11. Pool Deck Bar
- 12. Events Deck
- 13. Updated Marina
- 14. Marina Store and Lounge
- 15. Ferry/Water Taxi Terminal
- 16. Kayak/SUP Launch
- 17. Boat Turning Radius
- 18. Ride Hailing and Tram Stop
- 19. On-Street Vehicle and Golf Cart Parking
- 20. Events/Banquet Space



MASTER PLAN
CONCEPT ELEVATIONS + MAXIMUM HEIGHT

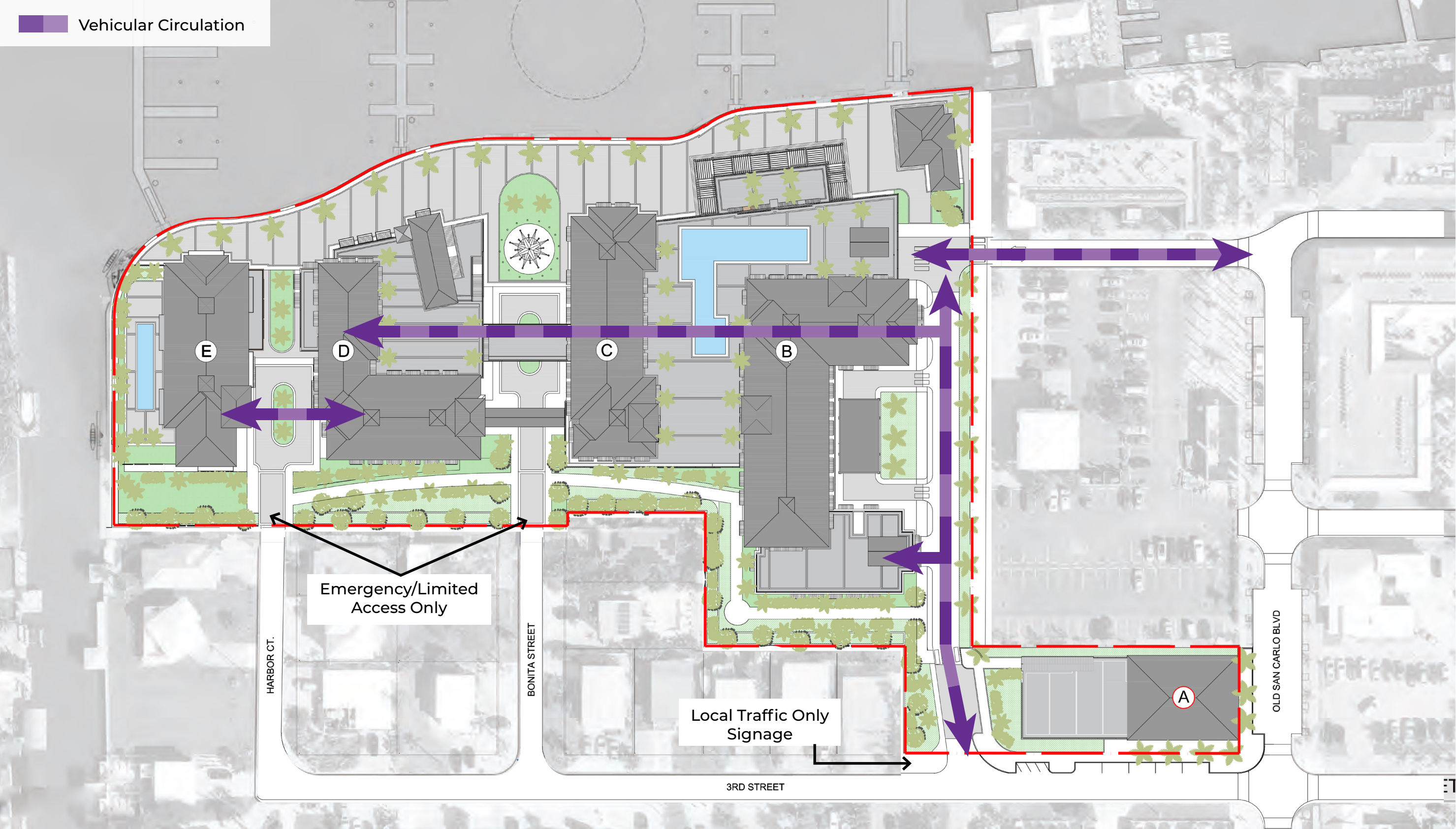


South Elevation
N.T.S

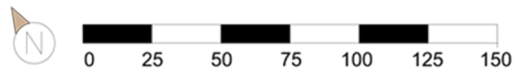
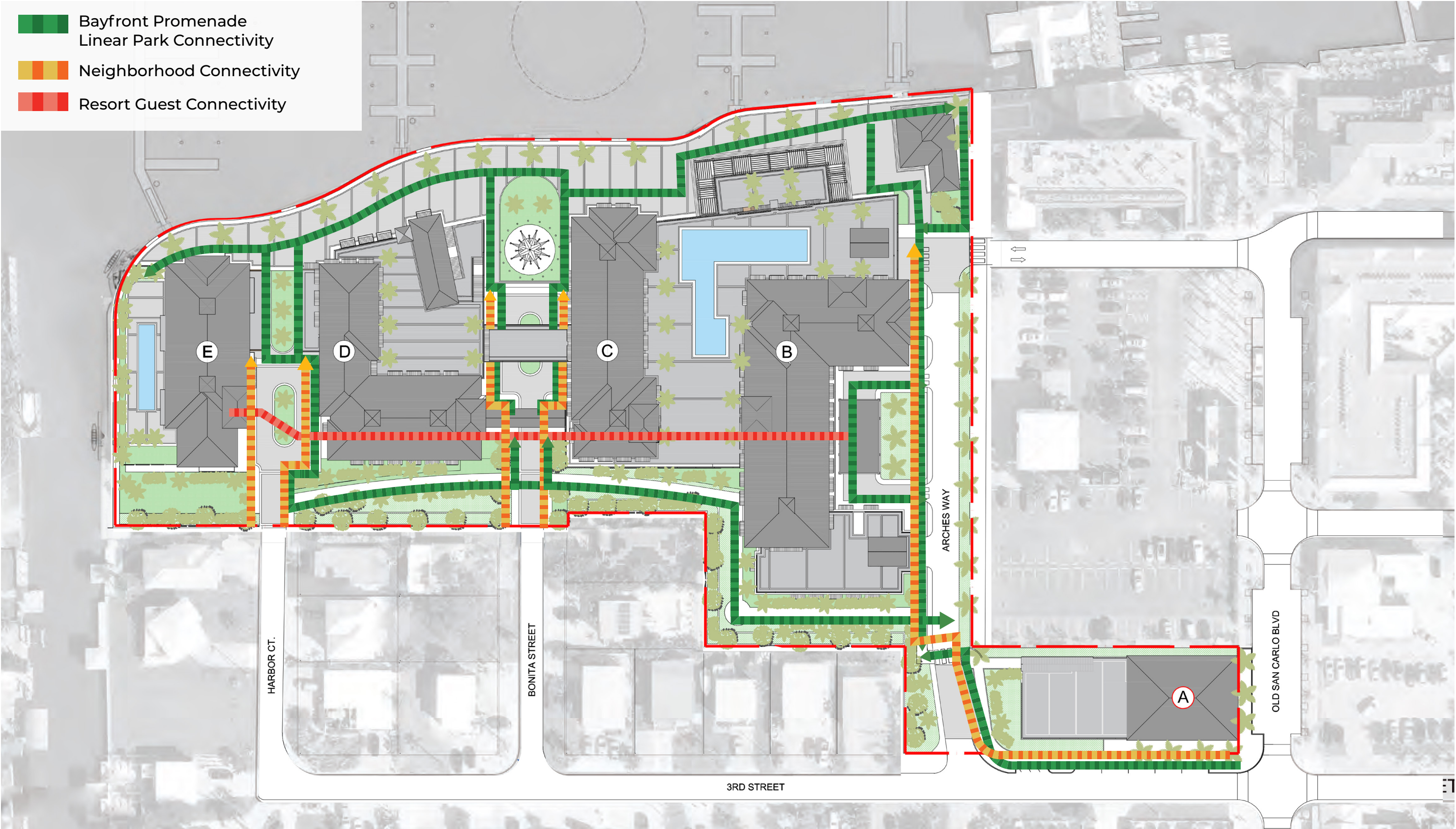


North Elevation
N.T.S

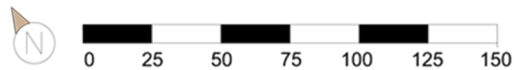
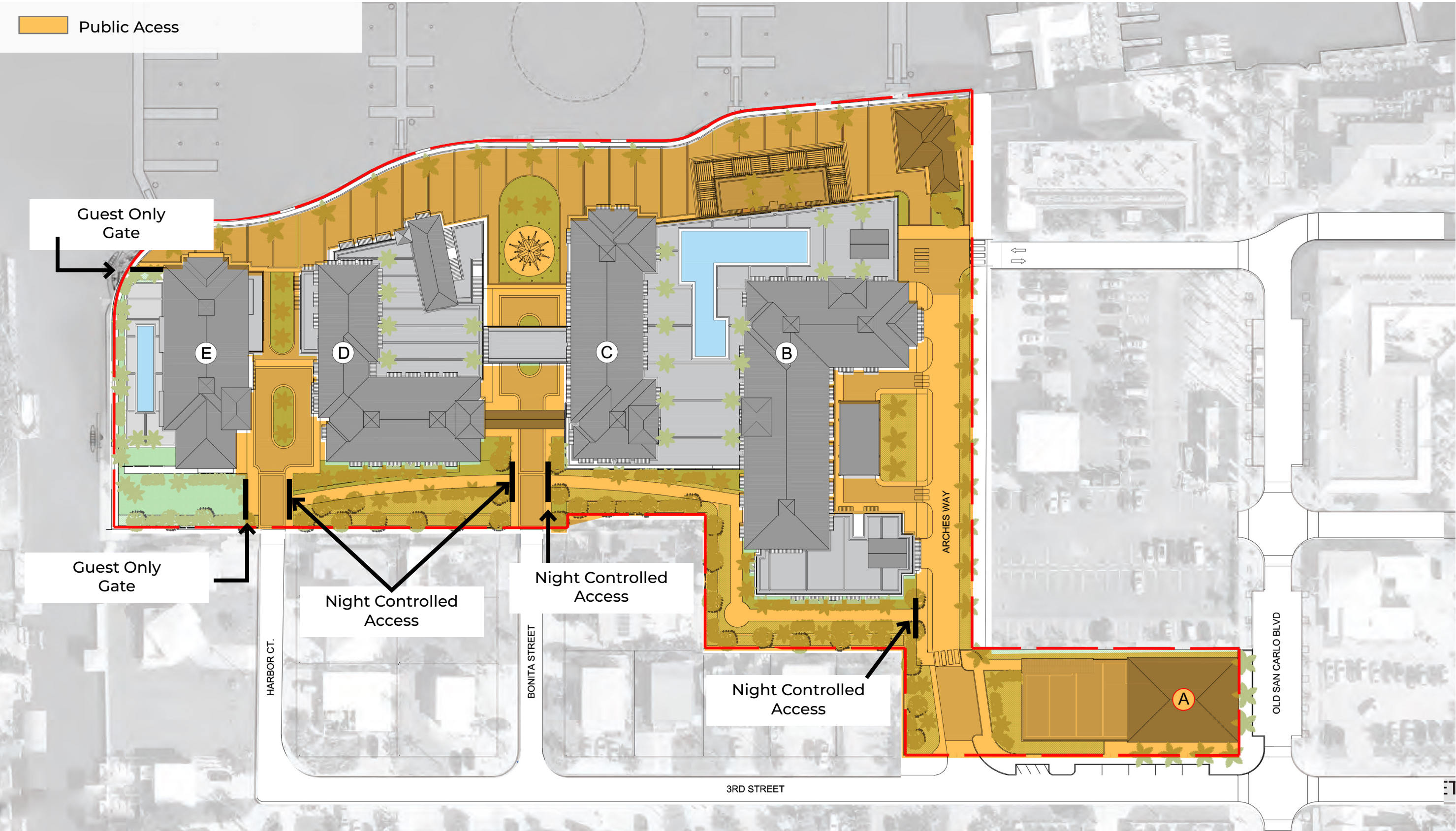
MASTER PLAN
VEHICULAR NETWORK PLAN



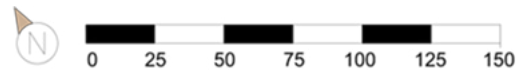
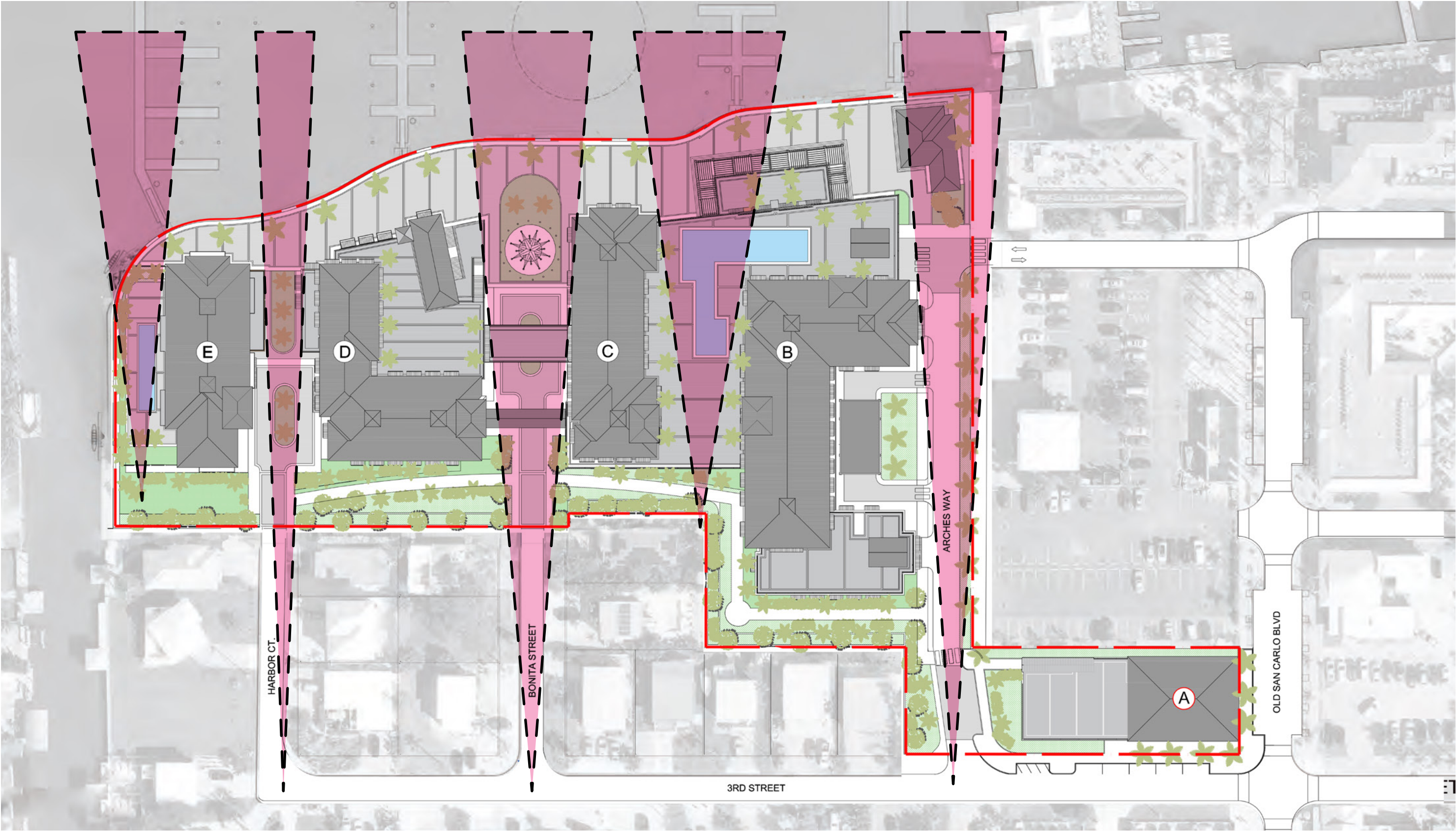
MASTER PLAN
PEDESTRIAN NETWORK PLAN



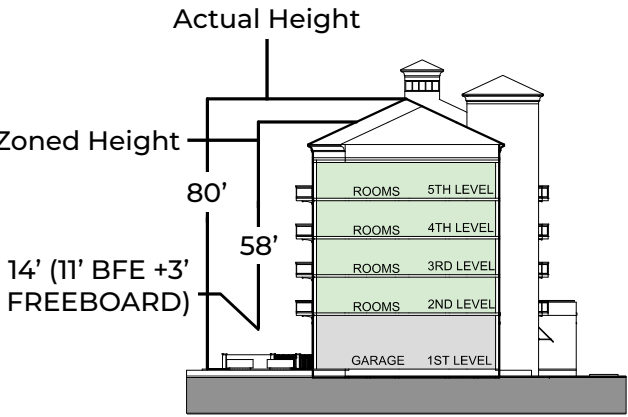
MASTER PLAN
PUBLIC ACCESS PLAN



MASTER PLAN
VIEW CORRIDORS / SHEDS

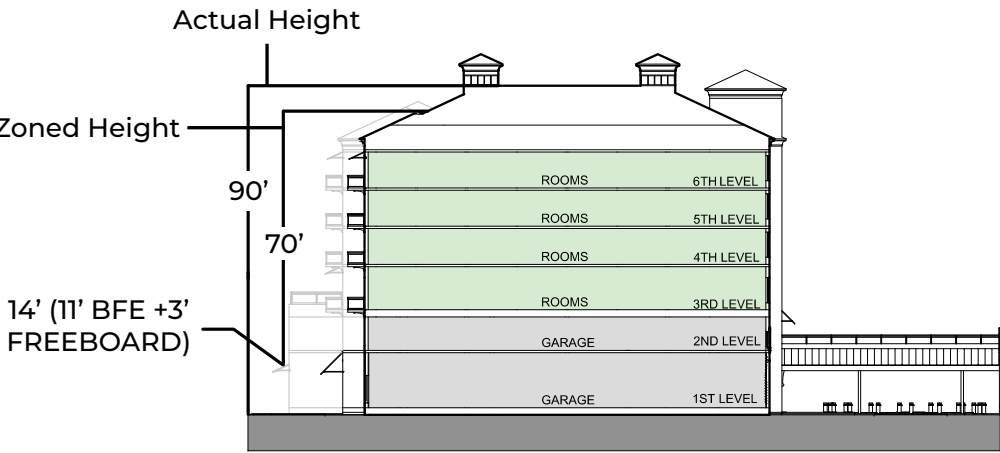


MASTER PLAN
REGULATING PLAN - HEIGHT DIAGRAM



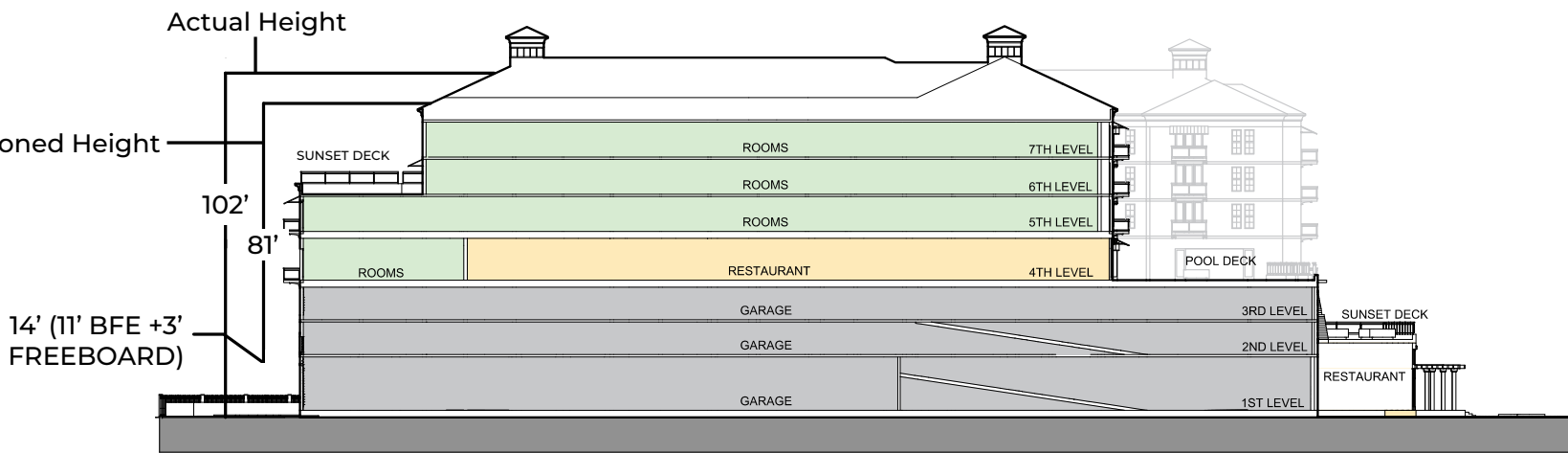
BUILDING - E

N.T.S



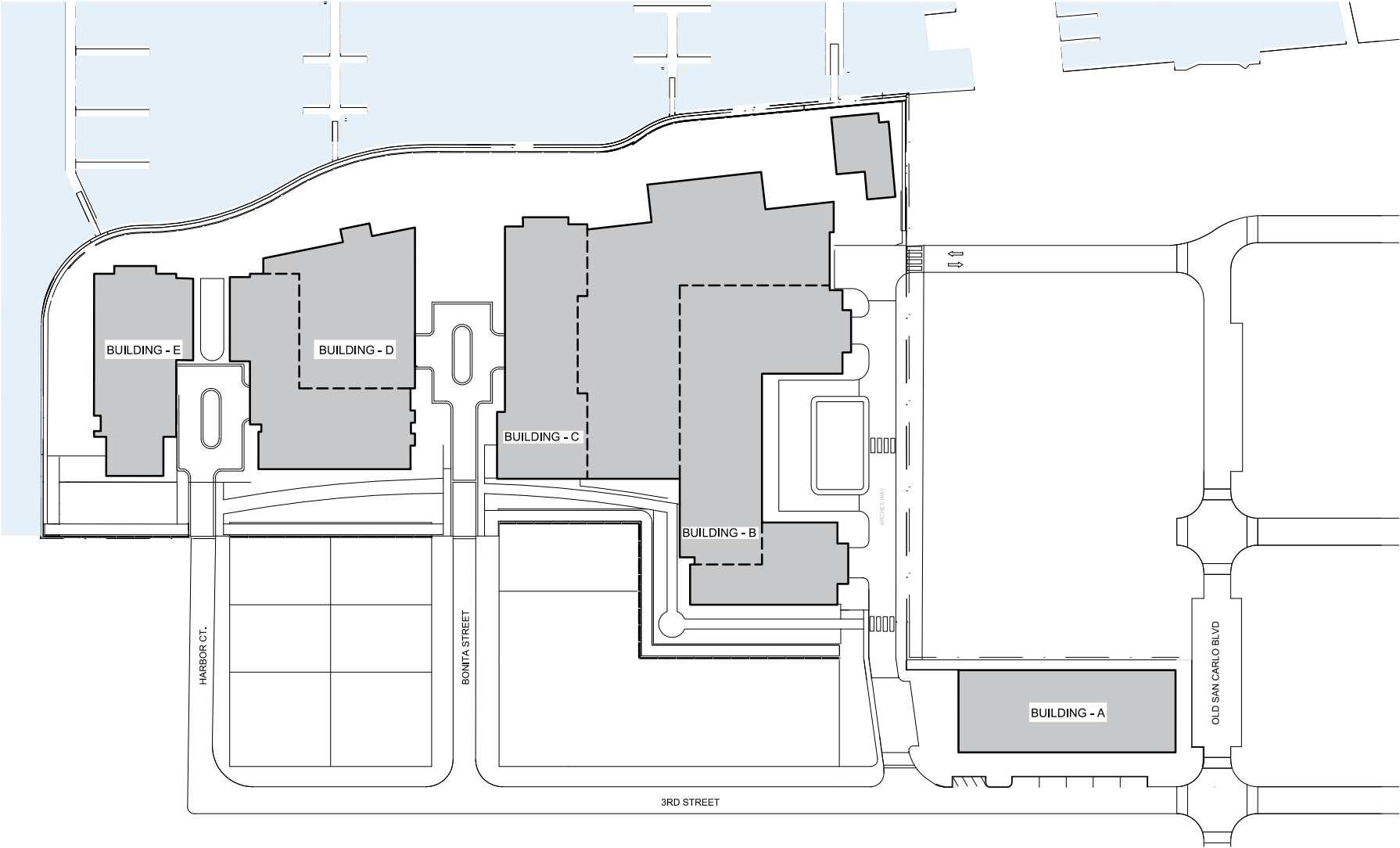
BUILDING - D

N.T.S



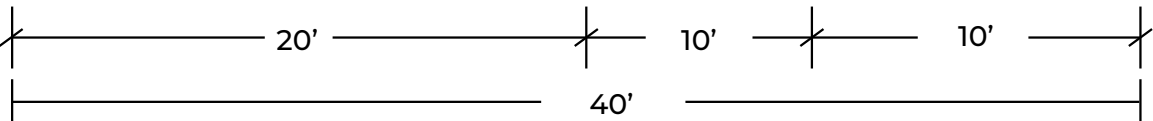
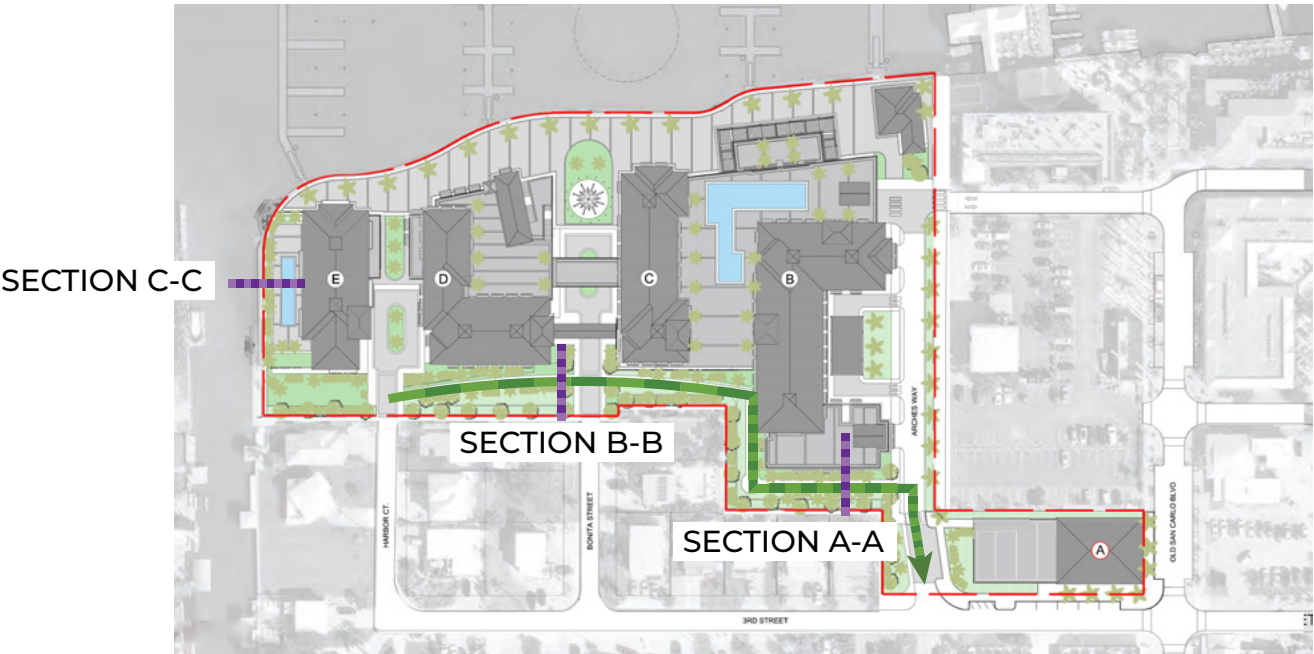
BUILDING - B + C

N.T.S



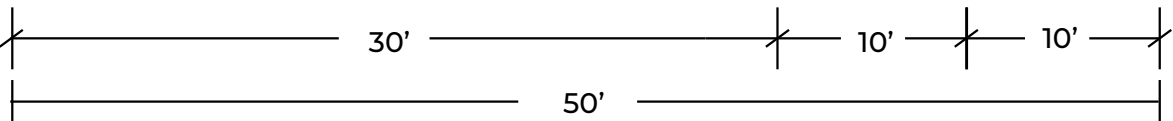
LINEAR PARK MEMORIAL GARDEN + BUFFER

TYPICAL SECTIONS



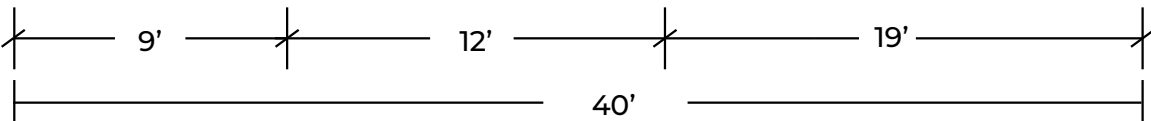
SECTION A-A

N.T.S



SECTION B-B

N.T.S



SECTION C-C

N.T.S

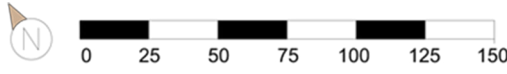
TECHICAL DRAWINGS

ARCHES MASTER PLAN LEVEL 100

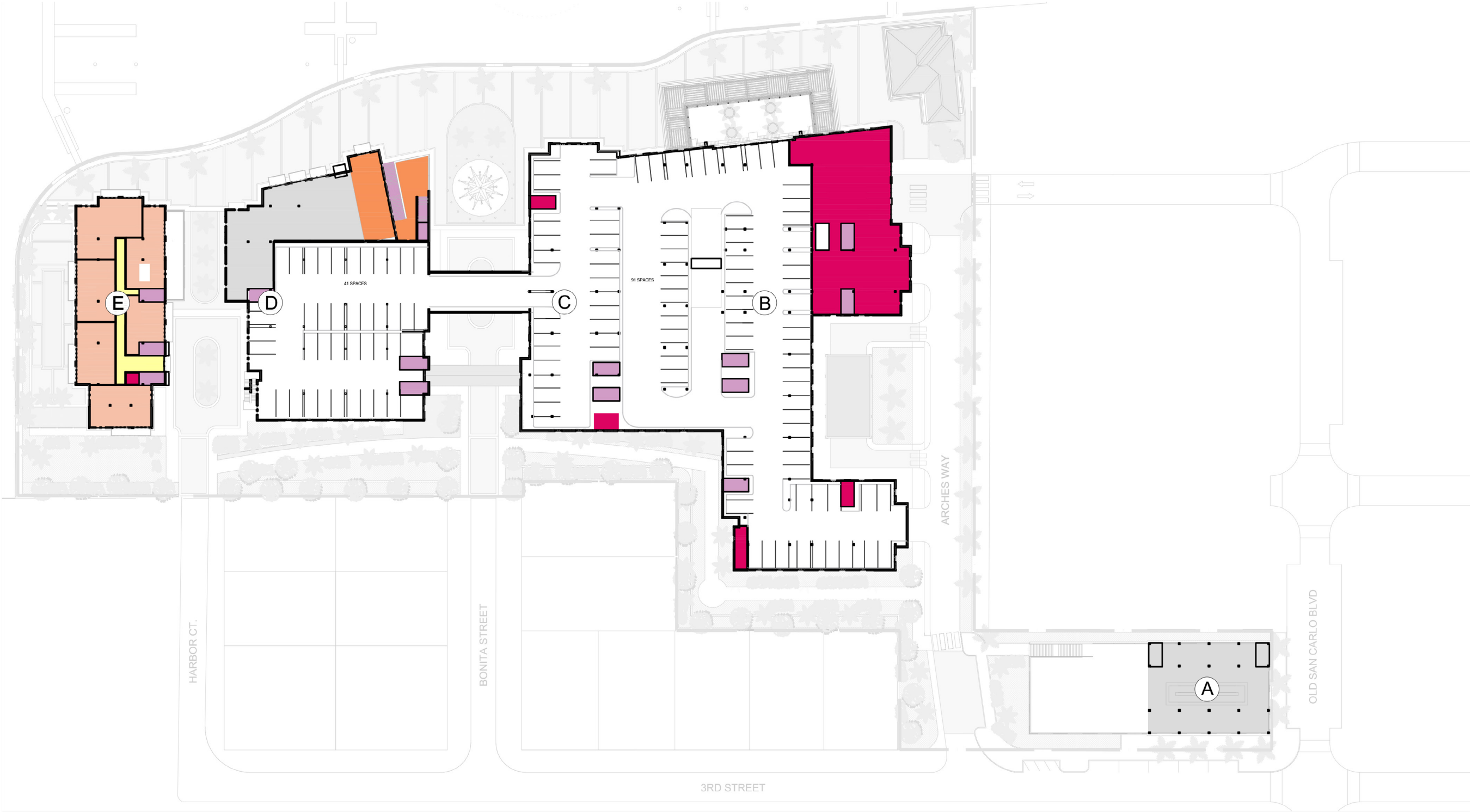


LEVEL 100

- LOBBY AND CORRIDORS
- VERTICAL CIRCULATION
- COMMERCIAL
- PARKING
- BACK OF HOUSE
- OUTDOOR MARKET
- POOL

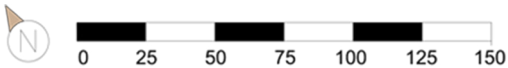


TECHICAL DRAWINGS
ARCHES MASTER PLAN LEVEL 200



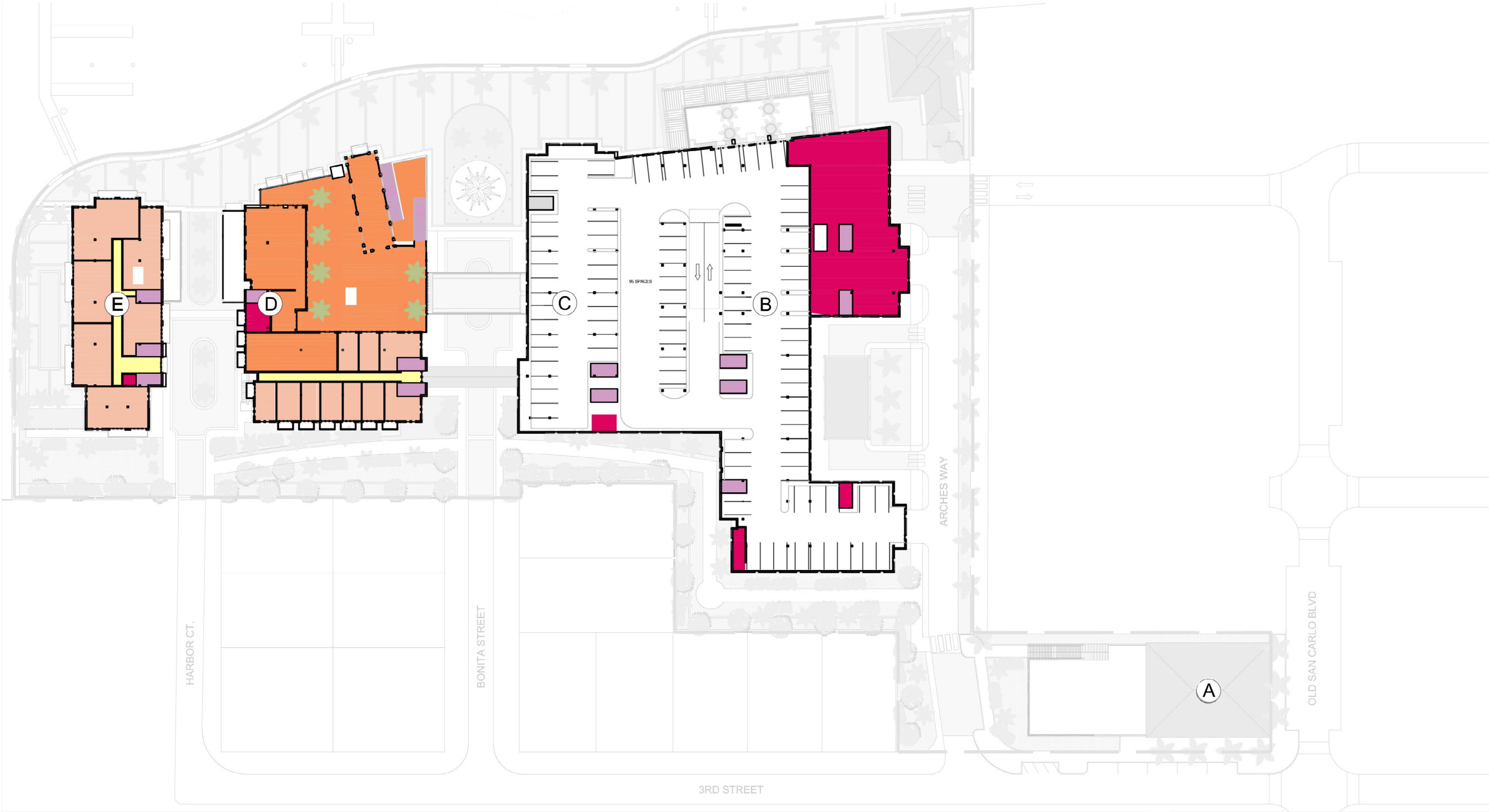
LEVEL 200

- | | | | |
|---|----------------------|---|-------------------|
|  | LOBBY AND CORRIDORS |  | EVENT SPACE |
|  | VERTICAL CIRCULATION |  | LODGING |
|  | COMMERCIAL |  | BACK OF THE HOUSE |
|  | PARKING | | |



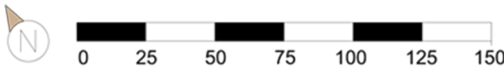
TECHICAL DRAWINGS

ARCHES MASTER PLAN LEVEL 300



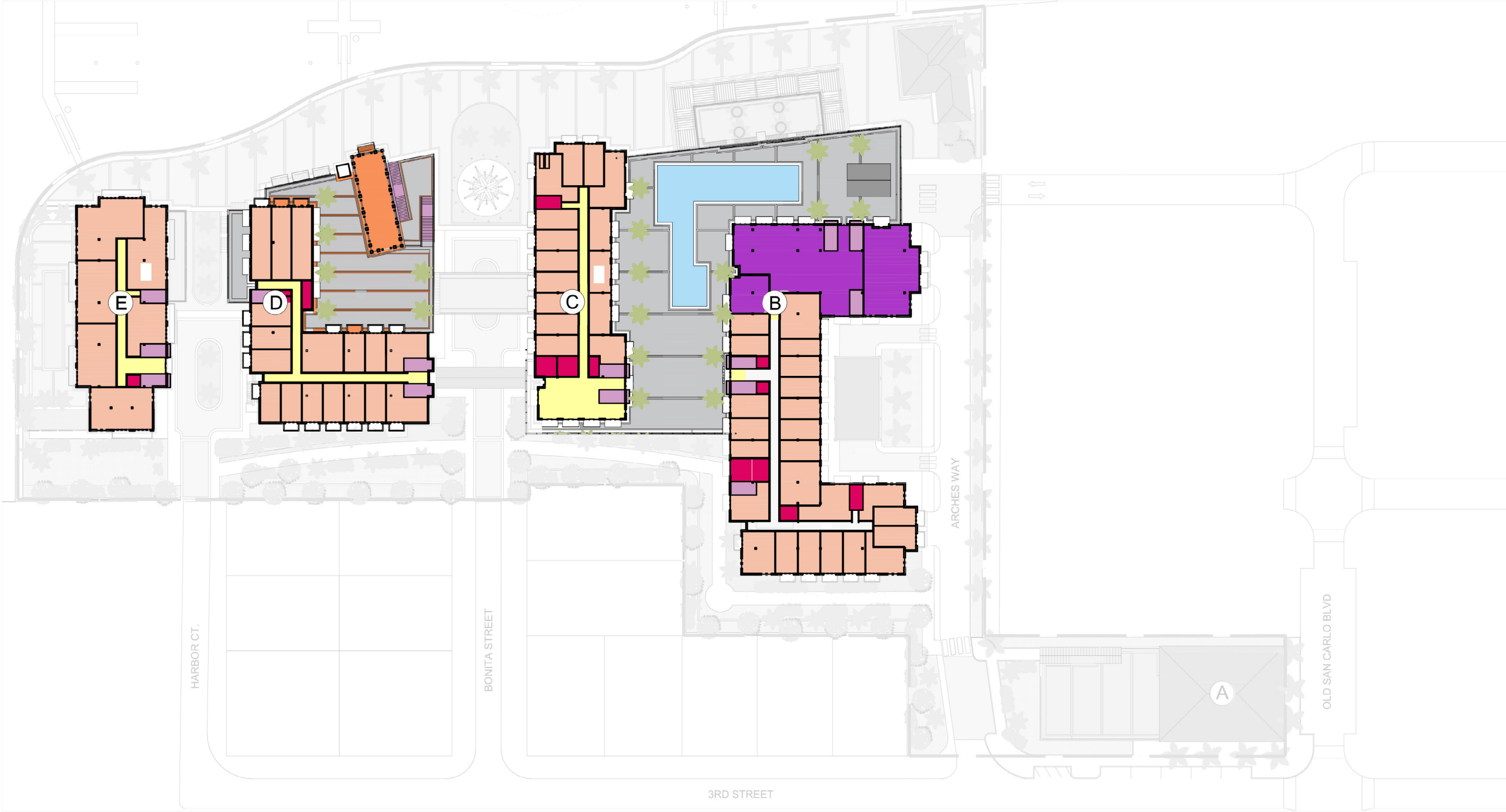
LEVEL 300

- | | | | |
|---|----------------------|---|-------------------|
|  | LOBBY AND CORRIDORS |  | EVENT SPACE |
|  | VERTICAL CIRCULATION |  | LODGING |
|  | PARKING |  | BACK OF THE HOUSE |



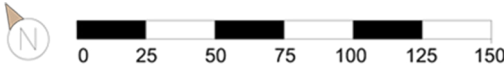
TECHICAL DRAWINGS

ARCHES MASTER PLAN LEVEL 400

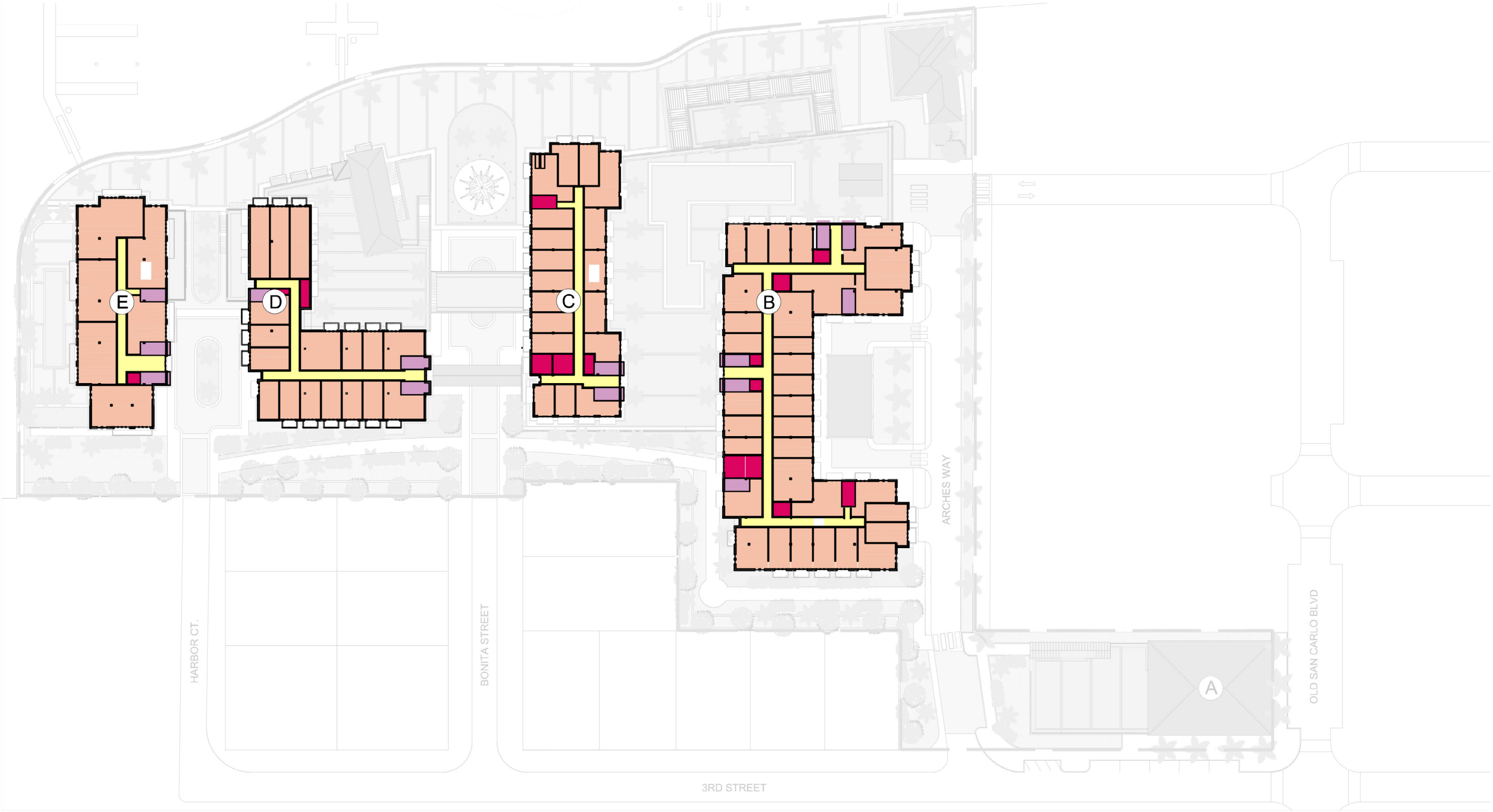


LEVEL 400

- LOBBY AND CORRIDORS
- VERTICAL CIRCULATION
- LODGING
- BACK OF THE HOUSE
- EVENT SPACE
- POOL
- FOOD & BEVERAGE

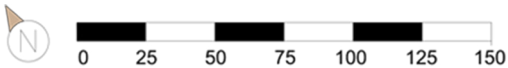


TECHICAL DRAWINGS
ARCHES MASTER PLAN LEVEL 500



LEVEL 500

- LOBBY AND CORRIDORS
- VERTICAL CIRCULATION
- BACK OF THE HOUSE
- LODGING



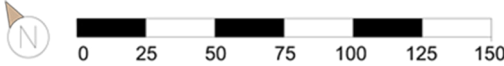
TECHICAL DRAWINGS

ARCHES MASTER PLAN LEVEL 600



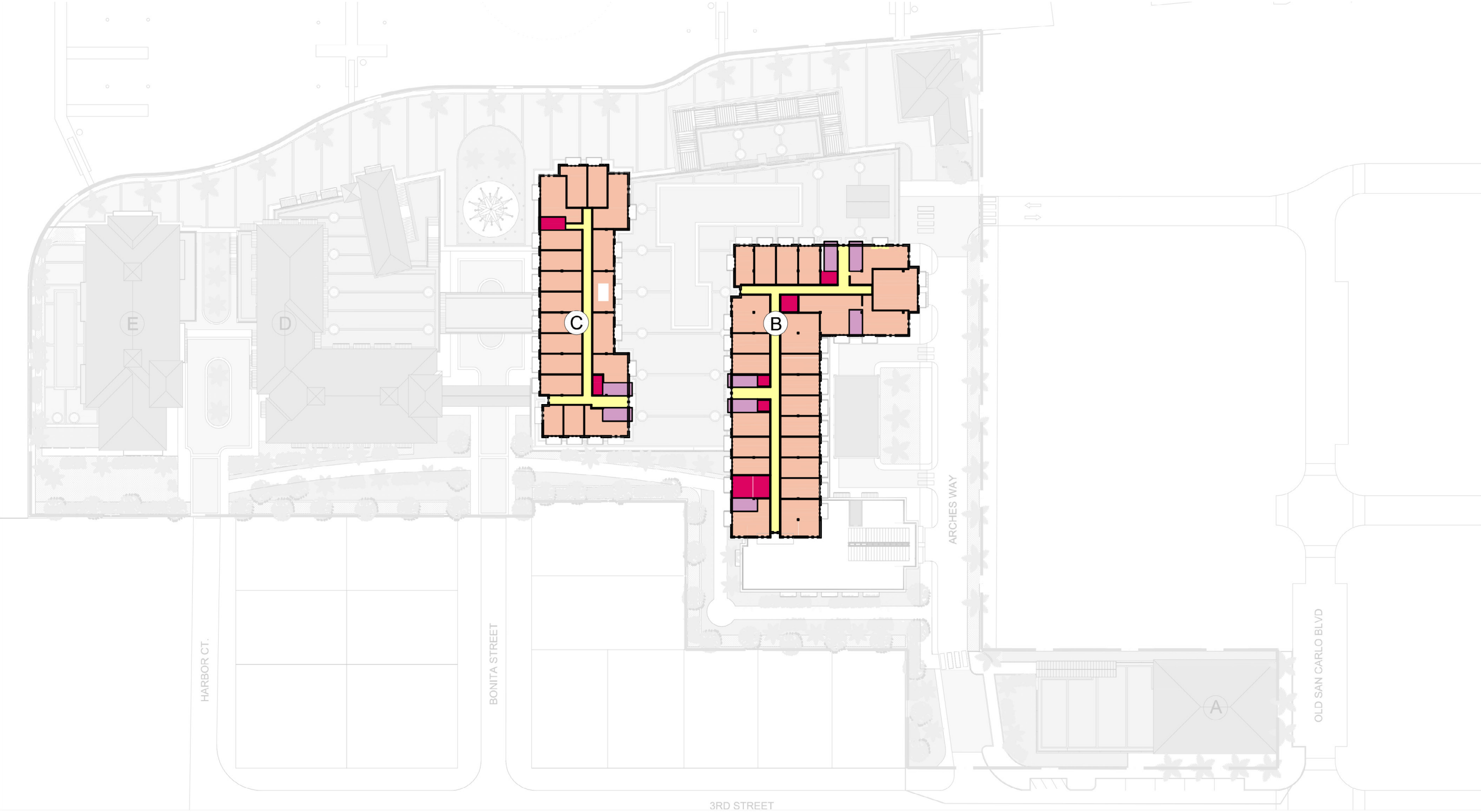
LEVEL 600

- | | |
|----------------------|-------------------|
| LOBBY AND CORRIDORS | SUNSET DECK |
| VERTICAL CIRCULATION | LODGING |
| | BACK OF THE HOUSE |



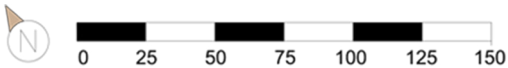
TECHICAL DRAWINGS

ARCHES MASTER PLAN LEVEL 700



LEVEL 700

- | | | | |
|---|----------------------|---|-------------------|
|  | LOBBY AND CORRIDORS |  | LODGING |
|  | VERTICAL CIRCULATION |  | BACK OF THE HOUSE |



FAR CALCULATIONS					
Arches Harborside Resort					
Floor Level	Building A	Building B & C	Building D	Building E	Ferry/ Water Taxi Terminal
	FAR Area	FAR Area	FAR Area	FAR Area	FAR Area
100	4,960	55,461	21,117	9,496	1,572
200	4,960	53,148	20,935	8,855	-
300	-	53,148	10,545	8,855	-
400	-	31,598	10,545	8,855	-
500	-	31,598	10,545	8,855	-
600	-	26,143	10,545	-	-
700	-	26,143	-	-	-
Sub Totals:	9,920	277,239	84,232	44,916	1,572
	Gross Building Area	417,879			
	Gross Site Area	216,928.8 SF (4.98 ACRES)			
	FLOOR AREA RATIO	1.93			































THE ARCHES BAYFRONT RESORT
COMMERCIAL PLANNED DEVELOPMENT
Rezoning Application
#20230151

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

Deviation #1: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum lot width of 100 feet and a minimum lot depth of 100 feet. This deviation would allow for either a minimum lot width of 80 feet or minimum lot depth of 80 feet depending on the development's frontage on either Old San Carlos Boulevard or Third Street.

Justification: The deviation request will align the property development regulations within the Old San Carlos Tract with the dimensions of the property to avoid creating a non-conforming lot within the CPD. The property frontage measures approximately 80 feet on Old San Carlos Boulevard and approximately 200 feet on Third Street, which does not meet the intended CR zoning district dimensional regulations. The approval to deviate from the dimensional regulations will not result in any negative impacts to the community's health, safety, and welfare.

Deviation #2: A deviation from LDC Section 34-645(b) and Table 34-3, which allows for a maximum floor area ratio of 1.2 within the Commercial Resort (CR) zoning district and a maximum floor area ratio (FAR) of 1.8 within the Downtown Redevelopment district to allow for a maximum FAR of 2.0 within the Arches Bayfront Resort CPD.

Justification: The companion Comprehensive Plan Future Land Use Map Amendment will designate the entire subject property as Pedestrian Commercial, which allows a maximum FAR of 2.5. The proposed FAR of 2.0 is therefore consistent with the Comprehensive Plan. The increase in FAR is requested to allow a world-class resort that will offer guest amenities, event space, marina uses, public parking and commercial uses open to the public. Today's building codes, FEMA regulations, public spaces and hospitality standards calling for larger rooms and greater amenities dictate the need for an increased FAR. However, the FAR requested is far short of the 2.5 allowed within the Pedestrian Commercial Future Land Use category.

The CPD allows applicants to request an FAR of up to 2.5 within the Pedestrian Commercial Future Land Use designation. In support of the CPD and the request to increase the FAR to 2.0, the applicant is proposing the following public benefits:

- Bayfront Promenade
 - Public access to bayfront
 - Splash pad for kids
 - Mix of food, entertainment and retail venues for public and resort guests



- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a cohesive downtown with two dynamic bookends that provide first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring:
 - FMB history & historic FMB Arches
 - Hurricane Ian impacts & casualties
 - Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

The deviation for increased FAR is consistent with the Comprehensive Plan and will not result in any negative impacts to the community's health, safety, and welfare.



Deviation #3: A deviation from LDC Section 34-1803(a)(1), which allows the conversion of dwelling units to hotel/motel guest units per established equivalency factors as allowed per LDC Section 34-1804(a)(2). This deviation would allow an equivalency ratio of 9.1 and a maximum of 263 guest units.

Justification: The Arches Bayfront Resort property consists of ±4.98 acres and is currently pending a Small-Scale Comprehensive Plan Future Land Use Map Amendment to change from Marina and Mixed Residential future land use category to Pedestrian Commercial. The Pedestrian Commercial future land use category allows 6 dwelling units per acre with equivalency factors for hotel units of various sizes. The equivalency factors per LDC Sec. 34-1893(a)(1) for units within the Pedestrian Commercial FLU are 3.0 for units less than 450 square feet, 2.5 for units between 450 square feet and 750 square feet, and 2.0 for units between 750 square feet and 1,000 square feet which would allow at a minimum 60 hotel units up to a maximum of 90 hotel units.

The proposed additional hotel rooms are requested pursuant to LDC Sec. 34-1802(a)(2), which allows for additional units under “exceptional circumstances” and when providing public benefits. The exceptional circumstances include the devastation sustained due to Hurricane Ian, the construction requirements mandated through the Florida Building Code and FEMA, the increased cost of construction, high interest rates and the shortages of materials and labor. Additionally, through the planned development process, the applicant is proposing the following public benefits that contributed to the projects consistency with LDC Sec. 34-1803(a)(2):

- Bayfront Promenade
 - Public access to bayfront
 - Splash pad for kids
 - Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a dynamic downtown that connects the beach to the bay with first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring:
 - FMB history & historic FMB Arches
 - Hurricane Ian impacts & casualties



- Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

These exceptional circumstances and public benefits support the 263 hotel units requested.

The deviation and justification as outlined above demonstrate the public benefits that will be provided by the Arches Bayfront Resort and the exceptional circumstances which have led to this request. The development of this pedestrian friendly resort will not adversely impact the public's health, safety, or welfare.

Deviation #4: A deviation from LDC note 1 of Table 10-9 which requires a solid wall not less than six feet in height and with the landscaping to be placed on the adjacent property side of the wall to allow for a six foot high decorative fence with solid columns and landscaping to be placed on the interior (resort side) of the decorative fence for the southern property line as depicted on the enclosed MCP.

Justification: The deviation is requested to allow for a 6-foot decorative fence to be provided at the southern property boundary where the resort is located adjacent to single-family residences. This decorative fence will have a minimum of 10' of landscaping planted to the interior of the fence between the resort and the existing single-family residences. This will provide approximately 35 to 50 feet of separation between the resort buildings and the residential property. The placement of the landscaping to the interior of the decorative fence will allow for ease of maintenance and enhancement of the Linear Park & Memorial Garden area. For additional buffering and compatibility with the residential development, the Linear Park & Memorial Garden area will be designed in such a manner that the public will be directed away from the residential development through sidewalks and wayfinding signage.

The proposed decorative fence with 10 feet of landscape plantings on the interior of the fence adjacent to the existing residential development will not cause or result in any negative impacts to the community's health, safety, and welfare.



Deviation #5: A deviation from LDC Section 26-77(b) which states that new or expanded seawalls are not allowed along natural waterbodies in order to allow the existing boat ramp to be replaced by seawall.

Justification: This deviation request is made so that the existing boat ramp, located on the northeast corner of property, shall be removed and replaced with a permitted, code compliant seawall. The existing private boat ramp is located on the Moss Marina site and no longer in use. Through the proposed Arches Bayfront Resort design, the site will provide a minimum 670-foot public bayfront promenade to be used by resort guests and the public. This bayfront promenade will provide access to the ferry/water taxi terminal, docks, ground floor retail and restaurants. The resort and seawall design will also comply with stormwater management so that runoff will not be discharged directly into the bay as currently occurs.

The proposed seawall construction will be a public benefit to the island, its residents and an improvement to the existing conditions thus supporting the intent of LDC Section 26-77(b) which is to protect the island's natural bodies of water.

Deviation #6: A deviation from LDC Table 34-3 which requires properties in the Commercial Resort (CR) zoning district to have a minimum height set at 30 feet and 3 stories to allow a maximum building zoned height of 81' (as defined in the FMBLDC) for the Resort Tract. Maximum building heights will be in compliance with the approved Master Concept Plan.

Justification: The comprehensive plan allows for additional height utilizing the planned development process in Policy 4-C-4 with implementing language in Section 34-1803(2) FMBLDC. This review allows additional height for consistency with existing building height and extraordinary public benefits. The proposed maximum height is similar to the adjacent Marina Village Condominium. The proposed height does not affect views from the peak of the skybridge above the existing skyline. This will ensure preservation of the views of the Gulf from vehicular traffic when arriving to the island via San Carlos Boulevard. The height is requested to allow for five view corridors varying in width from 25 to approximately 70 feet through the site toward the extensive bayfront promenade, waterfront, and sky. The additional view corridors and public access through the creation of a bayfront promenade will create a pedestrian plaza and reduce the building mass to present a human scaled experience along the bayfront and Arches Way. Additionally, the additional height results in smaller building footprints which allows for greater setbacks and buffering from adjacent residential properties and the creation of the Linear Park & Memorial Garden.

Deviation #7: A deviation from LDC Table 34-3 which states that property setbacks in a CPD zoning district shall be the same as for the Commercial Resort zoning district to allow for adjusted building setback lines within the Resort Tract and adjusted side setbacks and build to lines for the buildings located within the Old San Carlos Tract as outlined within the enclosed Development Standards Exhibit.

Justification: This unique configuration of the properties which make up the Arches Bayfront Resort necessitate the requested deviation from setbacks and build-to lines. Under the Table 34-3 regulations, the section of the property which abuts Old San Carlos Boulevard would have a setback ranging from a minimum of 10' – 15' which would not support the Town's vision as presented in the Old San Carlos Boulevard-Crescent Street Master Plan of having all buildings built to the sidewalk. This deviation supports the desire to promote a building form that engages the public along Old San Carlos



Boulevard, through building placement and design. The proposed build-to lines for the Old San Carlos Boulevard Tract are 0-5 feet for Old San Carlos Boulevard and 0 – 10 feet on Third Street. These build-to lines will create a human-scaled, walkable, engaging public realm along both Old San Carlos Boulevard and Third Street. The proposed side setback on the north side of the building is 0 feet, consistent with setbacks permitted in the Downtown district in which the property is located.

The proposed setbacks for the Resort Tract will allow the development to be designed in such a manner that the active public areas are located along the Bayfront Promenade while the Linear Park and Memorial Garden will create a passive recreational area near Third Street and thus buffering the residential properties from the more intense uses. The setbacks will also allow the development to create five view corridors to the bay from Third Street. The granting of this deviation will not cause or result in any negative impacts to the community's health, safety, and welfare.

Deviation #8: A deviation from LDC Section 34-2020, required parking regulations, to allow a parking reduction of 50% in accordance with LDC Section 34-676(a)(1).

Justification: LDC Section 34-676(a)(1) allows for the request of a 50% reduction from the off-street parking requirements for properties abutting Old San Carlos Boulevard through the deviation process. By virtue of the overall CPD's location and proximity to the water, the parking reduction will allow for consideration to be given to the alternative modes of transportation available to access the site. The Arches Bayside Resort intends to promote and support multimodal transportation through providing parking facilities for vehicles, golf carts, bicycles and docks for both vessel and personal watercraft and non-motorized personal watercraft as well as a water taxi/ferry dock. The resort will also have a stop for access to the Fort Myers Beach Trolley and Tram system.

The site creates the northern "bookend" of the expanded Times Square pedestrian-friendly zone along Old San Carlos Boulevard from Times Square to Matanzas Pass, connecting the beach to the bay as described in the Old San Carlos Boulevard – Crescent Master Plan.

The parking analysis demonstrates that a total of 336 vehicle parking spaces will be provided by the developer as well as 13 golf cart spaces, 26 bicycle spaces, and transient boat slips. 96 spaces of the 336 will be provided for paid public parking. The amount of parking meets and exceeds the code requirements and the excess provides a significant public benefit that supports the Park Once initiative.

The proposed parking alternatives and access to alternative modes of transportation will reduce the need for parking within the downtown area and help alleviate traffic congestion on the island. The granting of this deviation will not create negative impacts to the health, safety and welfare of the island's residents and visitors.



THE ARCHES BAYFRONT RESORT
COMMERCIAL PLANNED DEVELOPMENT
Rezoning Application
#20230151

PROPOSED CONDITIONS/COMMITMENTS:

TRAFFIC MITIGATION

1. Downtown Ferry/Water Taxi Terminal:

- a. The property owner supports the proposed Fort Myers Beach ferry and water taxi system as an alternative mode of transportation that can significantly mitigate traffic congestion issues on Fort Myers Beach. The owner will invest and participate in the ferry system and commits to construct a minimum 1,400 square foot, indoor, air-conditioned ferry terminal facility on the subject property. This location will serve as the downtown stop and provide ease of access to residents, hotel guests, and day-trippers. The owner also commits to providing ferry operations and ticketing space and a docking slip free of charge for the first 5 years of operations.

2. Non-Motorized Watercraft Docking:

- a. The property owner shall provide dedicated dock space, at no charge, for non-motorized watercrafts such as kayaks and paddle boards. The docking space is not a public launch. It is intended to serve hotel guests, and nearby residents and visitors who paddle to the site.

3. Guest & Employee Shuttle:

- a. The property owner and resort operator shall provide, at a minimum, twice daily in-season (December-April) shuttle service for hotel guests and employees to and from RSW Airport and the Beach Park-and-Ride located off Pine Ridge Road.

4. Don't Rent a Car (DRaC) Program

- a. To help mitigate traffic congestion, the owner and resort operator will promote various marketing initiatives that support and encourage all guests to use alternative modes of transportation rather than drive a vehicle to or while on the island. Such efforts will include:
 - A dedicated page on the resort website outlining and promoting alternative modes of transportation and informing guests on ways to reduce vehicular trips including:
 - Information on the walkability of the area and businesses of interest to guests within walking distance;
 - Bicycle rentals;
 - Ferry service;
 - Shuttle service;



- Car hailing and taxi service;
- Fort Myers Beach's LeeTran "TROLLEE" and seasonal TRAM Service Schedules and Route Maps, and
- Food delivery service
- Establish partnerships with businesses on the island, especially in the "Downtown", to provide incentives and discounts for guests. Hotel guests who do not drive onto the island will receive monetary discounts or vouchers for future stays and/or with participating local businesses, such as restaurants, bike rentals, and tour/tourism operators.
- Participate in townwide traffic mitigation efforts, such as:
 - Off-island parking and transport initiatives, e.g. Water ferry/taxi discounts for those staying at the hotel.
 - Off-site parking availability identification systems.
 - Evaluating and improving LeeTran's "TROLLEE" and seasonal TRAM service and rider/user experience.

5. Bicycles

- a. The property owner or resort operator will provide for rent or complementary bicycles with bike locks, and dedicated bike parking at the resort for hotel guests.
- b. Minimum of 26 bicycle parking spaces (multiple bike racks) for public use.

6. Multi-Use Pathways:

- a. Bicycle and pedestrian pathways will be provided throughout the property and will be open to guests and the public. The pathways will provide interconnection and ease of access to the Bayfront Promenade, the Memorial and Linear Park, the Outdoor Market and downtown venues to reduce vehicular trips.

7. Public Parking

- a. The Arches Bayfront will provide 96 paid public parking spaces to promote and implement the Town's "Park Once" strategy and supports a vibrant and walkable downtown. 91 spaces will be on the resort property spaces and 5 spaces will be constructed by the owner along Third Street.
- b. Resort guest and public parking spaces will be clearly identified, will be managed by the resort, and will operate in accordance with public parking standards and fees.

8. Golf Cart Parking

- a. The Arches Bayfront will provide 13 dedicated golf cart parking spaces available to guests or the public.

9. Ride Hailing and Trolley/Tram Stop

- a. In order to support and encourage the use of transit, ride-hailing services and taxis, a dedicated transit stop (if approved by LeeTran), pick-up and drop-off area will be provided along Arches Way adjacent to the Outdoor Market. This area will be generally configured and located as identified on the Master Concept Plan and can serve as a downtown hub to facilitate the use of services such as Uber and Lift.



10. Vehicular Access to Resort

- a. Vehicular access to the resort will be focused and directed to Arches Way, and “Local Traffic Only” signage will be placed immediately west of the intersection of Third Street and Arches Way to minimize vehicular trips within that neighborhood.

MARINA

11. Design & Uses:

- a. Marina design, uses, and locations must be consistent with Policies 4-B-6, 4-B-7, and 5-E-7 of the Fort Myers Beach Comprehensive Plan and all applicable Town codes.

12. Pump Out and Fueling Service:

- a. The property owner shall coordinate with the Town of Fort Myers Beach to provide convenient on-site pump out and fueling services for mooring field users and the general boating public. As part of an agreement between the Town and the marina, would be established for mooring field users. A weekly pump out service fee would apply and would be defined within this agreement.

PUBLIC SPACES

13. Bayfront Promenade

- a. As part of the development of the resort the property owner will build a Bayfront Public Promenade as generally depicted on the Master Concept Plan. This promenade will include restaurants, storefronts and fully enclosed and air-conditioned commercial space. The promenade will be open to the public from sunrise until stores and restaurants along promenade cease operation in the evening.
- b. The promenade will provide public access to the waterfront and will include access to the waterfront, a children’s splash pad, seating and landscaped areas as generally depicted on the attached renderings. An unobstructed walkable “clear zone” will be maintained at a minimum of 10 feet and an average 12 feet wide and that will vary in location within the Bayfront Public Promenade area as noted and shown on the approved Master Concept Plan.

14. Outdoor Market (Farmers/Arts & Crafts Market)

- a. The property owner will build a dedicated covered outdoor space for an outdoor market area at the corner of Third and Arches Way as generally depicted on the MCP and project renderings.

15. Linear Park & Memorial Garden

- a. The property owner will develop a passive linear park along the southern boundary of the resort. This park will provide separation and buffering from adjacent residences and will include a decorative perimeter fence, a minimum ten-foot vegetated buffer, a bicycle/pedestrian pathway and will feature a Memorial Garden with sculptures and plaques honoring Fort Myers Beach history, commemorating Hurricane Ian and celebrating the rebuild of the island. The linear park and memorial garden will be open to the public and the design will be generally consistent with the attached conceptual renderings.



16. Public Access

- a. The resort is designed to provide bicycle and pedestrian access to the Bayfront Promenade, Outdoor Market, and the Linear Park & Memorial Garden via a network of sidewalks and pathways as depicted on the Master Concept Plan. The resort's bike/pedestrian pathways and Linear Park will be open to the public until one hour after sunset. The Bayfront Promenade will remain open until restaurants cease operations in the evening.
- b. The Bayfront Promenade and Linear Park will terminate at Building D as depicted on the Master Concept Plan. There will be no public access along the canal to ensure compatibility with adjacent residential uses.

DESIGN

17. Architecture & Site Design

- a. Final design must be generally consistent with renderings provided in addition to the Master Concept Plan.
- b. Architecture must be a coastal vernacular consisting of Key West, Old Florida, and St. Augustine/Spanish influences.

18. Landscaping & Buffering

- a. Perimeter buffers/landscaping must be generally consistent with the Master Concept Plan.
- b. A detailed landscaping plan showing the location and type of all plantings must be provided with the development order application.
- c. All landscaping material will be native varieties/Florida friendly species.

FORT MYERS BEACH ELEMENTARY SCHOOL

19. Promoting the Beach School

- a. The property owner or resort operator will work with the Town, Fort Myers Beach Chamber of Commerce, the School District of Lee County, and Fort Myers Beach Elementary School to promote the opportunity for resort employees to enroll their children at Fort Myers Beach Elementary School. Educational materials will be provided to employees regarding enrollment and after school care programs.

20. Flexible Work Schedules

- a. The resort will allow flexible work schedules for employees to accommodate pick up and drop off of children attending Fort Myers Beach Elementary School.

COP, HOURS OF OPERATION & AMPLIFIED SOUND

21. Consumption on Premises (COP)

- a. Service of alcohol for on-premises consumption is approved at the location depicted on the Master Concept Plan, subject to these limitations:
 - i. Service to outdoor areas is permitted as follows:
 1. For Buildings B & C, on the Level 400 deck area surrounding the pool and the hotel restaurant and Level 500 Building B's Sunset Deck area.
 2. For Building D, on the Level 200 deck adjacent to the Event Chapel and reception halls.
 3. For Building E, at Level 100 around the pool deck



4. For commercial plaza along the Bayfront Promenade (Level 100), limited to the restricted outdoor seating areas and surrounding the commercial/ferry water taxi building as depicted on the Master Concept Plan.
5. For The Arches Gateway Restaurant (second story – Level 200) and ancillary rooftop deck at the corner of Old San Carlos and Third Street.

22. Hours of Operation & Amplified Sound

- a. Hours of operation and amplified sound for outdoor areas will be limited to the following unless otherwise temporarily altered per the Town's special event use regulations in LDC Section 34-1264. All other hours of operation will be regulated by the LDC.
- b. The Arches Gateway Restaurant and rooftop deck at corner of San Carlos Blvd and 3rd St: 7:00am to midnight. Amplified sound will be oriented away from adjacent residential properties.
- c. Sunset Deck: 7:00am to midnight and amplified sound until 9pm. Amplified sound will be oriented away from adjacent residential properties.
- d. Commercial plaza restaurant(s) along Bayfront Promenade: 7:00am to midnight
- e. Pool deck (Buildings B and C): 7:00am to midnight
- f. Pool deck (Building E): 7:00am to one hour after sunset and amplified sound (ambient music only) from 10am to 1 hour after sunset. Amplified sound will be oriented away from adjacent residential properties.
- g. Outdoor deck area by the Events Chapel and reception hall (Building D): 7:00am to midnight

OTHER

23. Outdoor boat storage on land is prohibited.
24. ROW vacation for part of Harbor Court and Bonita St shall be required at the time of the Development Order.
25. Lighting and landscape plan required at time of Development Order approval.
26. State and Federal permitting required for environmental resource impacts. All applicable State and Federal permits shall be obtained and submitted to the Town of Fort Myers Beach (chadd@fmbgov.com) BEFORE commencement of any development activities.
27. The non-seawalled area separating The Arches Bayfront Resort and Marina Village will be filled and protected by a seawall. This improvement will allow pedestrian connection for Marina Village guests.
28. At the time of development order approval an accessible stabilized surface meeting the required width between Harbor Ct. and Bonita Street for emergency and fire personnel and vehicles will be provided. See MCP for notation.
29. All proposed walkovers will be designed at the time of development order approval to allow for emergency and fire vehicle access.

March 26, 2025

Mr. Patrick Vanasse
The Neighborhood
9961 Interstate Commerce Drive, Suite 230
Fort Myers, FL 33913

RE: The Arches Bayfront Resort CPD

Dear Mr. Vanasse:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by AIM Engineering & Surveying regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

TIS Review:

Please reorganize the memorandum into a TIS report. In the current form, it is difficult and time consuming for the reader to follow what is going on. The responses to AIM Engineering & Surveying, Inc.'s September 11, 2024 comments do not need to be attached in the TIS, as this is now a new document. There is no need to reference the TIS that Hall Planning & Engineering, Inc. submitted previously. Please include trip generation, trip distribution, roadway segment analysis and intersection analyses in the TIS report with appropriate discussion, figures and tables. The ITE trip generation rates, FDOT Level of Service (LOS) tables, SYNCHRO analyses, raw traffic counts, etc. should be included as appendices. Please resubmit the TIS report as a stand-alone document and submit the electronic SYNCHRO files.

The report was reformatted and it included now as stand alone TIS. The data collected by HPE was to the best of our knowledge included in the Appendix of the TIS. The electronic SYNCHRO files will be emailed to Mr. Adams at AIM Engineering.

Page 6, Table 5 (LOS Conditions and Roadway Impacts for Estero Boulevard):

- a. It is unclear to the reader if the segment analysis is based on a one-way or two-way peak hour volume. Please indicate in the table whether the 1,300 vph value is a one-way or two-way peak hour volume.*
- b. The inclusion of an FDOT Level of Service D maximum volume in this table is unclear since it does not appear to be used in any analysis.*

Unless there is a specific reason for including a generalized FDOT service volume, we recommend deleting this column of the table.

- c. The column header for the 4th column in this table should be revised. We recommend revising this to "Project Traffic as % of Maximum Service Volume". We are not sure the 1,300 vph value is actually the maximum Level of Service C volume. Based on the wording of the Town of Fort Myers Beach Comprehensive Plan Policy 7-1-2, it would appear more likely that the 1,300 vph value is more representative of the maximum Level of Service E volume. In addition, the "25/1,300 = 0.85%" portion of this column header is incorrect. D.*
- d. Please make sure the number of project trips that is used in the roadway segment analysis matches the number of trips in the trip generation table and trip distribution figure.*

The revised report includes the Level of Service analysis on the adjacent roadway network. The LOS analysis volumes match the trip generation.

Page 7, SYNCHRO analyses – To help the reader understand the impacts the proposed development will have on intersections, please provide a table for the existing and future 2027 scenarios summarizing the LOS for each movement, the v/c ratio for each movement, and the overall LOS for each intersection for both the AM and PM peak hours. This should be provided in the intersection analysis section of the new TIS report.

The TIS now includes Tables summarizing the LOS analysis at the intersections.

Figure 1, Trip Distribution Graphic:

- a. In Table 1, Trip Generation, there are 28 AM peak hour trips entering the proposed Arches Hotel development, however, in Figure 1, there are 14 trips entering through the western entrance and 12 trips entering through the eastern entrance. Please revise the figure to depict 28 trips entering the proposed project during the AM peak hour.*

This was revised in the update TIS.

- b. The segment of 3rd Street between Old San Carlos Boulevard and Crescent Street is a one-way street for eastbound traffic, however, Figure 1 depicts westbound trips entering the development on this segment of 3rd Street. Please revise this figure to show inbound trips continuing on Crescent Street to 2nd Street (which is a one-way westbound roadway), turning west onto 2nd Street, and then continuing south on Old San Carlos Boulevard to reach 3rd Street west of Old San Carlos Boulevard where 3rd Street is a two-way roadway.*

This was revised in the update TIS.

- c. *The inbound PM peak hour trip on San Carlos Boulevard (entering the island from the bridge) depicts 4 PM peak hour trips, however the figure should depict 14 trips. Please revise the figure to show 14 inbound trips on San Carlos Boulevard at the intersection of 5th Street.*

This was revised in the updated TIS.

- d. *At the intersection of Estero Boulevard & Crescent Street, the figure depicts 10 PM peak hour trips making a U-turn from eastbound Estero Boulevard to westbound Estero Boulevard to exit the island via San Carlos Boulevard. Due to the geometry of this intersection, a U-turn is not conducive. Please assign the 10 PM peak hours trip to exit the development on 3rd Street eastbound to Crescent Avenue southbound to 5th Street westbound to access the bridge to exit the island. All trips exiting the development going to the bridge should use this route. Please update and revise any SYNCHRO analyses to reflect this revision.*

The U-turns were not shown at the Crescent Street intersection but in fact at the recently opened roundabout at the base of the bridge. The graphic was recreated to better illustrate this fact. A copy of the plan sheet for this roundabout is included in the Appendix of the TIS that illustrates the U-turn location at the roundabout.

5. *Please provide graphics that depict the existing and build-out AM/PM peak hour volumes for all of the intersections that are analyzed.*

Graphics are included in the Appendix of the report that illustrate the weekday AM and PM peak hour turning movements for the various time periods analyzed at the studied intersections.

All the changes to the SYNCHRO files were made as well as suggested. The eastbound left turn lane at Crescent Street is in fact approximately 170 feet in length based on the construction plans that are included in the Appendix of the report and this is reflected in the updated analysis.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,



Ted B. Treesh
President

TRAFFIC IMPACT STATEMENT

FOR

ARCHES BAYFRONT RESPORT CPD REZONING

(PROJECT NO. F2501.09)

PREPARED BY:

TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
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March 25, 2025

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED ZONING
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. LEVEL OF SERVICE ANALYSIS & INTERSECTION ANALYSIS
- VII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Town of Fort Myers Beach for projects seeking a Small Scale Comprehensive Land Use Amendment and a Commercial Planned Development Rezoning on ten parcels located on Harbor Court, Bonita Street, Third Street and Old San Carlos Boulevard in the downtown District of the Town of Fort Myers Beach, Florida. The site location is illustrate on the attached **Figure 1**.

The analysis in this report will determine the impacts of rezoning approximately 4.98 acres from Commercial Marina, Residential Conservation, Commercial Office and Downtown to a Commercial Planned Development (CPD) zoning. The zoning will permit the Resort to be developed after the existing Moss Marina was heavily damaged in Hurricane Ian to include up to 263 resort hotel rooms, 15,000 square feet of resort amenities 75 wet slips and a 336-space parking facility.

The transportation related impacts of the proposed application will be evaluated based on the estimated build-out year of the project and the impacts the proposed development will have on the surrounding roadway infrastructure. Access to the subject site will be provided to Harbor Court, Bonita Street, Third Street and Old San Carlos Boulevard.

This report supplements previous traffic studies prepared by Hall Planning & Engineering (HPE) and addresses comments issued by AIM Engineering & Surveying in their review of the HPE traffic studies as well as the last submittal by TR Transportation Consultants submitted to the Town of Fort Myers Beach dated February 21, 2025.



II. EXISTING CONDITIONS

The Arches Bayfront Resort is located on the Bay side of Fort Myers Beach in the Downtown area, at the western terminus of Old San Carlos Boulevard. Prior to Hurricane Ian, the site was occupied by Moss Marina since the late 1960's, which contained 55 wet slips as well as dry boat storage buildings for up to 210 boats. The site is bordered by the downtown area to the east, residential uses to the south, the Matanzas Pass to the north and canal access to the west.

Old San Carlos Boulevard is a two-lane local roadway that borders the site to the east. Old San Carlos Boulevard has on-street parking and has a posted speed limit of 25 mph. Old San Carlos Boulevard is under the jurisdiction of the Town of Fort Myers Beach.

Third Street, Harbor Court & Bonita Street are all local streets adjacent to the subject site that are under the jurisdiction of the Town of Fort Myers Beach.

Estero Boulevard is a two-lane undivided Arterial roadway that is located to the south of the project. Estero Boulevard has a posted speed limit of 25 mph and is under the jurisdiction of the Lee County Department of Transportation from the newly constructed roundabout to the east. From the roundabout to the western terminus at Bowditch Point Park, the roadway is under the jurisdiction of the Town of Fort Myers Beach. Estero Boulevard from Center Street to Big Carlos Pass has been designated as a “**Constrained Roadway**” by the Lee County Board of County Commissioners by Lee Plan Objective 37.2 and Policy 37.2.1, which indicates that due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, a reduced peak hour Level of Service will be accepted on these roadways.

III. PROPOSED ZONING

The proposed request would amend the zoning from various zoning categories to a Commercial Planned Development (CPD) on the 4.98-acre site to permit the site to be redeveloped with a Resort Hotel and associated amenities. Access to the site will be provided to Harbor Court, Bonita Street, Third Street and Old San Carlos Boulevard. The site currently has a total of 55-wet slips and is requesting a total of 75-wet slips, therefore trip generation for the marina use was only based on the addition of 20 additional slips. In addition, per the HPE traffic studies previously submitted, the trips from the dry boat storage that is being eliminated from the site were removed from the trip generation potential of the site to reflect the overall trip generation of the CPD. **Table 1** summarizes the weekday peak hour trip generation characteristics of the site based on the requested rezoning.

Table 1
Arches Bayfront Resort Zoning Amendment
Land Uses

Use	Proposed
Resort Hotel	263 Rooms
Marina	20 Slips

Marina has 55 existing slips, requesting 75 total slips, increase is 20 slips

IV. TRIP GENERATION

The trip generation for the proposed uses within the development were determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 11th Edition. Land Use Code 330 (Resort Hotel) was utilized for the trip generation purposes of the hotel rooms. Land Use Code 420 (Marina) was utilized for trip generation of the Marina use. The trip generation equations for these land uses are included in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation based on these land use categories.

Table 2
Trip Generation
The Arches Bayfront Resort

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Resort Hotel (263 Rooms)	61	23	84	46	62	108	n/a
Marina (20 Slips)	0	1	1	3	1	4	
Less Existing Dry Boat Storage Trips ¹ (210 Slips)	-33	-20	-53	-26	-26	-52	
Net New Trips	28	4	32	23	37	60	

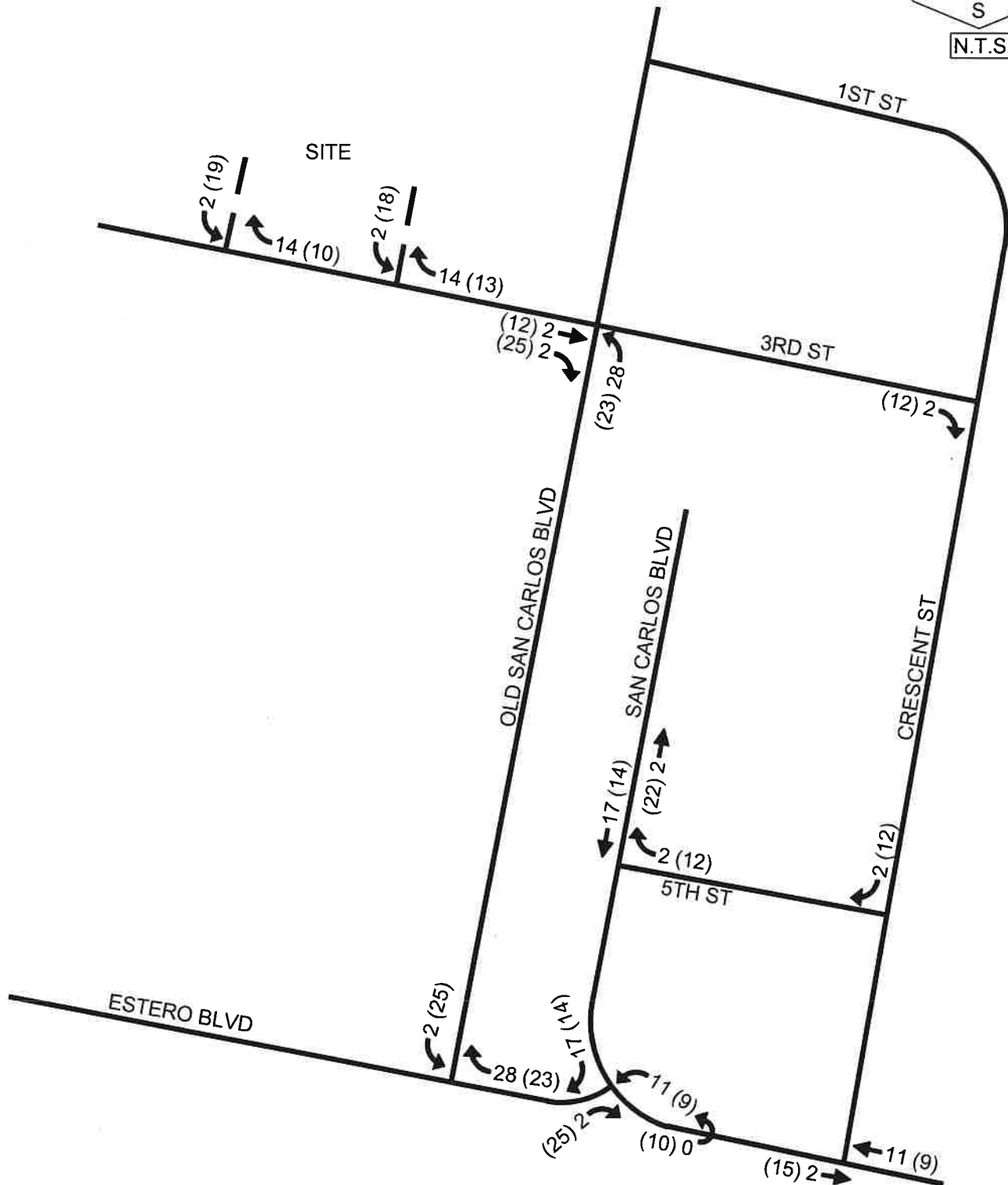
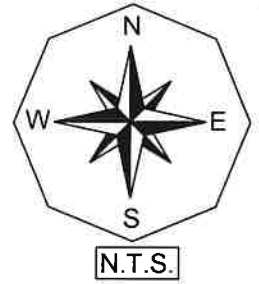
¹ Based on the trip generation calculation as reported in the HPE report for the dry boat storage use

V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate, as shown in Table 2, were assigned to the surrounding roadway network. The trips were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. The trip distribution was previously agreed upon in the HPE traffic analysis and reviewed by AIM Engineering. **Figure 2** illustrates the anticipated trip distribution. Also shown in Figure 2 is the site traffic assignment of the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will experience a significant impact as a result of the added development traffic. Significant impact is defined as any roadway projected to experience greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes.

The Level of Service Threshold volumes for each roadway link were taken from the Lee County Generalized Peak Hour Directional Service Volume table. This table is included in the Appendix of this report for reference. Based on the information contained within Table 1A, no roadway segment is shown to experience a significant impact due to the addition of the project traffic.



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC

VI. LEVEL OF SERVICE ANALYSIS & INTERSECTION ANALYSIS

The future Level of Service analysis was based on the development build-out horizon, which was selected as the year 2027. Based on this horizon year analysis, the surrounding roadway network was analyzed under 2027 traffic conditions. Even though historical growth patterns have illustrated that there has been very little traffic increase on Estero Boulevard in the past eight (8) years, a growth rate of 2% per year, compounded annually, was applied to the existing traffic conditions for the traffic volume reported by Lee County for Estero Boulevard. The existing traffic data for Estero Boulevard was obtained from the Lee County 2024 *Lee County Public Facilities Level of Service and Concurrency Report*.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment analyzed. The data obtained from the 2024 Lee County resource is attached to the Appendix of this report for reference.

It should be noted that Estero Boulevard west of San Carlos Boulevard as well as the Matanzas Bridge has been designated as a “**Constrained Roadway**” by the Lee County Board of County Commissioners pursuant to Lee Plan Policy 37.2.2 and Table 2(a). As expected, during peak season, Estero Boulevard and San Carlos Boulevard over the Matanzas Pass Bridge are shown to operate at LOS “F” prior to any project trips being added to these segments.

The Lee County Department of Transportation has recently completed pedestrian and transit stop improvements to Estero Boulevard along Estero Boulevard to the south and FDOT has recently completed the construction project at the base of the San Carlos bridge and is still making improvements to the Matanzas Pass bridge to Buttonwood Drive that will create two travel lanes arriving to the beach over Matanzas Bridge. The improvements will also accommodate pedestrian movements through the intersection at the base of the bridge on the island.

Pursuant to Policy 7-1-2 of the Town of Fort Myers Beach Comprehensive Plan, which states:

The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

The latest count from the station at Donora Boulevard (Count Station #44) indicates that the two-way volume on Estero Boulevard is less than the 1,300 vehicles per hour, thus satisfying the Policy as contained in the Town's Comprehensive Plan. A copy of the latest count from the Lee County Traffic Data System (TCDS) is included in the Appendix of this report for reference.

Included in the Appendix of the report are graphics that illustrate the existing turning movements during the weekday AM and PM peak hours as well as the projected turning movements in the year 2027 with the project trips added to the intersections that were analyzed in the traffic study. The intersections include the following:

- Old San Carlos Boulevard @ 3rd Street (unsignalized)
- Old San Carlos Boulevard @ Estero Boulevard (signalized)
- Estero Boulevard @ Crescent Street (signalized)

The intersection analysis was completed utilizing the program **SYNCHRO**® based on the existing (2024) conditions as well as the projected 2027 conditions with the project trips added to the intersections. **Table 3** illustrates the intersection analysis summary for the intersection of Old San Carlos and 3rd Street, an unsignalized intersection. **Table 4** illustrates the analysis summary for the signalized intersection of Estero Boulevard and Old San Carlos Boulevard and **Table 5** is the analysis summary of Estero Boulevard and Crescent Street, a signalized intersection.

Table 3
Peak Hour Intersection Delay Summary
Old San Carlos @ 3rd Street
Arches Bayfront Resort CPD

Intersection		Time Period (Peak Hour)	2024 Existing Traffic Conditions		2027 Projected Background + Project Traffic Conditions	
			LOS	V/C	LOS	V/C
Old San Carlos Blvd. @ 3 rd St. (Unsignalized)	EBL	AM	A	0.02	A	0.026
		PM	A	0.044	A	0.091
	NBL	AM	A	0.019	A	0.037
		PM	A	0.013	A	0.032
	SBL	AM	A	0.005	A	0.005
		PM	A	0.015	A	0.016
	Int. Delay		AM	2.5 s/veh	3.3 s/veh	
	Int. Delay		PM	1.7 s/veh	2.6 s/veh	

Table 4
Peak Hour Intersection Delay Summary
Estero Blvd. @ Old San Carlos Blvd.
Arches Bayfront Resort CPD

Intersection		Time Period (Peak Hour)	2024 Existing Traffic Conditions		2027 Projected Background + Project Traffic Conditions	
			LOS	V/C	LOS	V/C
Old San Carlos @ Estero Blvd. (Signalized)	EBL/T	AM	B	0.24	B	0.26
		PM	B	0.50	B	0.55
	WBT/R	AM	B	0.53	B	0.59
		PM	A	0.38	B	0.42
	SBL/R	AM	B	0.06	B	0.07
		PM	B	0.13	B	0.33
	Int. LOS		AM	B (12.5)	B (13.2)	
	Int. LOS		PM	B (10.2)	B (13.0)	

Table 5
Peak Hour Intersection Delay Summary
Estero Blvd. @ Crescent St.
Arches Bayfront Resort CPD

Intersection		Time Period (Peak Hour)	2024 Existing Traffic Conditions		2027 Projected Background + Project Traffic Conditions	
			LOS	V/C	LOS	V/C
Estero Blvd. @ Crescent St. (Signalized)	EBL	AM	A	0.03	A	0.03
		PM	A	0.29	C	0.37
	EBT	AM	C	0.84	C	0.84
		PM	B	0.71	B	0.75
	WBT	AM	B	0.46	B	0.50
		PM	D	0.94	E	1.00
	SBL	AM	C	0.05	C	0.05
		PM	C	0.14	C	0.14
	Int. LOS	AM	B (20.0)		C (20.1)	
	Int. LOS	PM	C (29.1)		D (35.9)	

As noted in the application documents, there are many developer commitments that will help offset the traffic impacts of this project. These include the investment and participation in a water ferry/taxi system with the construction of a minimum of a 1,400 square foot terminal facility on the subject site to provide for a stop for a future water taxi/ferry to shuttle resort guest, residents, beach visitors, etc. to various points along Fort Myers Beach. The applicant will also provide twice daily during season shuttle service for hotel guest and employees to and from RSW and the Beach Park-and-Ride located at the site on Pine Ridge Road. The applicant will also participate in the Don't Rent A Car (DRaC) program that encourage guests of the Resort to not rent a car when staying at the Resort but to use the various other modes of transportation provided, such as the bicycle rentals, ferry service, shuttle service, car services such as Uber and Lyft and the Fort Myers Beach Trollee service. The site will also provide golf cart parking on-site and a tram stop on-site.

VII. CONCLUSION

The proposed zoning amendment of the Arches Bayfront Resort to permit the development of up to 263 Resort Hotel rooms and associated amenities along an additional 20 wet slips will not place an undue burden on the adjacent roadway network. The Level of Service information for the surrounding roadway network and intersections shows that Estero Boulevard is already over capacity during season based on data collected prior to Hurricane Ian. It will take some time for the Beach to rebuild and re-establish the population and traffic levels that existed in the peak season prior to Hurricane Ian. Recent improvements at the foot of the Mantazas Pass bridge have recently been completed by FDOT that will improve the traffic flow on and off the island as well as the pedestrian crossing of Estero Boulevard in the immediate area adjacent to Town Square.

The Resort hotel is requesting to replace the Moss Marine and boat storage building that was damaged in Hurricane Ian. The transportation commitments that the applicant is making include the investment and participation in a water ferry/taxi system, providing shuttle service twice daily during season for hotel guest and employees to and from RSW and the Beach Park-and-Ride located at the site on Pine Ridge Road, participation in the Don't Rent A Car (DRaC) program that encourage guests of the Resort to not rent a car when staying at the Resort and providing golf cart parking on-site and a tram stop on-site.

APPENDIX

LINK LEVEL OF SERVICE ANALYSIS
TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
ARCHES BAYFRONT RESORT

TOTAL AM PEAK HOUR PROJECT TRAFFIC =		32 VPH	IN=	28	OUT=	4						
TOTAL PM PEAK HOUR PROJECT TRAFFIC =		60 VPH	IN=	23	OUT=	37						
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u>		<u>LOS A</u>	<u>LOS B</u>	<u>LOS C</u>	<u>LOS D</u>	<u>LOS E</u>	<u>PERCENT</u>			
		<u>CLASS</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>PROJECT</u>	<u>PROJ/</u>
Estero Blvd.	E. of Old San Carlos	2LN	0	0	330	710	780	75%	28	8.4%		
	E. of Crescent St.	2LN	0	0	330	710	780	40%	15	4.5%		
Matanzas Pass Bridge San Carlos Blvd.	N. of Estero Blvd.	2LU	0	0	330	710	780	60%	22	6.7%		
	N. of Main St.	4LN	0	250	1,840	1,960	1,960	60%	22	1.2%		

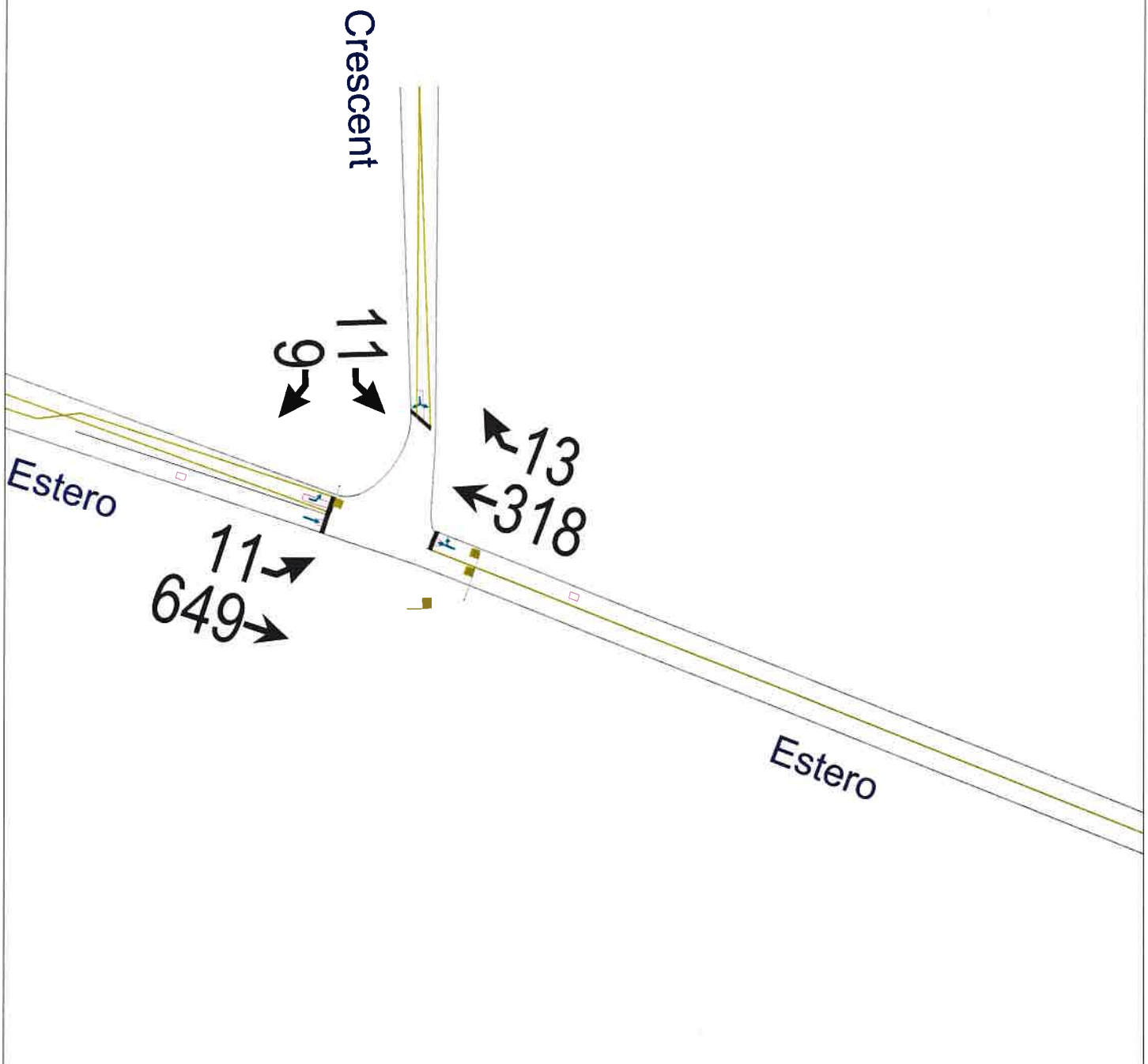
* Level of Service thresholds were obtained from Lee County Generalized Peak Hour Directional Service Volume Table (April 2016)

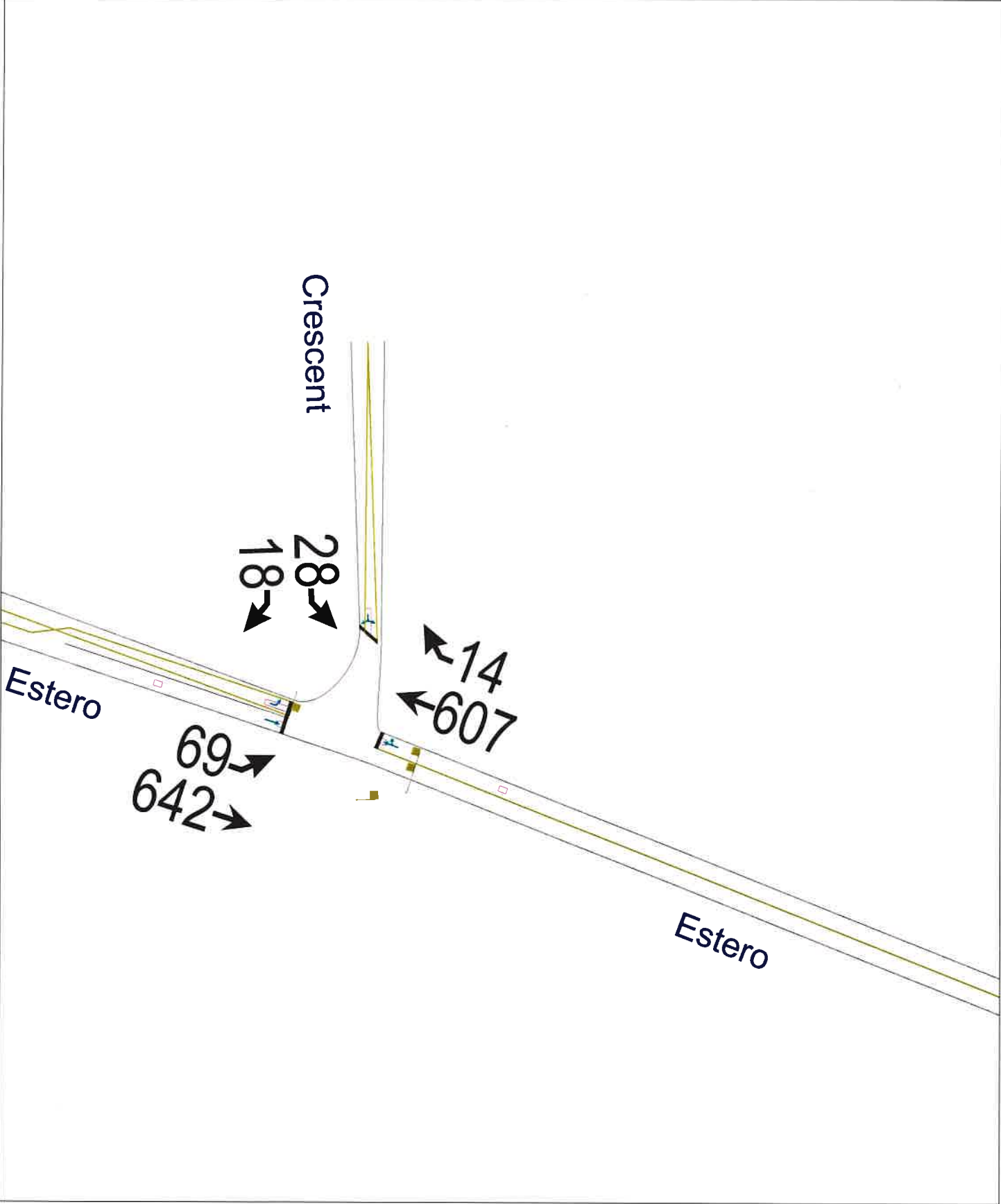
TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
ARCHES BAYFRONT RESORT

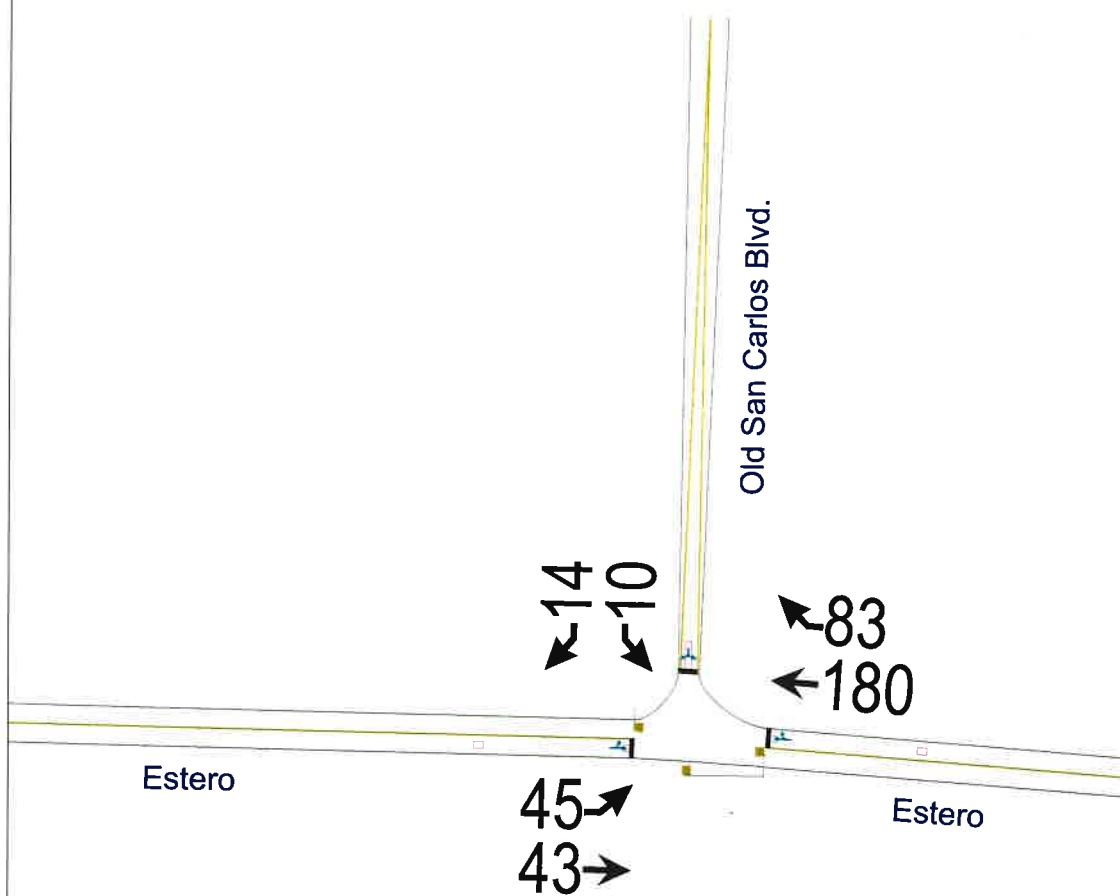
		Site #		K-Factor		D-Factor		I-Factor											
		126008		0.090		0.537		0.083											
		126044		0.090		0.539		0.083											

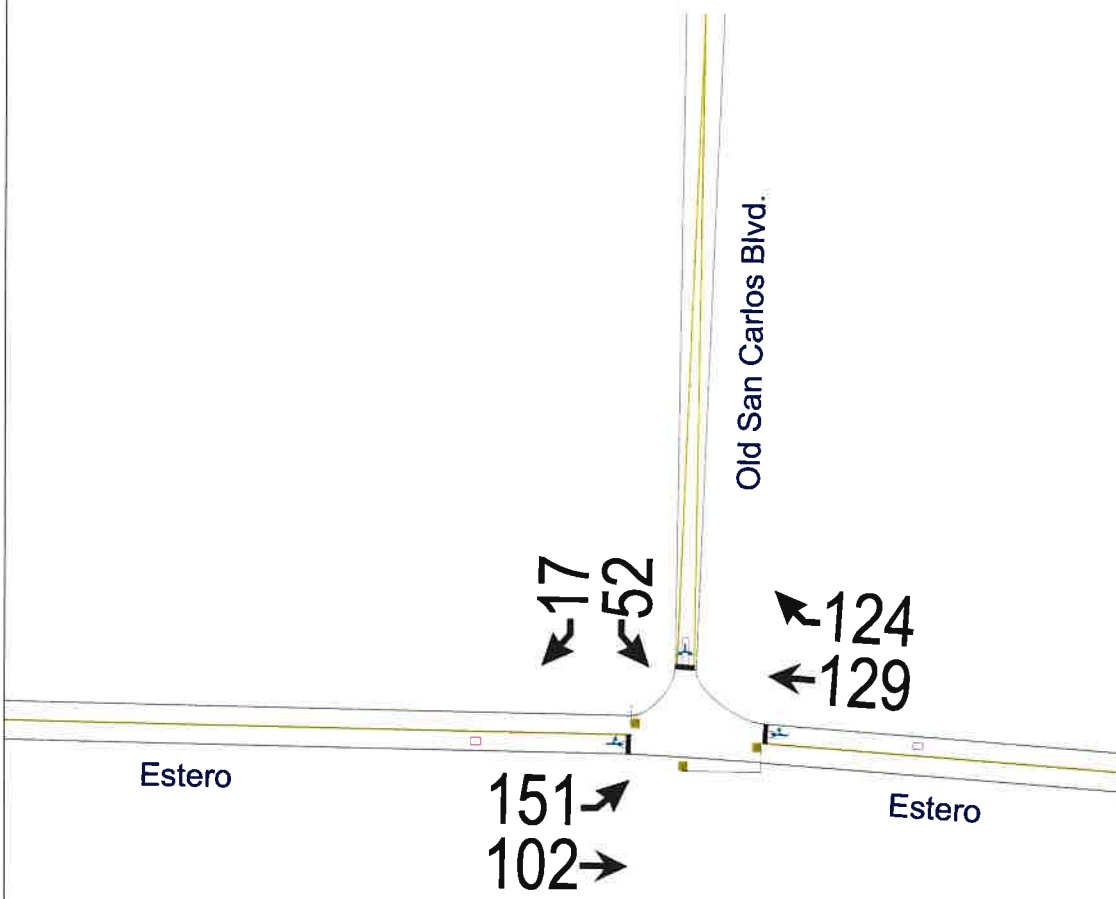
TRAFFIC VOLUME FIGURES

2024 EXISTING TRAFFIC

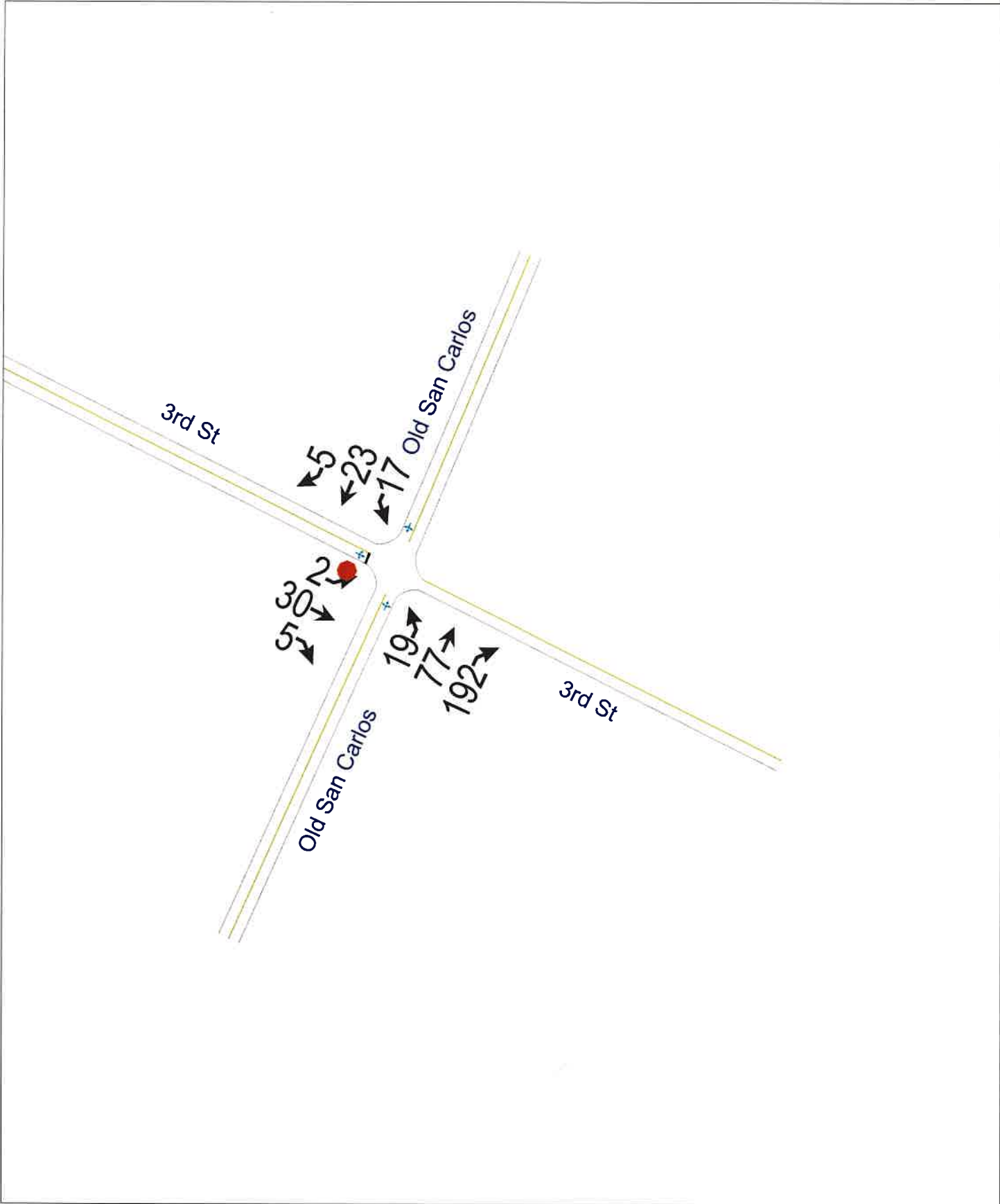




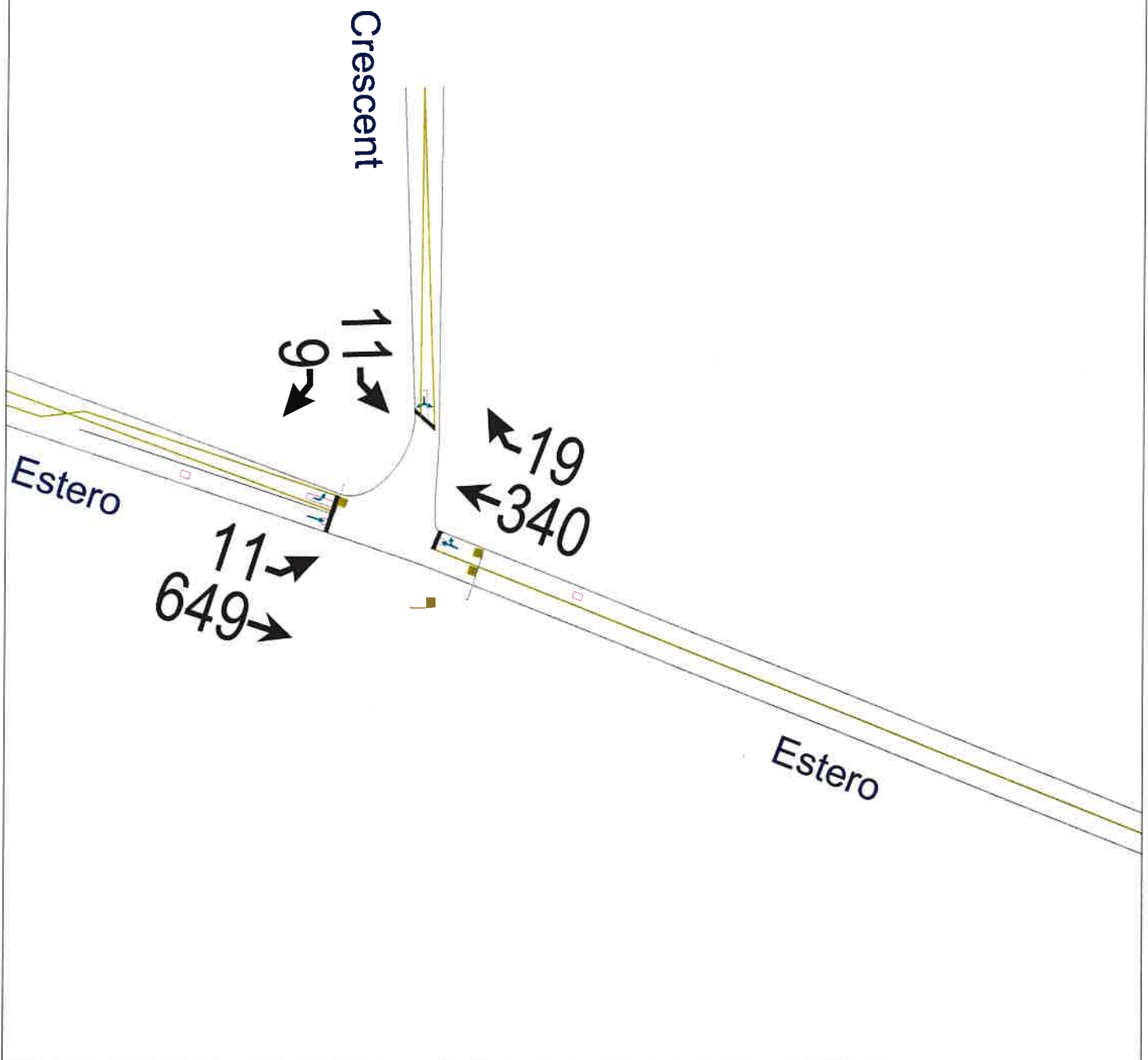


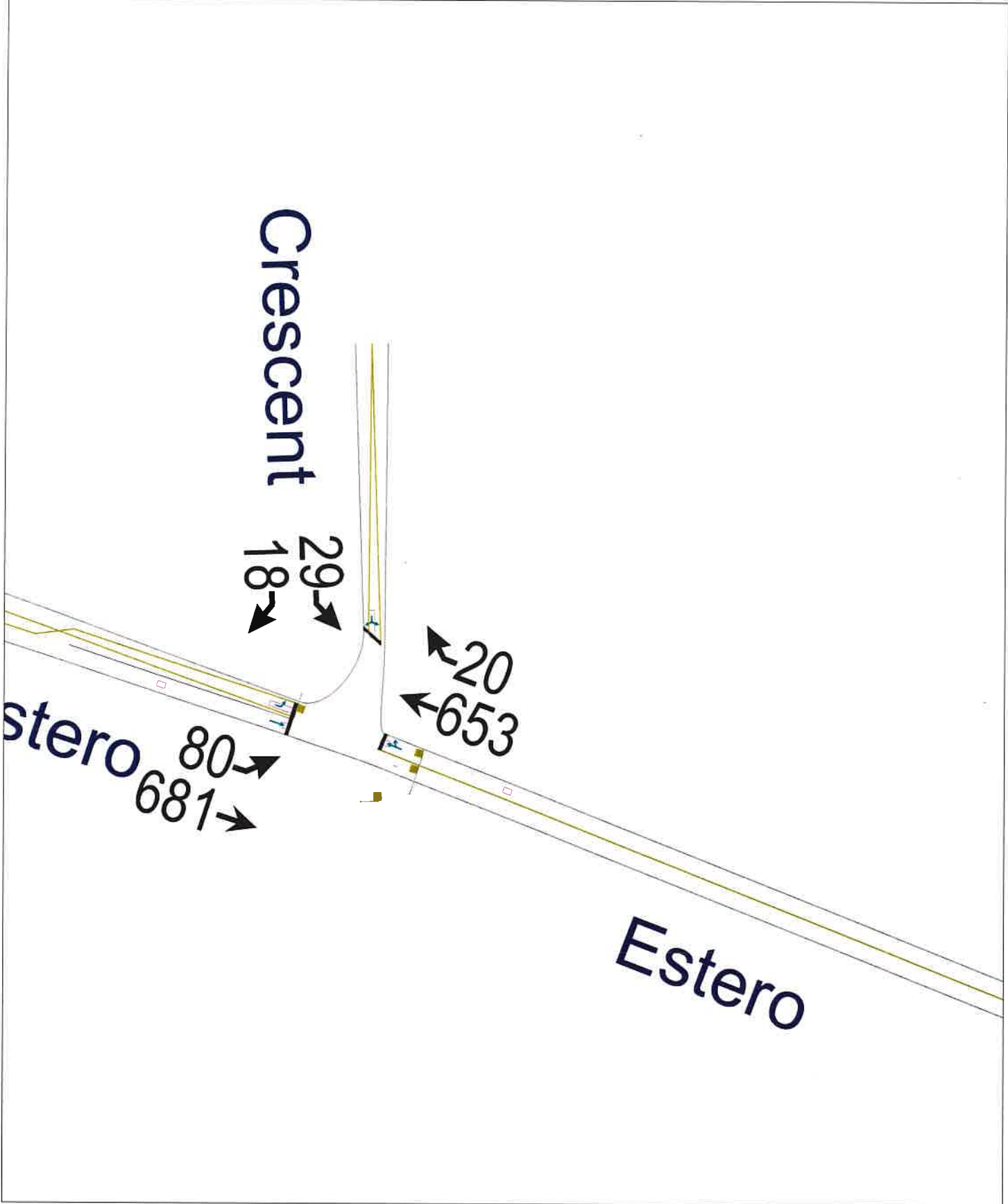


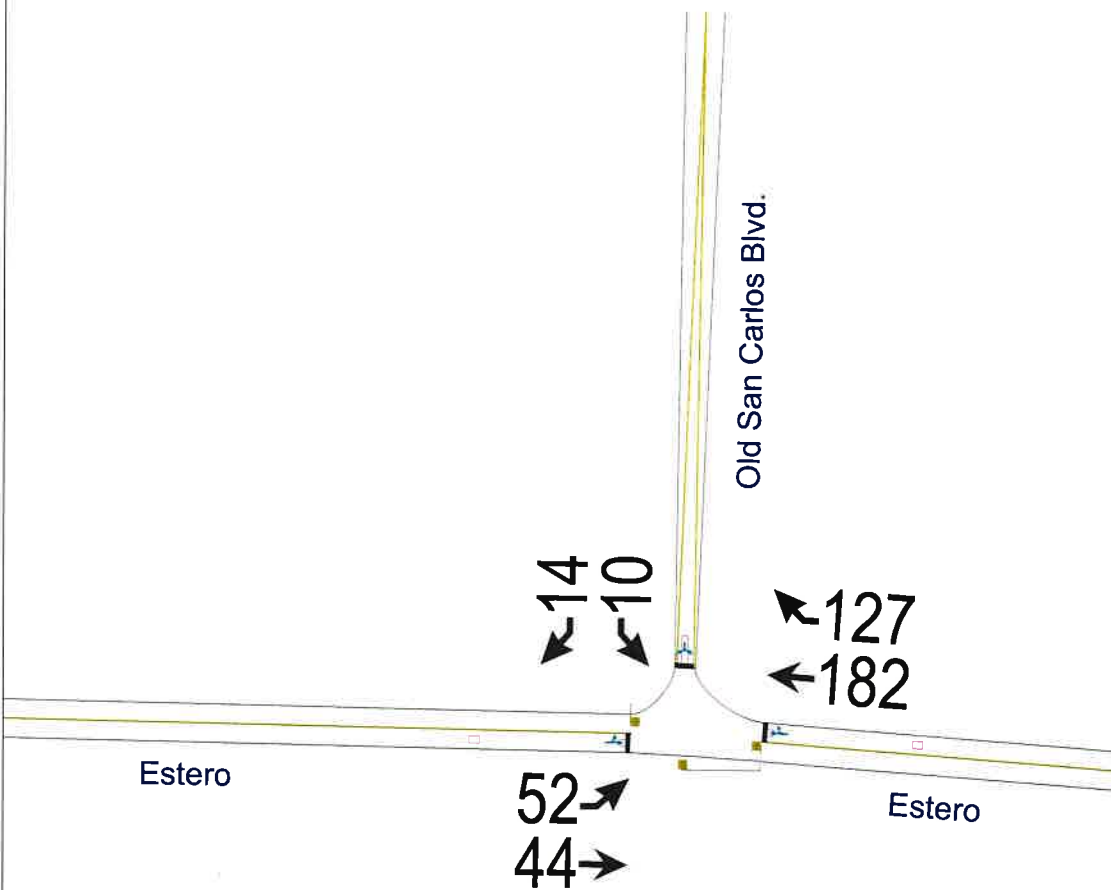


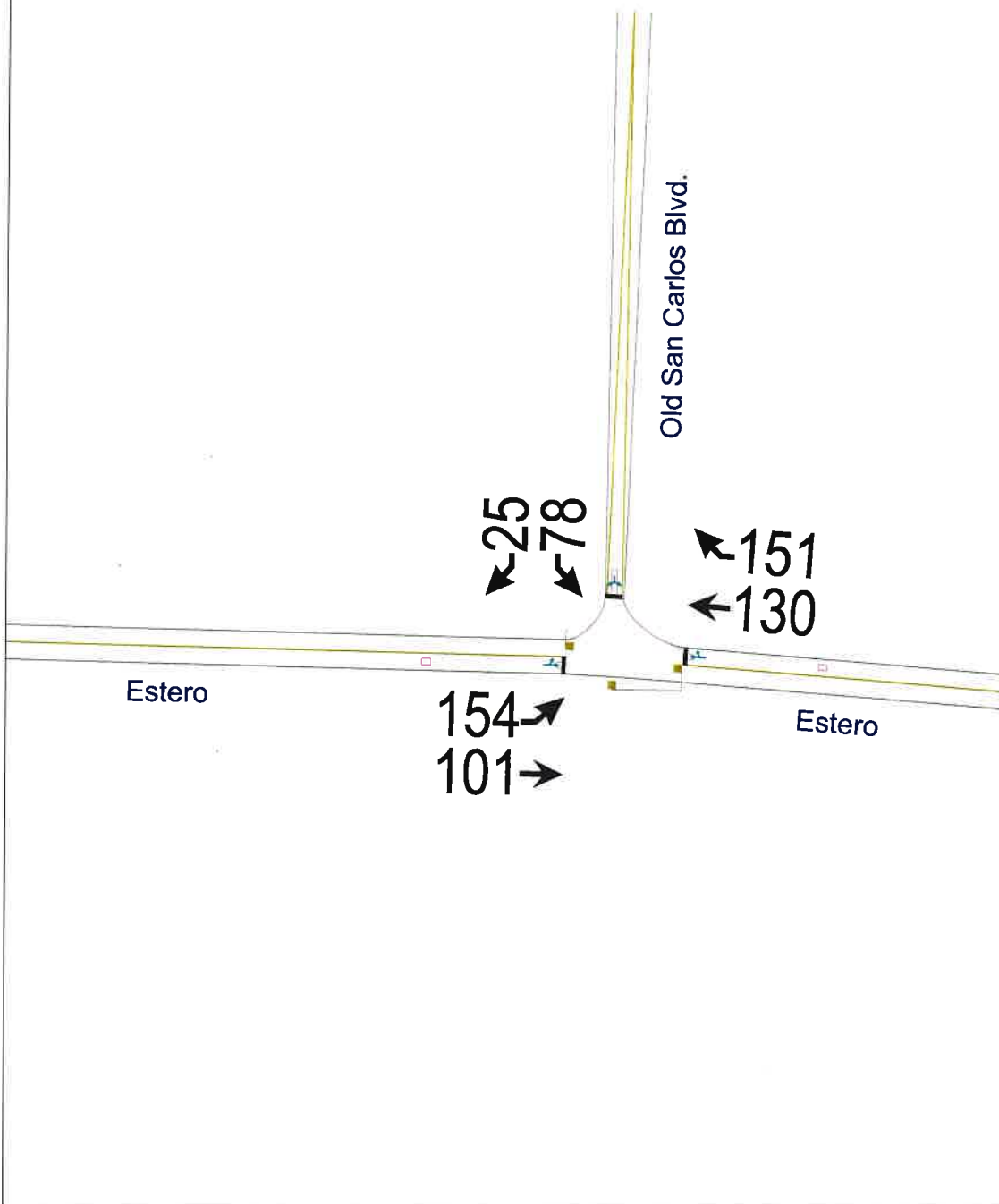


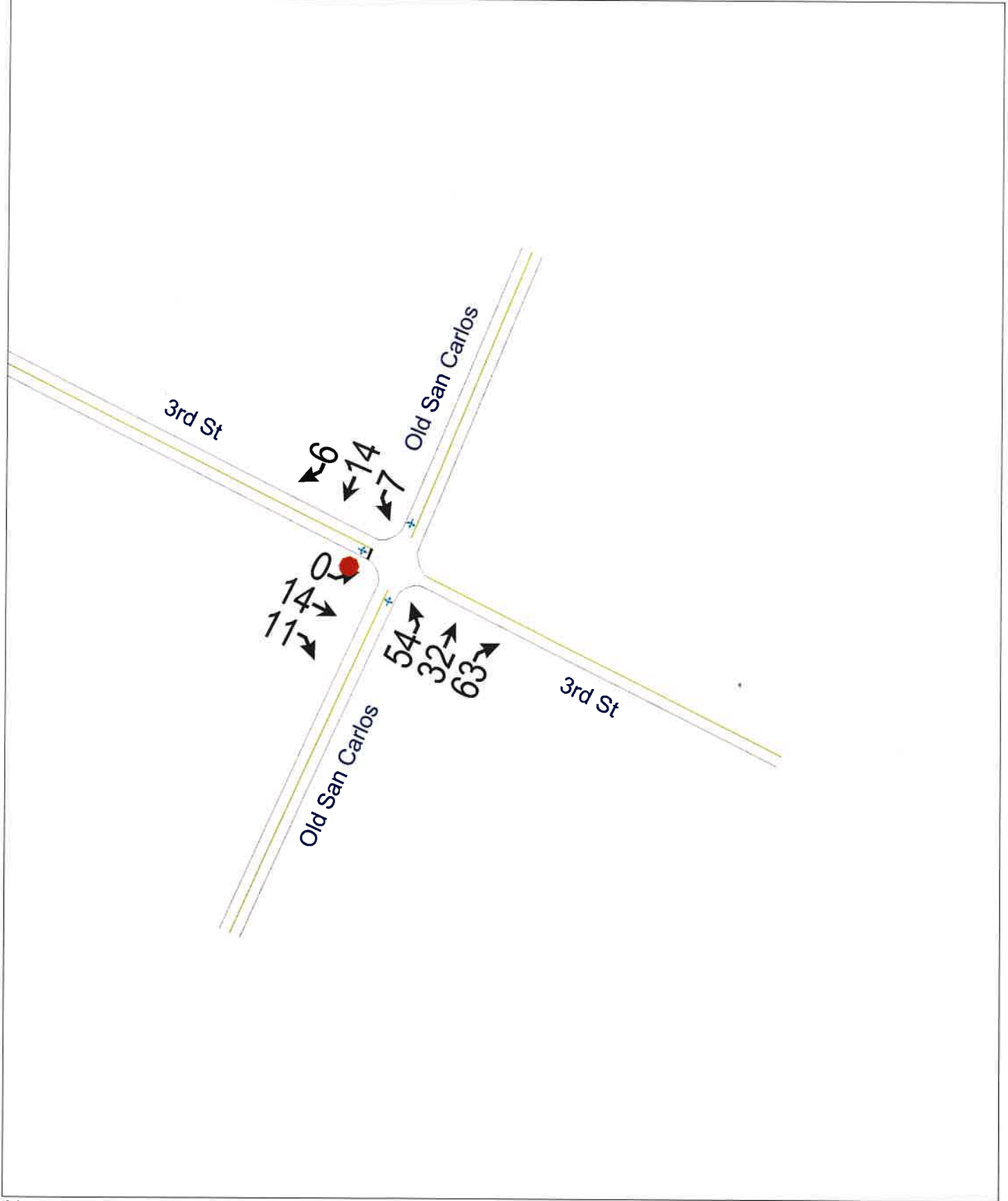
**2027 PROJECTED TRAFFIC VOLUMES
WITH PROJECT**

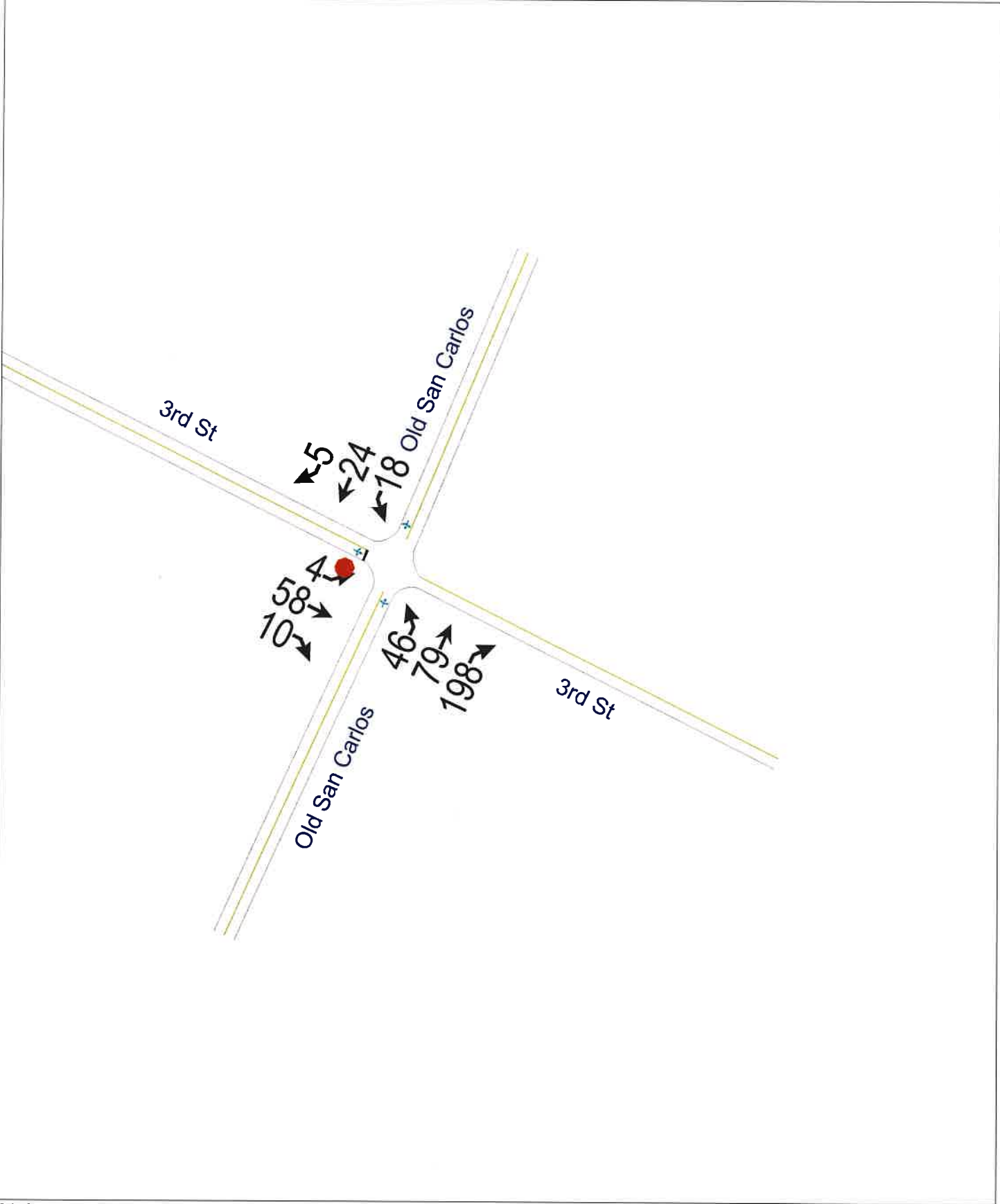












SYNCHRO ANALYSIS

OLD SAN CARLOS BLVD.

@

3RD STREET

Intersection												
Int Delay, s/veh	2.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	0	10	9	0	0	0	28	31	61	7	14	6
Future Vol, veh/h	0	10	9	0	0	0	28	31	61	7	14	6
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	-	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	11	10	0	0	0	30	34	66	8	15	7

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	162	195	19	22	0	0	100	0	0
Stage 1	35	35	-	-	-	-	-	-	-
Stage 2	127	160	-	-	-	-	-	-	-
Critical Hdwy	6.42	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	5.42	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.42	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	829	700	1059	1593	-	-	1493	-	-
Stage 1	987	866	-	-	-	-	-	-	-
Stage 2	899	766	-	-	-	-	-	-	-
Platoon blocked, %					-	-		-	-
Mov Cap-1 Maneuver	808	0	1059	1593	-	-	1493	-	-
Mov Cap-2 Maneuver	808	0	-	-	-	-	-	-	-
Stage 1	967	0	-	-	-	-	-	-	-
Stage 2	895	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.5	1.7	1.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	SBL	SBT	SBR
Capacity (veh/h)	1593	-	-	1059	1493	-	-
HCM Lane V/C Ratio	0.019	-	-	0.02	0.005	-	-
HCM Control Delay (s)	7.3	0	-	8.5	7.4	0	-
HCM Lane LOS	A	A	-	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0	-	-

Intersection												
Int Delay, s/veh	1.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	2	30	5	0	0	0	19	77	192	17	23	5
Future Vol, veh/h	2	30	5	0	0	0	19	77	192	17	23	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	-	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	33	5	0	0	0	21	84	209	18	25	5

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	295	399	28	30	0	0	293	0	0
Stage 1	64	64	-	-	-	-	-	-	-
Stage 2	231	335	-	-	-	-	-	-	-
Critical Hdwy	6.42	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	5.42	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.42	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	696	539	1047	1583	-	-	1269	-	-
Stage 1	959	842	-	-	-	-	-	-	-
Stage 2	807	643	-	-	-	-	-	-	-
Platoon blocked, %					-	-		-	-
Mov Cap-1 Maneuver	675	0	1047	1583	-	-	1269	-	-
Mov Cap-2 Maneuver	675	0	-	-	-	-	-	-	-
Stage 1	944	0	-	-	-	-	-	-	-
Stage 2	796	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.2	0.5	3
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	SBL	SBT	SBR
Capacity (veh/h)	1583	-	-	905	1269	-	-
HCM Lane V/C Ratio	0.013	-	-	0.044	0.015	-	-
HCM Control Delay (s)	7.3	0	-	9.2	7.9	0	-
HCM Lane LOS	A	A	-	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.1	0	-	-

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	0	14	11	0	0	0	54	32	63	7	14	6
Future Vol, veh/h	0	14	11	0	0	0	54	32	63	7	14	6
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	-	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	15	12	0	0	0	59	35	68	8	15	7

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	222	256	19	22	0	0	103	0	0
Stage 1	35	35	-	-	-	-	-	-	-
Stage 2	187	221	-	-	-	-	-	-	-
Critical Hdwy	6.42	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	5.42	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.42	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	766	648	1059	1593	-	-	1489	-	-
Stage 1	987	866	-	-	-	-	-	-	-
Stage 2	845	720	-	-	-	-	-	-	-
Platoon blocked, %					-	-		-	-
Mov Cap-1 Maneuver	732	0	1059	1593	-	-	1489	-	-
Mov Cap-2 Maneuver	732	0	-	-	-	-	-	-	-
Stage 1	948	0	-	-	-	-	-	-	-
Stage 2	841	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.5	2.7	1.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	SBL	SBT	SBR
Capacity (veh/h)	1593	-	-	1059	1489	-	-
HCM Lane V/C Ratio	0.037	-	-	0.026	0.005	-	-
HCM Control Delay (s)	7.3	0	-	8.5	7.4	0	-
HCM Lane LOS	A	A	-	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0	-	-

Intersection												
Int Delay, s/veh	2.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	4	58	10	0	0	0	46	79	198	18	24	5
Future Vol, veh/h	4	58	10	0	0	0	46	79	198	18	24	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	-	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	63	11	0	0	0	50	86	215	20	26	5

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	363	470	29	31	0	0	301	0	0
Stage 1	69	69	-	-	-	-	-	-	-
Stage 2	294	401	-	-	-	-	-	-	-
Critical Hdwy	6.42	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	5.42	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.42	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	636	492	1046	1582	-	-	1260	-	-
Stage 1	954	837	-	-	-	-	-	-	-
Stage 2	756	601	-	-	-	-	-	-	-
Platoon blocked, %									
Mov Cap-1 Maneuver	602	0	1046	1582	-	-	1260	-	-
Mov Cap-2 Maneuver	602	0	-	-	-	-	-	-	-
Stage 1	917	0	-	-	-	-	-	-	-
Stage 2	744	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	1	3
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	SBL	SBT	SBR
Capacity (veh/h)	1582	-	-	864	1260	-	-
HCM Lane V/C Ratio	0.032	-	-	0.091	0.016	-	-
HCM Control Delay (s)	7.3	0	-	9.6	7.9	0	-
HCM Lane LOS	A	A	-	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.3	0	-	-

ESTERO BLVD.
@
OLD SAN CARLOS BLVD.

Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday AM Existing

03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	45	43	180	83	10	14
Future Volume (vph)	45	43	180	83	10	14
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt			0.958		0.922	
Flt Protected		0.975			0.979	
Satd. Flow (prot)	0	1635	1606	0	1513	0
Flt Permitted		0.703			0.979	
Satd. Flow (perm)	0	1179	1606	0	1513	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		581	281		451	
Travel Time (s)		15.8	7.7		12.3	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	49	47	196	90	11	15
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	96	286	0	26	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		27	44		30	
Two way Left Turn Lane						
Headway Factor	1.14	1.14	1.14	1.14	1.14	1.14
Turning Speed (mph)	15			9	15	9
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		5	
Permitted Phases	4		8			
Detector Phase	7	4	8		5	
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0		5.0	
Minimum Split (s)	9.5	24.5	24.5		24.5	
Total Split (s)	9.5	35.5	26.0		24.5	
Total Split (%)	15.8%	59.2%	43.3%		40.8%	

Scenario 4 2024 Existing AM 11:16 am 02/28/2024

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday AM Existing

03/26/2025



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Maximum Green (s)	5.0	29.0	19.5		18.0	
Yellow Time (s)	3.5	4.5	4.5		4.5	
All-Red Time (s)	1.0	2.0	2.0		2.0	
Lost Time Adjust (s)		0.0	0.0		0.0	
Total Lost Time (s)		6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Min	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		10	10		10	
Act Effct Green (s)		11.4	11.4		9.2	
Actuated g/C Ratio		0.33	0.33		0.27	
v/c Ratio		0.24	0.53		0.06	
Control Delay		10.2	13.5		10.8	
Queue Delay		0.0	0.0		0.0	
Total Delay		10.2	13.5		10.8	
LOS		B	B		B	
Approach Delay		10.2	13.5		10.8	
Approach LOS		B	B		B	
Queue Length 50th (ft)		9	32		3	
Queue Length 95th (ft)		44	115		17	
Internal Link Dist (ft)		501	201		371	
Turn Bay Length (ft)						
Base Capacity (vph)		1031	958		833	
Starvation Cap Reductn		0	0		0	
Spillback Cap Reductn		0	0		0	
Storage Cap Reductn		0	0		0	
Reduced v/c Ratio		0.09	0.30		0.03	

Intersection Summary

Area Type: CBD

Cycle Length: 60

Actuated Cycle Length: 34.2

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.53

Intersection Signal Delay: 12.5

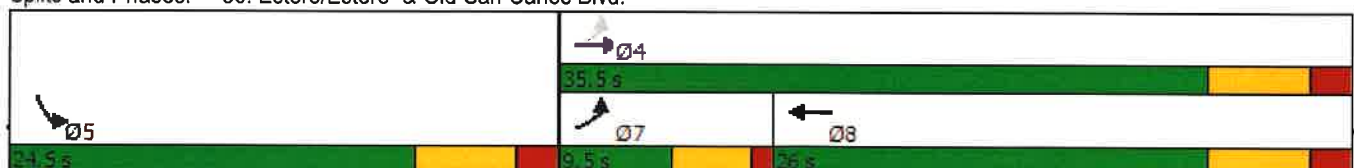
Intersection LOS: B

Intersection Capacity Utilization 41.8%

ICU Level of Service A

Analysis Period (min) 15

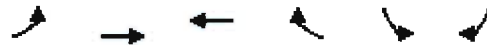
Splits and Phases: 30: Estero/Estero & Old San Carlos Blvd.



Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday PM Existing

03/26/2025



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↔		↔	
Traffic Volume (vph)	151	102	129	124	52	17
Future Volume (vph)	151	102	129	124	52	17
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			0.98			
Frt			0.934		0.968	
Flt Protected		0.971			0.963	
Satd. Flow (prot)	0	1628	1541	0	1563	0
Flt Permitted		0.668			0.963	
Satd. Flow (perm)	0	1120	1541	0	1563	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		581	281		451	
Travel Time (s)		15.8	7.7		12.3	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)			10	10		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	164	111	140	135	57	18
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	275	275	0	75	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		27	44		30	
Two way Left Turn Lane						
Headway Factor	1.14	1.14	1.14	1.14	1.14	1.14
Turning Speed (mph)	15			9	15	9
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		6	
Permitted Phases	4					
Detector Phase	7	4	8		6	
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0		5.0	
Minimum Split (s)	9.5	24.5	24.5		24.0	
Total Split (s)	9.5	35.0	25.5		25.0	
Total Split (%)	15.8%	58.3%	42.5%		41.7%	

Scenario 2 2024 Existing PM 11:14 am 02/28/2024

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday PM Existing
03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Maximum Green (s)	5.0	28.5	19.0		19.0	
Yellow Time (s)	3.5	4.5	4.5		4.0	
All-Red Time (s)	1.0	2.0	2.0		2.0	
Lost Time Adjust (s)		0.0	0.0		0.0	
Total Lost Time (s)		6.5	6.5		6.0	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Min	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		10	10		0	
Act Effct Green (s)		17.2	16.6		12.7	
Actuated g/C Ratio		0.49	0.47		0.36	
v/c Ratio		0.50	0.38		0.13	
Control Delay		10.7	8.1		15.7	
Queue Delay		0.0	0.0		0.0	
Total Delay		10.7	8.1		15.7	
LOS		B	A		B	
Approach Delay		10.7	8.1		15.7	
Approach LOS		B	A		B	
Queue Length 50th (ft)		35	32		12	
Queue Length 95th (ft)		89	75		48	
Internal Link Dist (ft)		501	201		371	
Turn Bay Length (ft)						
Base Capacity (vph)		883	984		925	
Starvation Cap Reductn		0	0		0	
Spillback Cap Reductn		0	0		0	
Storage Cap Reductn		0	0		0	
Reduced v/c Ratio		0.31	0.28		0.08	

Intersection Summary

Area Type: CBD

Cycle Length: 60

Actuated Cycle Length: 35.1

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.50

Intersection Signal Delay: 10.2

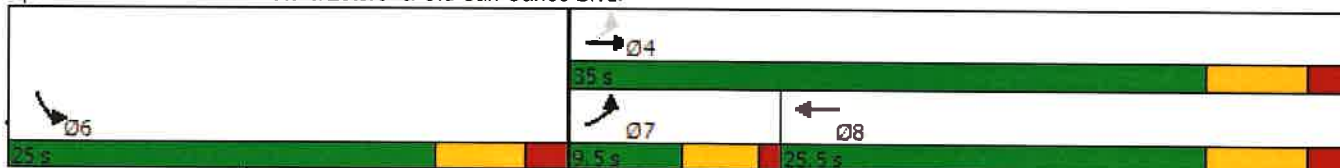
Intersection LOS: B

Intersection Capacity Utilization 51.4%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 30: Estero/Estero & Old San Carlos Blvd.



Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday AM Future
03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	52	44	182	127	10	14
Future Volume (vph)	52	44	182	127	10	14
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt			0.945		0.922	
Flt Protected		0.974			0.979	
Satd. Flow (prot)	0	1633	1584	0	1513	0
Flt Permitted		0.669			0.979	
Satd. Flow (perm)	0	1122	1584	0	1513	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		581	281		451	
Travel Time (s)		15.8	7.7		12.3	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	57	48	198	138	11	15
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	105	336	0	26	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		27	44		30	
Two way Left Turn Lane						
Headway Factor	1.14	1.14	1.14	1.14	1.14	1.14
Turning Speed (mph)	15			9	15	9
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		6	
Permitted Phases	4					
Detector Phase	7	4	8		6	
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0		5.0	
Minimum Split (s)	9.5	24.5	24.5		24.5	
Total Split (s)	9.5	35.5	26.0		24.5	
Total Split (%)	15.8%	59.2%	43.3%		40.8%	

Scenario 3 2027 Future AM 11:15 am 02/28/2024

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday AM Future

03/26/2025



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Maximum Green (s)	5.0	29.0	19.5		18.0	
Yellow Time (s)	3.5	4.5	4.5		4.5	
All-Red Time (s)	1.0	2.0	2.0		2.0	
Lost Time Adjust (s)		0.0	0.0		0.0	
Total Lost Time (s)		6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Min	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		10	10		10	
Act Effct Green (s)		12.2	12.2		8.2	
Actuated g/C Ratio		0.36	0.36		0.24	
v/c Ratio		0.26	0.59		0.07	
Control Delay		10.3	14.3		11.2	
Queue Delay		0.0	0.0		0.0	
Total Delay		10.3	14.3		11.2	
LOS		B	B		B	
Approach Delay		10.3	14.3		11.2	
Approach LOS		B	B		B	
Queue Length 50th (ft)		11	39		3	
Queue Length 95th (ft)		48	139		17	
Internal Link Dist (ft)		501	201		371	
Turn Bay Length (ft)						
Base Capacity (vph)		990	953		840	
Starvation Cap Reductn		0	0		0	
Spillback Cap Reductn		0	0		0	
Storage Cap Reductn		0	0		0	
Reduced v/c Ratio		0.11	0.35		0.03	

Intersection Summary

Area Type: CBD

Cycle Length: 60

Actuated Cycle Length: 34

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.59

Intersection Signal Delay: 13.2

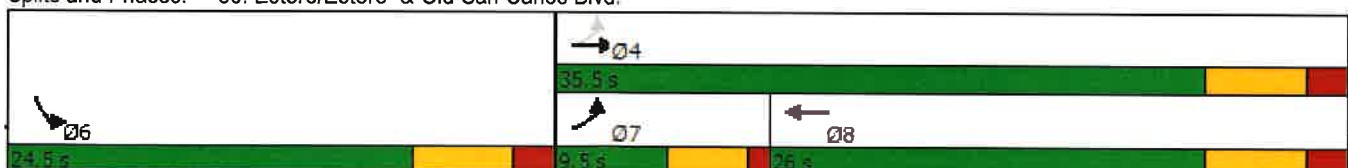
Intersection LOS: B

Intersection Capacity Utilization 45.4%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 30: Estero/Estero & Old San Carlos Blvd.



Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday PM Future

03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	154	101	130	151	78	25
Future Volume (vph)	154	101	130	151	78	25
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr t			0.927		0.967	
Flt Protected		0.971			0.963	
Satd. Flow (prot)	0	1628	1554	0	1561	0
Flt Permitted		0.650			0.963	
Satd. Flow (perm)	0	1090	1554	0	1561	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		581	281		451	
Travel Time (s)		15.8	7.7		12.3	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	167	110	141	164	85	27
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	277	305	0	112	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		27	44		30	
Two way Left Turn Lane						
Headway Factor	1.14	1.14	1.14	1.14	1.14	1.14
Turning Speed (mph)	15			9	15	9
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4			6	
Permitted Phases	4		8			
Detector Phase	7	4	8		6	
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0		5.0	
Minimum Split (s)	11.0	24.5	24.5		24.5	
Total Split (s)	11.0	35.5	24.5		24.5	
Total Split (%)	18.3%	59.2%	40.8%		40.8%	

Scenario 1 2027 Future PM 10:18 am 02/28/2024 Baseline

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
30: Estero/Estero & Old San Carlos Blvd.

Weekday PM Future

03/26/2025



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Maximum Green (s)	5.0	29.0	18.0		18.0	
Yellow Time (s)	4.5	4.5	4.5		4.5	
All-Red Time (s)	1.5	2.0	2.0		2.0	
Lost Time Adjust (s)		0.0	0.0		0.0	
Total Lost Time (s)		6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Min	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		10	10		10	
Act Effct Green (s)		20.3	20.3		9.6	
Actuated g/C Ratio		0.46	0.46		0.22	
v/c Ratio		0.55	0.42		0.33	
Control Delay		13.6	10.1		19.0	
Queue Delay		0.0	0.0		0.0	
Total Delay		13.6	10.1		19.0	
LOS		B	B		B	
Approach Delay		13.6	10.1		19.0	
Approach LOS		B	B		B	
Queue Length 50th (ft)		40	41		24	
Queue Length 95th (ft)		128	119		65	
Internal Link Dist (ft)		501	201		371	
Turn Bay Length (ft)						
Base Capacity (vph)		809	830		687	
Starvation Cap Reductn		0	0		0	
Spillback Cap Reductn		0	0		0	
Storage Cap Reductn		0	0		0	
Reduced v/c Ratio		0.34	0.37		0.16	

Intersection Summary

Area Type: CBD

Cycle Length: 60

Actuated Cycle Length: 43.9

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.55

Intersection Signal Delay: 13.0

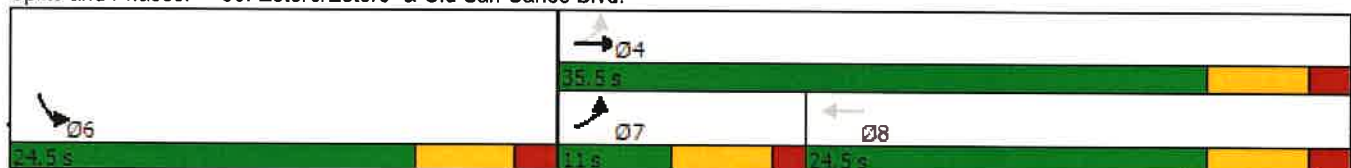
Intersection LOS: B

Intersection Capacity Utilization 56.0%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 30: Estero/Estero & Old San Carlos Blvd.



ESTERO BLVD.
@
CRESCENT STREET

Lanes, Volumes, Timings
3: Estero & Crescent

Weekday AM Existing
03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	11	649	318	13	11	9
Future Volume (vph)	11	649	318	13	11	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	170			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			1.00		0.98	
Frt			0.995		0.939	
Flt Protected	0.950				0.973	
Satd. Flow (prot)	1593	1676	1666	0	1495	0
Flt Permitted	0.401				0.973	
Satd. Flow (perm)	672	1676	1666	0	1495	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		387	531		289	
Travel Time (s)		10.6	14.5		7.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)				20		20
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	12	705	346	14	12	10
Shared Lane Traffic (%)						
Lane Group Flow (vph)	12	705	360	0	22	0
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		6	
Permitted Phases	4					
Detector Phase	7	4	8		6	
Switch Phase						
Minimum Initial (s)	5.0	20.0	20.0		16.0	
Minimum Split (s)	15.0	26.5	26.5		24.5	
Total Split (s)	15.0	55.0	40.0		25.0	
Total Split (%)	18.8%	68.8%	50.0%		31.3%	
Maximum Green (s)	8.5	48.5	33.5		18.5	
Yellow Time (s)	4.5	4.5	4.5		4.5	
All-Red Time (s)	2.0	2.0	2.0		2.0	
Lost Time Adjust (s)	0.0	0.0	0.0		0.0	
Total Lost Time (s)	6.5	6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	

Scenario 4 Base 24 Crescent- Estero AM 10:55 am 02/26/2024
RAH

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
3: Estero & Crescent

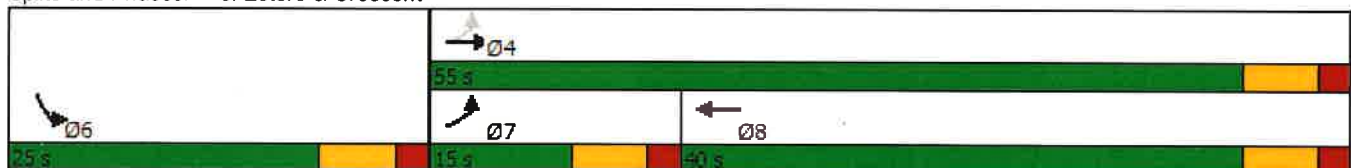
Weekday AM Existing
03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Max	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		36	36		36	
Act Effct Green (s)	32.7	32.7	30.6		18.9	
Actuated g/C Ratio	0.50	0.50	0.47		0.29	
v/c Ratio	0.03	0.84	0.46		0.05	
Control Delay	6.9	23.1	14.2		21.6	
Queue Delay	0.0	0.0	0.0		0.0	
Total Delay	6.9	23.1	14.2		21.6	
LOS	A	C	B		C	
Approach Delay		22.8	14.2		21.6	
Approach LOS		C	B		C	
Queue Length 50th (ft)	2	216	81		6	
Queue Length 95th (ft)	8	343	197		27	
Internal Link Dist (ft)		307	451		209	
Turn Bay Length (ft)	170					
Base Capacity (vph)	461	1281	916		436	
Starvation Cap Reductn	0	0	0		0	
Spillback Cap Reductn	0	0	0		0	
Storage Cap Reductn	0	0	0		0	
Reduced v/c Ratio	0.03	0.55	0.39		0.05	

Intersection Summary

Area Type: CBD
 Cycle Length: 80
 Actuated Cycle Length: 64.9
 Natural Cycle: 70
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.84
 Intersection Signal Delay: 20.0
 Intersection LOS: B
 Intersection Capacity Utilization 62.1%
 ICU Level of Service B
 Analysis Period (min) 15

Splits and Phases: 3: Estero & Crescent



Lanes, Volumes, Timings
3: Estero & Crescent

Weekday PM Existing
03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	69	642	619	14	28	18
Future Volume (vph)	69	642	619	14	28	18
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	170			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			1.00		0.98	
Frt			0.997		0.946	
Flt Protected	0.950				0.971	
Satd. Flow (prot)	1593	1676	1670	0	1507	0
Flt Permitted	0.128				0.971	
Satd. Flow (perm)	215	1676	1670	0	1507	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		387	531		289	
Travel Time (s)		10.6	14.5		7.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)				20		20
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	75	698	673	15	30	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	75	698	688	0	50	0
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		5	
Permitted Phases	4					
Detector Phase	7	4	8		5	
Switch Phase						
Minimum Initial (s)	5.0	20.0	20.0		16.0	
Minimum Split (s)	15.0	26.5	26.5		24.5	
Total Split (s)	15.0	55.5	40.5		24.5	
Total Split (%)	18.8%	69.4%	50.6%		30.6%	
Maximum Green (s)	8.5	49.0	34.0		18.0	
Yellow Time (s)	4.5	4.5	4.5		4.5	
All-Red Time (s)	2.0	2.0	2.0		2.0	
Lost Time Adjust (s)	0.0	0.0	0.0		0.0	
Total Lost Time (s)	6.5	6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	

Scenario 3 Future 27 Crescent- Estero AM 10:51 am 02/26/2024
RAH

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
3: Estero & Crescent

Weekday PM Existing
03/26/2025

	↗	→	←	↖	↘	↙
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Max	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		36	36		36	
Act Effct Green (s)	44.0	44.0	33.1		18.2	
Actuated g/C Ratio	0.58	0.58	0.44		0.24	
v/c Ratio	0.29	0.71	0.94		0.14	
Control Delay	9.3	15.8	45.0		26.0	
Queue Delay	0.0	0.0	0.0		0.0	
Total Delay	9.3	15.8	45.0		26.0	
LOS	A	B	D		C	
Approach Delay		15.1	45.0		26.0	
Approach LOS		B	D		C	
Queue Length 50th (ft)	14	208	319		20	
Queue Length 95th (ft)	30	331	#554		48	
Internal Link Dist (ft)		307	451		209	
Turn Bay Length (ft)	170					
Base Capacity (vph)	282	1102	762		364	
Starvation Cap Reductn	0	0	0		0	
Spillback Cap Reductn	0	0	0		0	
Storage Cap Reductn	0	0	0		0	
Reduced v/c Ratio	0.27	0.63	0.90		0.14	

Intersection Summary

Area Type: CBD

Cycle Length: 80

Actuated Cycle Length: 75.4

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.94

Intersection Signal Delay: 29.1

Intersection LOS: C

Intersection Capacity Utilization 71.0%

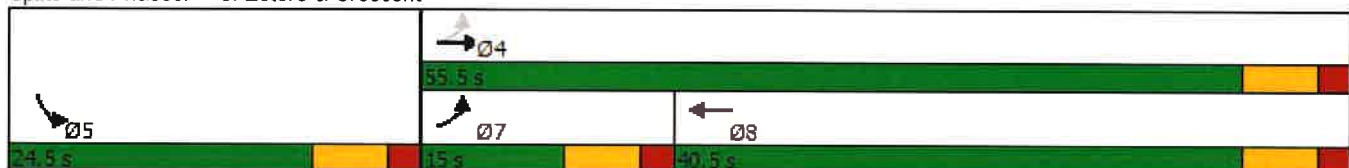
ICU Level of Service C

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: Estero & Crescent



Lanes, Volumes, Timings
3: Estero & Crescent

Weekday AM Future

03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	11	649	340	19	11	9
Future Volume (vph)	11	649	340	19	11	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	170			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			1.00		0.98	
Frt			0.993		0.939	
Flt Protected	0.950				0.973	
Satd. Flow (prot)	1593	1676	1661	0	1495	0
Flt Permitted	0.374				0.973	
Satd. Flow (perm)	627	1676	1661	0	1495	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		387	531		289	
Travel Time (s)		10.6	14.5		7.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)				20		20
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	12	705	370	21	12	10
Shared Lane Traffic (%)						
Lane Group Flow (vph)	12	705	391	0	22	0
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		5	
Permitted Phases	4					
Detector Phase	7	4	8		5	
Switch Phase						
Minimum Initial (s)	5.0	20.0	20.0		16.0	
Minimum Split (s)	15.0	26.5	26.5		24.5	
Total Split (s)	15.0	55.0	40.0		25.0	
Total Split (%)	18.8%	68.8%	50.0%		31.3%	
Maximum Green (s)	8.5	48.5	33.5		18.5	
Yellow Time (s)	4.5	4.5	4.5		4.5	
All-Red Time (s)	2.0	2.0	2.0		2.0	
Lost Time Adjust (s)	0.0	0.0	0.0		0.0	
Total Lost Time (s)	6.5	6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	

Scenario 3 Future 27 Crescent- Estero AM 10:51 am 02/26/2024
RAH

Synchro 11 Report
Page 1

Lanes, Volumes, Timings
3: Estero & Crescent

Weekday AM Future

03/26/2025



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Max	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		36	36		36	
Act Effct Green (s)	32.7	32.7	30.6		18.9	
Actuated g/C Ratio	0.50	0.50	0.47		0.29	
v/c Ratio	0.03	0.84	0.50		0.05	
Control Delay	7.0	23.1	14.9		21.6	
Queue Delay	0.0	0.0	0.0		0.0	
Total Delay	7.0	23.1	14.9		21.6	
LOS	A	C	B		C	
Approach Delay		22.8	14.9		21.6	
Approach LOS		C	B		C	
Queue Length 50th (ft)	2	216	91		6	
Queue Length 95th (ft)	8	343	218		27	
Internal Link Dist (ft)		307	451		209	
Turn Bay Length (ft)	170					
Base Capacity (vph)	444	1281	914		436	
Starvation Cap Reductn	0	0	0		0	
Spillback Cap Reductn	0	0	0		0	
Storage Cap Reductn	0	0	0		0	
Reduced v/c Ratio	0.03	0.55	0.43		0.05	

Intersection Summary

Area Type: CBD

Cycle Length: 80

Actuated Cycle Length: 64.9

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.84

Intersection Signal Delay: 20.1

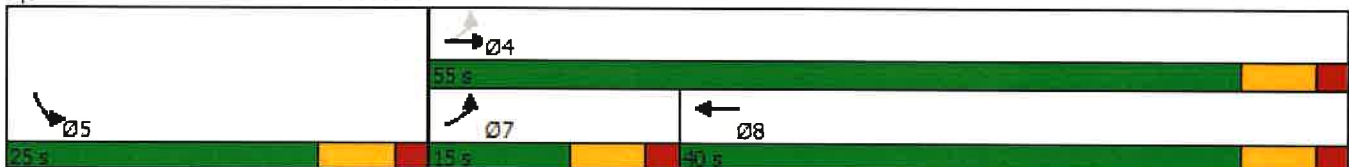
Intersection LOS: C

Intersection Capacity Utilization 62.1%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 3: Estero & Crescent



Lanes, Volumes, Timings
3: Estero & Crescent

Weekday PM Future

03/26/2025

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	80	681	653	20	29	18
Future Volume (vph)	80	681	653	20	29	18
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		0%	0%		0%	
Storage Length (ft)	170			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor			1.00		0.98	
Frt			0.996		0.948	
Flt Protected	0.950				0.970	
Satd. Flow (prot)	1593	1676	1668	0	1511	0
Flt Permitted	0.100				0.970	
Satd. Flow (perm)	168	1676	1668	0	1511	0
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		25	25		25	
Link Distance (ft)		387	531		289	
Travel Time (s)		10.6	14.5		7.9	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)				20		20
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	87	740	710	22	32	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	87	740	732	0	52	0
Turn Type	pm+pt	NA	NA		Prot	
Protected Phases	7	4	8		6	
Permitted Phases	4					
Detector Phase	7	4	8		6	
Switch Phase						
Minimum Initial (s)	5.0	20.0	20.0		16.0	
Minimum Split (s)	15.0	26.5	26.5		24.5	
Total Split (s)	15.0	55.0	40.0		25.0	
Total Split (%)	18.8%	68.8%	50.0%		31.3%	
Maximum Green (s)	8.5	48.5	33.5		18.5	
Yellow Time (s)	4.5	4.5	4.5		4.5	
All-Red Time (s)	2.0	2.0	2.0		2.0	
Lost Time Adjust (s)	0.0	0.0	0.0		0.0	
Total Lost Time (s)	6.5	6.5	6.5		6.5	
Lead/Lag	Lead		Lag			
Lead-Lag Optimize?	Yes		Yes			
Vehicle Extension (s)	3.0	3.0	3.0		3.0	

Scenario 1 Future 27 Crescent-Estero PM 7:02 pm 02/20/2024 Baseline

Synchro 11 Report
Page 1

Lanes, Volumes, Timings 3: Estero & Crescent

Weekday PM Future

03/26/2025

	↖	→	←	↗	↘	↙
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Minimum Gap (s)	3.0	3.0	3.0		3.0	
Time Before Reduce (s)	0.0	0.0	0.0		0.0	
Time To Reduce (s)	0.0	0.0	0.0		0.0	
Recall Mode	None	None	None		Max	
Walk Time (s)		7.0	7.0		7.0	
Flash Dont Walk (s)		11.0	11.0		11.0	
Pedestrian Calls (#/hr)		36	36		36	
Act Effct Green (s)	44.9	44.9	33.7		18.6	
Actuated g/C Ratio	0.59	0.59	0.44		0.24	
v/c Ratio	0.37	0.75	1.00		0.14	
Control Delay	11.1	17.5	58.1		25.7	
Queue Delay	0.0	0.0	0.0		0.0	
Total Delay	11.1	17.5	58.1		25.7	
LOS	B	B	E		C	
Approach Delay		16.8	58.1		25.7	
Approach LOS		B	E		C	
Queue Length 50th (ft)	16	235	~399		21	
Queue Length 95th (ft)	35	376	#611		50	
Internal Link Dist (ft)		307	451		209	
Turn Bay Length (ft)	170					
Base Capacity (vph)	257	1067	734		367	
Starvation Cap Reductn	0	0	0		0	
Spillback Cap Reductn	0	0	0		0	
Storage Cap Reductn	0	0	0		0	
Reduced v/c Ratio	0.34	0.69	1.00		0.14	

Intersection Summary

Area Type: CBD

Cycle Length: 80

Actuated Cycle Length: 76.6

Natural Cycle: 90

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.00

Intersection Signal Delay: 35.9

Intersection LOS: D

Intersection Capacity Utilization 74.0%

ICU Level of Service D

Analysis Period (min) 15

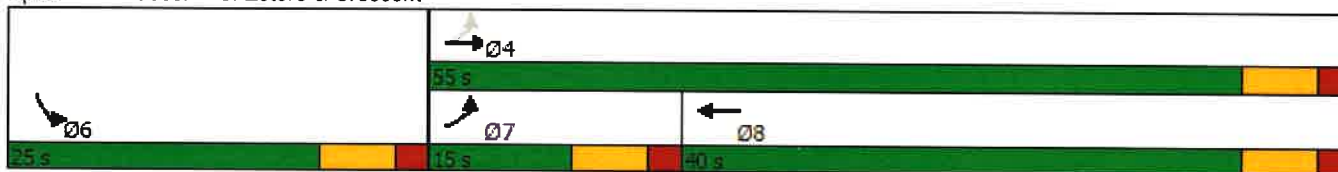
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: Estero & Crescent



PCS 44
PEAK SEASON ADJUSTMENT
FACTOR

PCS 44 - Estero Blvd n of Denora Blvd

2022 AADT = 12,200 VPD

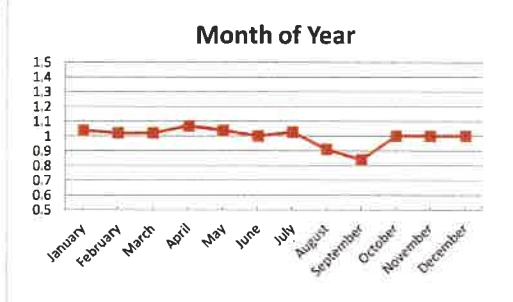
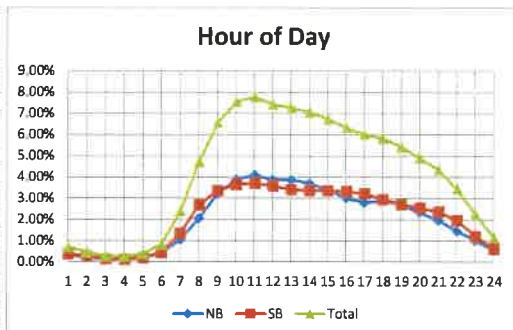
Hour	NB	SB	Total
0	0.33%	0.38%	0.70%
1	0.20%	0.26%	0.46%
2	0.12%	0.15%	0.27%
3	0.14%	0.10%	0.24%
4	0.19%	0.19%	0.38%
5	0.40%	0.44%	0.84%
6	1.05%	1.36%	2.40%
7	2.04%	2.69%	4.72%
8	3.21%	3.36%	6.57%
9	3.89%	3.65%	7.55%
10	4.08%	3.69%	7.78%
11	3.87%	3.56%	7.43%
12	3.86%	3.40%	7.26%
13	3.71%	3.34%	7.06%
14	3.39%	3.34%	6.74%
15	3.01%	3.32%	6.33%
16	2.79%	3.21%	6.00%
17	2.87%	2.95%	5.81%
18	2.70%	2.71%	5.41%
19	2.34%	2.55%	4.88%
20	1.97%	2.35%	4.32%
21	1.47%	1.97%	3.43%
22	1.02%	1.22%	2.25%
23	0.54%	0.63%	1.16%

Avg 10:00 AM-5:00 PM 6.80%
12200*0.068 829.6

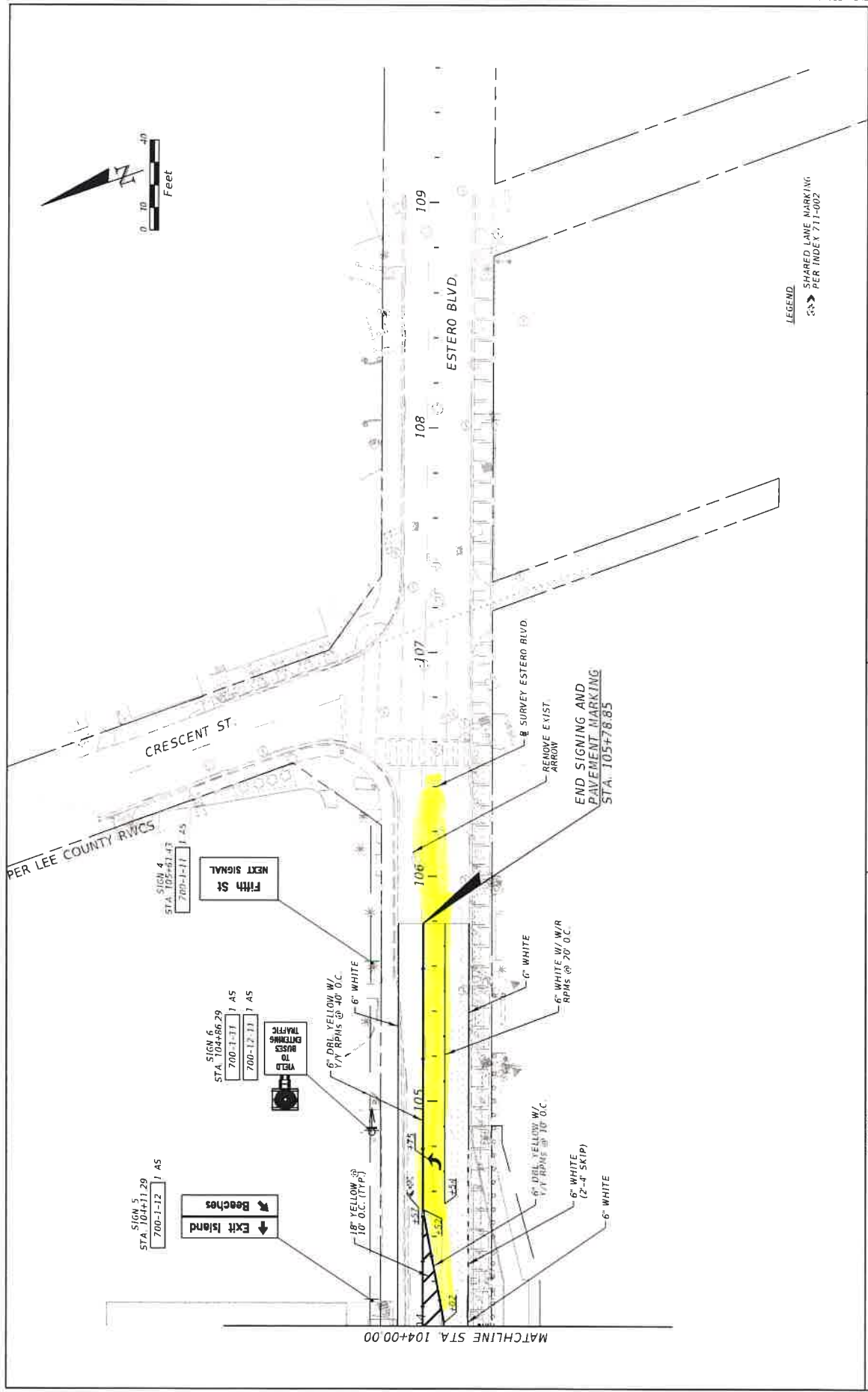
Month of Year	Fraction
January	1.04
February	1.02
March	1.02
April	1.07
May	1.04
June	1
July	1.03
August	0.91
September	0.84
October	1
November	1
December	1

Day of Week	Fraction
Sunday	0.94
Monday	0.98
Tuesday	0.99
Wednesday	1.03
Thursday	1.02
Friday	1.03
Saturday	1.01

Month of Year	Average	Avg Monthly Demand
January	1.04	862.8
February	1.02	846.2
March	1.02	846.2
April	1.07	887.7
May	1.04	862.8
June	1.00	829.6
July	1.03	854.5
August	0.91	754.9
September	0.84	696.9
October	1.00	829.6
November	1.00	829.6
December	1.00	829.6



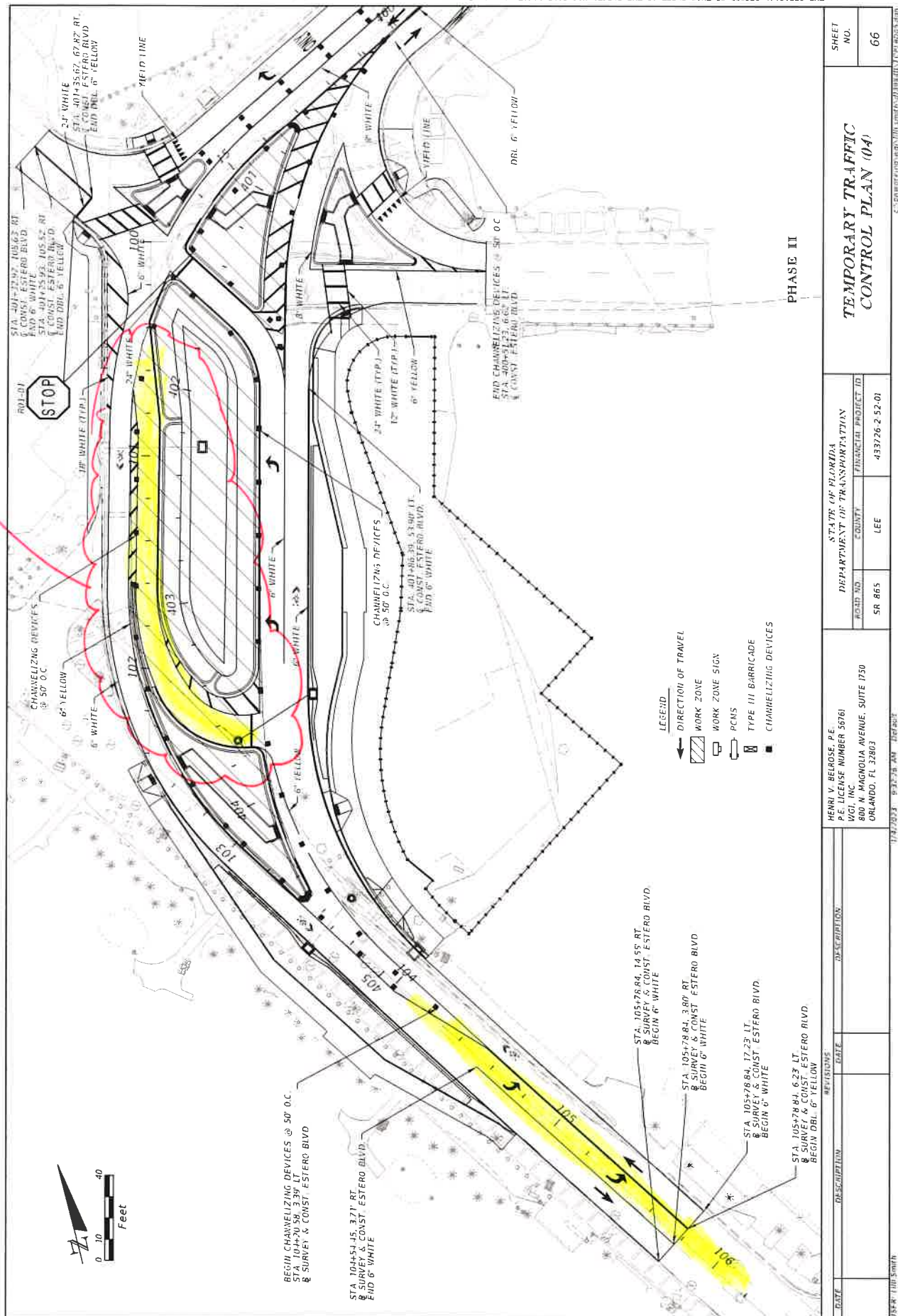
FDOT PLANS
SR 739/SAN CARLOS BLVD./ESTERO
BLVD.



LEGEND
 SHARED LANE MARKING
 PER INDEX 711-002

DATE		REVISIONS		DESCRIPTION		STATE OF FLORIDA		SIGNING AND PAVEMENT MARKING PLAN (13)		SHEET NO.	
						DEPARTMENT OF TRANSPORTATION	PROJECT ID	433726-2-52-01	5-18		
						ROAD NO.	COUNTY	LEE			
						SR 865					
HENRI V. BELOUSE, P.E. P.E. LICENSE NUMBER 56761 WGI, INC. 800 N. MAGNOLIA AVENUE, SUITE 1750 ORLANDO, FL 32803						1/4/2023 2:07:37 PM 02/20/23					

U-turn location



TRAFFIC COUNT
ESTERO BLVD.
@
CRESCENT ST.



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

Project Name: Arches - FMB
Date Completed: 2/13/2024

AM Start Time	Estero Eastbound @ Crescent				Estero Westbound @ Crescent				Crescent Northbound @ Estero				Crescent Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
7:00	9	121	0	0	0	55	4	4	0	0	0	0	2	0	0	0	191
7:15	4	155	0	0	0	73	1	1	0	0	0	0	4	0	0	0	237
7:30	6	163	0	0	0	76	1	1	0	0	0	0	3	0	2	0	251
7:45	5	172	0	0	0	79	3	3	0	0	0	0	2	0	0	0	261
8:00	3	165	0	0	0	74	2	2	0	0	0	0	5	0	1	1	250
8:15	4	164	0	0	0	70	6	6	0	0	0	0	1	0	3	3	248
8:30	2	155	0	0	0	81	4	4	0	0	0	0	3	0	1	1	246
8:45	2	165	0	0	0	93	1	1	0	0	0	0	2	0	4	4	267
9:00																	0
Total	35	1260	0	0	0	601	22	22	0	0	0	0	22	0	11	0	1951

PM Start Time	Estero Eastbound @ Crescent				Estero Westbound @ Crescent				Crescent Northbound @ Estero				Crescent Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
4:00	16	145	0	0	0	142	6	6	0	0	0	0	8	0	3	3	320
4:15	21	151	0	0	0	151	9	9	0	0	0	0	9	0	2	2	343
4:30	18	159	0	0	0	149	3	3	0	0	0	0	7	0	2	2	338
4:45	14	161	0	0	0	148	2	2	0	0	0	0	5	0	3	3	333
5:00	21	164	0	0	0	151	4	4	0	0	0	0	10	0	6	6	356
5:15	18	162	0	0	0	154	3	3	0	0	0	0	7	0	4	4	348
5:30	14	159	0	0	0	151	3	3	0	0	0	0	5	0	3	3	335
5:45	16	157	0	0	0	151	4	4	0	0	0	0	6	0	5	5	339
6:00																	0
Total	138	1258	0	0	0	1197	34	34	0	0	0	0	57	0	28	0	2712

PM Peak Hour

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023 100TH HIGHEST HOUR		2028 FUTURE FORECAST*		Notes		
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽³⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	LOS ⁽⁴⁾		VOLUME ⁽²⁾	V/C ⁽⁴⁾
04800	CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	2LN	E	860	C	315	0.37	C	331	0.38	
04900	CHAMBERLIN PKWY	AIRP CRT ENT	DANIELS PKWY	4LN	E	1,790	C	450	0.25	C	473	0.26	(4), Port Authority maintained
05000	COCONUT RD	WEST END	VIA VENETTO BLVD	2LN	E	860	C	275	0.32	C	289	0.34	(4), non-county maintained to east
05100	COLLEGE PKWY	MCGREGOR BLVD	WINKLER RD	6LD	E	2,980	D	2,600	0.87	E	2,733	0.92	
05200	COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	6LD	E	2,980	D	1,838	0.62	D	1,932	0.65	
05300	COLLEGE PKWY	WHISKEY CREEK DR	SUMMERLIN RD	6LD	E	2,980	D	1,838	0.62	D	1,932	0.65	
05400	COLLEGE PKWY	SUMMERLIN RD	US 41	6LD	E	2,980	D	1,830	0.61	D	1,923	0.65	
05500	COLONIAL BLVD	MCGREGOR BLVD	SUMMERLIN RD	6LD	E	2,840	D	2,589	0.91	D	2,721	0.96	(4)
05600	COLONIAL BLVD	SUMMERLIN RD	US 41	6LD	E	2,840	D	2,589	0.91	D	2,721	0.96	
06200	COLONIAL BLVD	DYNASTY DR	SR 82	6LD	D	3,040	D	2,104	0.69	D	2,211	0.73	(4)
06300	COLUMBUS BLVD	SR 82	MILWAUKEE BLVD	2LN	E	860	C	105	0.12	C	110	0.13	(4)
06400	CONSTITUTION BLVD	JS 41	CONSTITUTION CIR	2LN	E	860	C	371	0.43	C	390	0.45	
06500	CORBETT RD	SR 78 (PINE ISLAND RD)	LITTLETON RD	2LN	E	860	C	30	0.03	C	32	0.04	(4)
06600	CORKSCREW RD	JS 41	THREE OAKS PKWY	4LD	E	1,900	C	971	0.51	C	1,021	0.54	
06700	CORKSCREW RD	THREE OAKS PKWY	W OF I-75	4LD	E	1,900	C	1,582	0.83	C	1,663	0.88	
06800	CORKSCREW RD	E OF I-75	BEN HILL GRIFFIN BLVD	4LD	E	1,900	C	1,069	0.56	C	1,124	0.59	
06900	CORKSCREW RD	BEN HILL GRIFFIN BLVD	ALICO RD	4LD	E	1,960	C	1,186	0.61	C	1,246	0.64	Corkscrew Woods/Wildblue
07000	CORKSCREW RD	ALICO RD	COUNTY LINE	2LN	E	1,140	D	668	0.59	F	1,412	1.24	Vergana Village RPD
07100	COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	2LN	E	860	C	145	0.17	C	154	0.18	(4)
07200	CRYSTAL DR	JS 41	METRO PKWY	2LN	E	860	C	505	0.59	C	531	0.62	
07300	CRYSTAL DR	METRO PKWY	PLANTATION RD	2LN	E	860	C	366	0.43	C	385	0.45	
07400	CYPRESS LAKE DR	MCGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,142	0.59	D	1,200	0.62	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,449	0.75	D	1,523	0.79	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,449	0.75	D	1,523	0.79	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,064	0.70	D	2,169	0.74	
07800	DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,307	0.86	D	2,425	0.90	unincorporated Lee County
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,307	0.86	D	2,425	0.90	unincorporated Lee County; constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	E	2,953	0.97	F	3,108	1.02	unincorporated Lee Co; constrained; Dan Falls
08100	DANIELS PKWY	PALOMINO LN	I-75	6LD	E	3,040	E	2,953	0.97	F	3,104	1.02	unincorporated Lee County; constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	6LD	E	3,260	E	2,963	0.91	E	3,114	0.96	unincorporated Lee County
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	E	2,963	0.91	E	3,114	0.96	unincorporated Lee County
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	E	3,197	0.98	F	3,360	1.03	unincorporated Lee County
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	4LD	E	2,160	F	2,304	1.07	F	2,469	1.14	unincorporated Lee County; Timber Creek RPD
08600	DANLEY DR	US 41	METRO PKWY	2LN	E	860	C	395	0.46	C	415	0.48	
08700	DAVIS RD	MCGREGOR BLVD	IONA RD	2LN	E	860	C	17	0.02	C	18	0.02	(4)
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	6LD	E	2,660	D	2,069	0.78	D	2,175	0.82	
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	6LD	E	2,660	D	2,069	0.78	D	2,175	0.82	
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	6LD	E	2,660	D	2,069	0.78	D	2,174	0.82	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	6LD	E	2,660	E	2,600	0.98	F	2,733	1.03	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	6LD	E	2,800	D	2,041	0.73	D	2,145	0.77	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	6LD	E	2,800	C	1,757	0.63	C	1,847	0.66	(4)
09400	DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	538	0.63	D	643	0.75	Crane Landing Golf Course Community
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	2LN	E	860	C	30	0.03	C	32	0.04	(4)
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	2LN	E	726	A	264	0.36	A	277	0.38	(4), constrained
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	2LN	E	726	D	648	0.89	D	681	0.94	(4), constrained
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	2LN	E	726	D	648	0.89	D	681	0.94	(4), constrained
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	2LN	E	671	F	722	1.08	F	759	1.13	(4), constrained
14400	ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	2,000	B	921	0.46	B	1,092	0.55	non-county main; T and T DBI/Cye Vw CPD

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD		2023 100TH HIGHEST HOUR			2028 FUTURE FORECAST*			Notes
		FROM	TO		LOS ⁽¹⁾	CAPACITY ⁽²⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	LOS ⁽¹⁾	VOLUME ⁽²⁾	V/C ⁽³⁾	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	368	0.37	C	387	0.39	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	131	0.15	C	138	0.16	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	F	1,115	1.24	F	1,172	1.30	City of Fort Myers
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	F	947	1.05	F	995	1.11	partially located in City of Fort Myers
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	374	0.42	B	393	0.44	(4)
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	1,900	C	1,306	0.69	C	1,471	0.77	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	1-75	6LD	D	2,814	C	1,453	0.52	C	1,624	0.58	
20100	PALM BEACH BLVD (SR 80)	1-75	SR 31	6LD	D	2,814	C	1,840	0.65	C	2,030	0.72	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,900	F	2,275	1.20	F	2,604	1.37	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	1,942	E	1,943	1.00	F	2,277	1.17	River Hall (f.k.a. Hawks Haven)
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,785	C	1,457	0.82	C	1,735	0.97	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	1,785	C	1,295	0.73	C	1,541	0.86	
20500	PALOMINO LN	DANIELS PKWY	PENANCE BLVD	2LN	E	860	C	343	0.40	C	405	0.47	The Springs at Daniels Road
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	202	0.23	C	219	0.26	
20800	PENANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	150	0.17	C	180	0.21	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	0.63	E	640	0.67	constrained
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	1,900	F	1,902	1.00	F	2,312	1.22	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	1,900	D	1,637	0.86	D	1,861	0.98	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	459	0.53	C	549	0.64	Heritage Isles
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	280	0.33	C	486	0.56	Heritage Isles
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	280	0.33	C	294	0.34	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	317	0.37	C	333	0.39	
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	651	0.76	D	684	0.80	
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	673	0.38	C	707	0.40	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	994	0.53	B	1,045	0.55	
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,319	0.70	B	1,386	0.73	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,396	0.74	B	1,467	0.78	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	78	0.09	D	658	0.76	(4), Brightwater RPD (f.k.a. Stoneybrook North)
22500	RANCHETTE RD	PENANCE BLVD	IDLEWILD ST	2LN	E	860	C	105	0.12	C	110	0.13	(4)
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	62	0.07	C	65	0.08	(4)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	129	0.15	C	149	0.17	pre-development order res development
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	129	0.15	C	198	0.23	pre-development order res development
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	324	0.38	C	341	0.40	
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS BRIDGE	MAIN ST	2LD	D	1,900	C	1,114	0.59	C	1,208	0.64	constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,900	C	1,114	0.59	C	1,208	0.64	
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,180	C	702	0.59	C	762	0.65	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	1,180	C	702	0.59	C	762	0.65	
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	501	0.58	C	527	0.61	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	F	1,172	1.03	F	1,232	1.08	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	269	0.31	C	283	0.33	
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,900	F	2,109	1.11	F	2,341	1.23	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,630	0.82	B	1,713	0.86	unincorporated Lee County
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,272	0.67	B	1,434	0.75	unincorporated Lee Co; Cr Mnr RPD/Jk VIII RPD
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,200	0.63	B	1,261	0.66	incorporated Lee County
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,200	0.42	A	1,261	0.44	incorporated Lee County
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	444	0.44	C	467	0.46	
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	C	514	0.56	C	540	0.59	
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	766/1180	E	966	1.26	E	1,168	0.99	

FDOT TRAFFIC INFORMATION
ONLINE TRAFFIC DATA
SAN CARLOS BLVD.
N. OF MANTANZA PASS BRIDGE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6008 - SR 865/SAN CARLOS BLVD, 200' S OF PRESCOTT/N OF MATANZAS PASS, PTMS10, LCPR8

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	23000 X	0	0	9.00	53.80	5.90
2022	22000 X	0	0	9.00	53.70	8.30
2021	22000 T	0	0	9.00	53.10	4.10
2020	21500 S	0	0	9.00	52.80	5.70
2019	22000 F	0	0	9.00	53.30	3.10
2018	21982 C	0	0	9.00	54.50	2.60
2017	22000 F	0	0	9.00	54.50	3.60
2016	22352 C	N 11136	S 11216	9.00	54.50	2.80
2015	22387 C	N 11098	S 11289	9.00	53.80	2.80
2014	22728 C	N 11284	S 11444	9.00	53.90	5.20
2013	22603 C	N 11213	S 11390	9.00	54.30	3.10
2012	22194 C	N 11021	S 11173	9.00	54.70	3.00
2011	22541 C	N 11204	S 11337	9.00	54.60	3.50
2010	21796 C	N 10844	S 10952	9.08	55.72	2.80
2009	20711 C	N 9603	S 11108	9.75	56.00	3.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

**LEE COUNTY
GENERALIZED LEVEL OF SERVICE
VOLUMES**

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.						

TRAFFIC DATA FROM LEE COUNTY
TRAFFIC DATA SYSTEM
STATION #44
ESTERO BLVD.
(N. OF DONORA BLVD.)

Location Info	
Location ID	44
Type	I-SECTION
Functional Class	-
Located On	ESTERO BLVD
NORTH OF	DONORA BLVD
Direction	2-WAY
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	3/16/2022
End Date	3/17/2022
Start Time	12:00 AM
End Time	12:00 AM
Direction	2-WAY
Notes	
Count Source	
File Name	DataQuery_2022-22-03T08-45-47_SSM HD.txt
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	23	24	27	32	106
01:00 - 02:00	25	20	25	16	86
02:00 - 03:00	13	11	10	10	44
03:00 - 04:00	8	6	5	12	31
04:00 - 05:00	6	6	15	20	47
05:00 - 06:00	28	29	33	50	140
06:00 - 07:00	60	73	98	125	356
07:00 - 08:00	144	157	201	251	753
08:00 - 09:00	223	251	270	282	1026
09:00 - 10:00	285	298	302	276	1161
10:00 - 11:00	247	224	236	253	960
11:00 - 12:00	157	185	203	284	829
12:00 - 13:00	222	195	193	222	832
13:00 - 14:00	245	132	209	207	793
14:00 - 15:00	202	213	206	176	797
15:00 - 16:00	200	150	160	141	651
16:00 - 17:00	116	129	123	144	512
17:00 - 18:00	157	147	149	193	646
18:00 - 19:00	175	180	180	168	703
19:00 - 20:00	166	174	150	200	690
20:00 - 21:00	173	163	141	136	613
21:00 - 22:00	145	108	111	143	507
22:00 - 23:00	127	101	79	75	382
23:00 - 24:00	54	44	33	36	167
TOTAL					12832

TRAFFIC DATA FROM HPE REPORT



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

Project Name: Arches - FMB
Date Completed: 2/13/2024

AM Start Time	Estero Eastbound @ Old San Carlos				Estero Westbound @ Old San Carlos				Old San Carlos Northbound @ Estero				Old San Carlos Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
7:00	5	7	0	0	0	21	12	0	0	0	0	0	1	0	0	0	46
7:15	6	3	0	0	0	30	14	0	0	0	0	0	3	0	0	0	57
7:30	5	10	0	0	0	39	23	0	0	0	0	0	0	0	2	0	79
7:45	7	5	0	0	0	23	16	0	0	0	0	0	5	0	1	0	58
8:00	6	9	0	0	0	35	14	0	0	0	0	0	2	0	1	0	68
8:15	11	13	0	0	0	35	24	0	0	0	0	0	3	0	5	0	92
8:30	18	11	0	0	0	46	14	0	0	0	0	0	1	0	4	0	95
8:45	10	10	0	0	0	64	31	0	0	0	0	0	4	0	4	0	124
9:00																	0
Total	69	70	0	0	0	293	149	0	0	0	0	0	20	0	18	0	618

PM Start Time	Estero Eastbound @ Old San Carlos				Estero Westbound @ Old San Carlos				Old San Carlos Northbound @ Estero				Old San Carlos Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
4:00	45	32	0	0	0	36	35	0	0	0	0	0	8	0	9	0	166
4:15	33	33	0	0	0	28	28	0	0	0	0	0	18	0	1	0	140
4:30	44	19	0	0	0	29	35	0	0	0	0	0	12	0	3	0	142
4:45	29	18	0	0	0	36	26	0	0	0	0	0	14	0	4	0	127
5:00	29	29	0	0	0	34	27	0	0	0	0	0	8	0	5	0	132
5:15	24	20	0	0	0	33	14	0	0	0	0	0	7	0	6	0	104
5:30	16	22	0	0	0	24	30	0	0	0	0	0	6	0	2	0	100
5:45	30	16	0	0	0	46	24	0	0	0	0	0	8	0	11	0	136
6:00																	0
Total	250	187	0	0	0	266	218	0	0	0	0	0	82	0	42	0	1046



43 Barkley Circle, Suite 200
 Fort Myers, FL 33907
 Phone 239-433-4231 Fax 239-433-9632
 www.tdmcivilengineering.com

Project Name: _____ Arches - FMB
 Date Completed: 2/13/2024

AM Start Time	Estero Eastbound @ Crescent				Estero Westbound @ Crescent				Crescent Northbound @ Estero				Crescent Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
7:00	9	121	0	0	0	55	4	0	0	0	0	0	2	0	0	0	191
7:15	4	155	0	0	0	73	1	0	0	0	0	0	4	0	0	0	237
7:30	6	163	0	0	0	76	1	1	0	0	0	0	3	0	2	0	251
7:45	5	172	0	0	0	79	3	3	0	0	0	0	2	0	0	0	261
8:00	3	165	0	0	0	74	2	2	0	0	0	0	5	0	1	0	250
8:15	4	164	0	0	0	70	6	6	0	0	0	0	1	0	3	0	248
8:30	2	155	0	0	0	81	4	4	0	0	0	0	3	0	1	0	246
8:45	2	165	0	0	0	93	1	1	0	0	0	0	2	0	4	0	267
9:00																	0
Total	35	1260	0	0	0	601	22	0	0	0	0	0	22	0	11	0	1951

PM Start Time	Estero Eastbound @ Crescent				Estero Westbound @ Crescent				Crescent Northbound @ Estero				Crescent Southbound @ Estero				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
4:00	16	145	0	0	0	142	6	0	0	0	0	0	8	0	3	0	320
4:15	21	151	0	0	0	151	9	0	0	0	0	0	9	0	2	0	343
4:30	18	159	0	0	0	149	3	0	0	0	0	0	7	0	2	0	338
4:45	14	161	0	0	0	148	2	0	0	0	0	0	5	0	3	0	333
5:00	21	164	0	0	0	151	4	0	0	0	0	0	10	0	6	0	356
5:15	18	162	0	0	0	154	3	0	0	0	0	0	7	0	4	0	348
5:30	14	159	0	0	0	151	3	0	0	0	0	0	5	0	3	0	335
5:45	16	157	0	0	0	151	4	0	0	0	0	0	6	0	5	0	339
6:00																	0
Total	138	1258	0	0	0	1197	34	0	0	0	0	0	57	0	28	0	2711



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

Project Name: Arches - FMB
Date Completed: 2/13/2024

AM Start Time	Third Eastbound @ Old San Carlos				Third Westbound @ Old San Carlos				Old San Carlos Northbound @ Third				Old San Carlos Southbound @ Third				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
7:00	0	4	1		0	0	0	0	4	2	12		1	2	0		26
7:15	1	2	1		0	0	0	0	7	4	4		0	3	0		22
7:30	0	0	0		0	0	0	0	12	1	13		0	2	0		28
7:45	0	2	0		0	0	0	0	4	2	11		0	3	0		22
8:00	0	2	0		0	0	0	0	7	6	13		1	1	1		31
8:15	0	2	3		0	0	0	0	8	9	11		0	5	0		38
8:30	0	1	4		0	0	0	0	4	7	18		4	1	4		43
8:45	0	5	2		0	0	0	0	9	9	19		2	7	1		54
9:00	1	18	11		0	0	0	0	55	40	101		8	24	6		264
Total																	

PM Start Time	Third Eastbound @ Old San Carlos				Third Westbound @ Old San Carlos				Old San Carlos Northbound @ Third				Old San Carlos Southbound @ Third				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
4:00	1	5	1		0	0	0	0	4	18	70		4	6	1		110
4:15	0	8	1		0	0	0	0	3	20	38		2	6	1		79
4:30	0	10	2		0	0	0	0	7	20	54		7	5	1		106
4:45	1	7	1		0	0	0	0	5	19	30		4	6	2		75
5:00	2	6	2		0	0	0	0	3	11	28		8	7	0		67
5:15	0	4	1		0	0	0	0	3	10	33		3	8	2		64
5:30	1	3	0		0	0	0	0	6	13	18		2	4	0		47
5:45	0	8	2		0	0	0	0	5	15	27		2	12	0		71
6:00	5	51	10		0	0	0	0	36	126	298		32	54	7		619
Total																	

APPENDIX B: TRAFFIC VOLUME COUNT INTERSECTION TALLY SHEET

Cars = passenger cars, minivans, SUVs, vans, and pickup trucks
Trucks = other trucks and buses (Record as 100 lbs or less)

Intersection Volume Count

N/S Street Ad Sai Carlos Boulevard Date 2/13/24 Time 7:40 to 7:45
 EW Street Esters Boulevard Weather sierra Observer sierra
 Intersection Control Stop sign

APPENDIX B: TRAFFIC VOLUME COUNT INTERSECTION TALLY SHEET

Intersection Volume Count

Cars = passenger cars, cars, vans, motorcycles, and pick-up trucks
Trucks = other trucks and buses. (Record school buses with SB.)

NS Street *Crescent street*
EW Street *Esten Boulevard*
Intersection Control *Light*

Date *02/15/10* Time *1:15* ID *1*
Weather *NIC*
Observer *NICK*

The diagram shows a four-way intersection with the following traffic flow patterns:

- Northbound (from bottom to top):**
 - Left turn: Cars
 - Through/Right turn: Trucks, Cars
- Southbound (from top to bottom):**
 - Left turn: Trucks
 - Through/Right turn: Cars, Trucks
- Eastbound (from left to right):**
 - Left turn: Cars
 - Through/Right turn: Trucks, Cars
- Westbound (from right to left):**
 - Left turn: Trucks
 - Through/Right turn: Cars, Trucks

Tally marks are present in the following locations:

- Northbound Through/Right turn: 10 marks (5 for Trucks, 5 for Cars)
- Southbound Through/Right turn: 10 marks (5 for Cars, 5 for Trucks)
- Eastbound Through/Right turn: 10 marks (5 for Trucks, 5 for Cars)
- Westbound Through/Right turn: 10 marks (5 for Cars, 5 for Trucks)

APPENDIX B: TRAFFIC VOLUME COUNT INTERSECTION TALLY SHEET

Intersection Volume Count

Count passenger cars, schoolbuses, motorcycles, and pickup trucks. Trucks other than schoolbuses (if used) schoolbuses with (S)

N/S Street Old San Carlos Boulevard Time 7:00 to 7:15
 Date 2-24

E/W Street Third Street Weather 25
 Intersection Control Stop Sign Observer ---

The diagram shows a four-way intersection. The top and bottom quadrants represent the North-South approach (Old San Carlos Boulevard), and the left and right quadrants represent the East-West approach (Third Street). Arrows indicate traffic flow: straight through, left turn, and right turn. Labels 'Cars' and 'Trucks' are placed near the arrows to indicate the vehicle types being counted. Handwritten tally marks are present in several locations: three vertical lines in the top-left quadrant, a single line in the top-right quadrant, and several lines in the bottom-left and bottom-right quadrants. A large 'X' is drawn in the middle-right area of the diagram.

TRIP GENERATION EQUATIONS

Resort Hotel (330)

Vehicle Trip Ends vs: Rooms

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 6

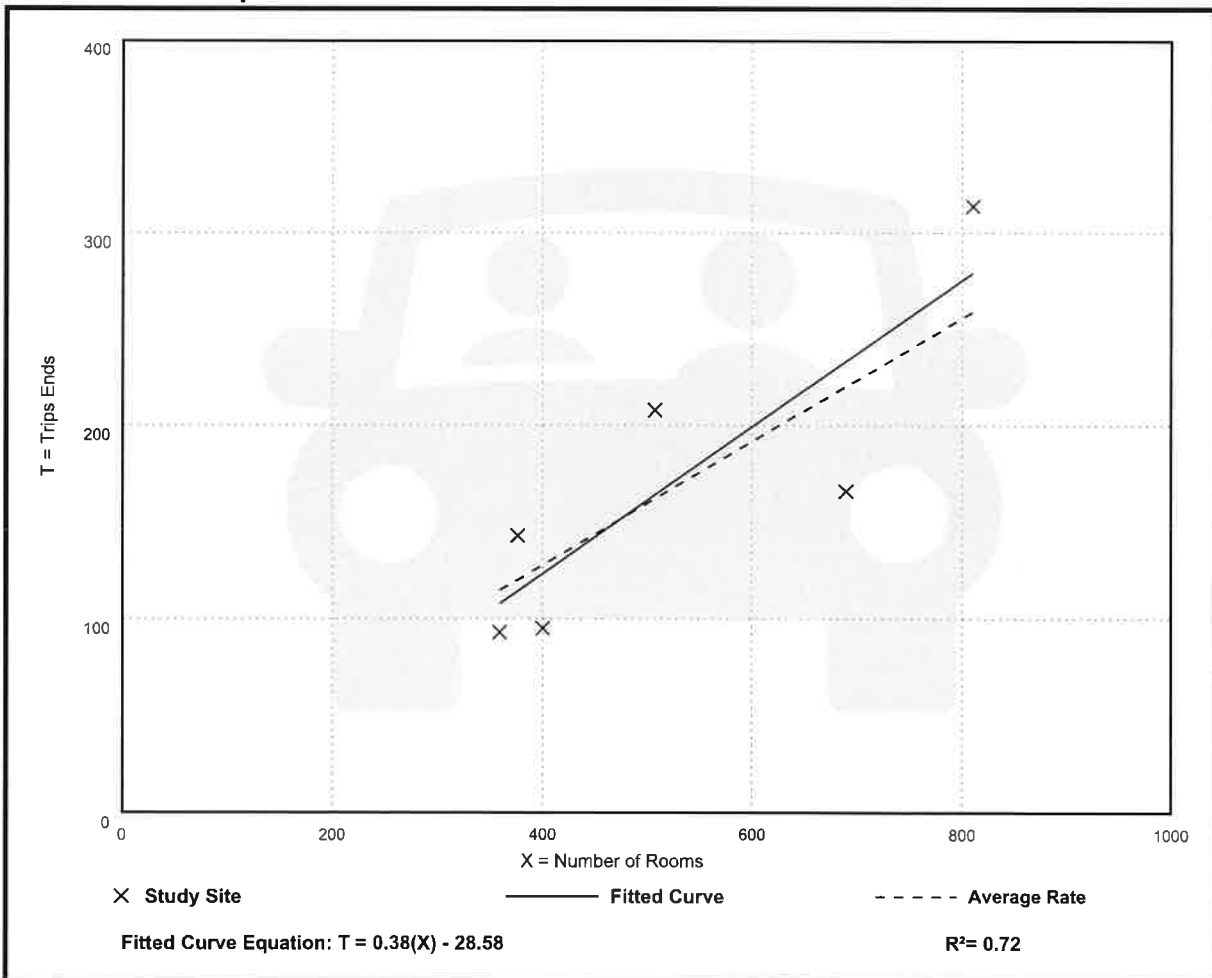
Avg. Num. of Rooms: 524

Directional Distribution: 72% entering, 28% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.32	0.24 - 0.41	0.08

Data Plot and Equation



Resort Hotel (330)

Vehicle Trip Ends vs: Rooms

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 9

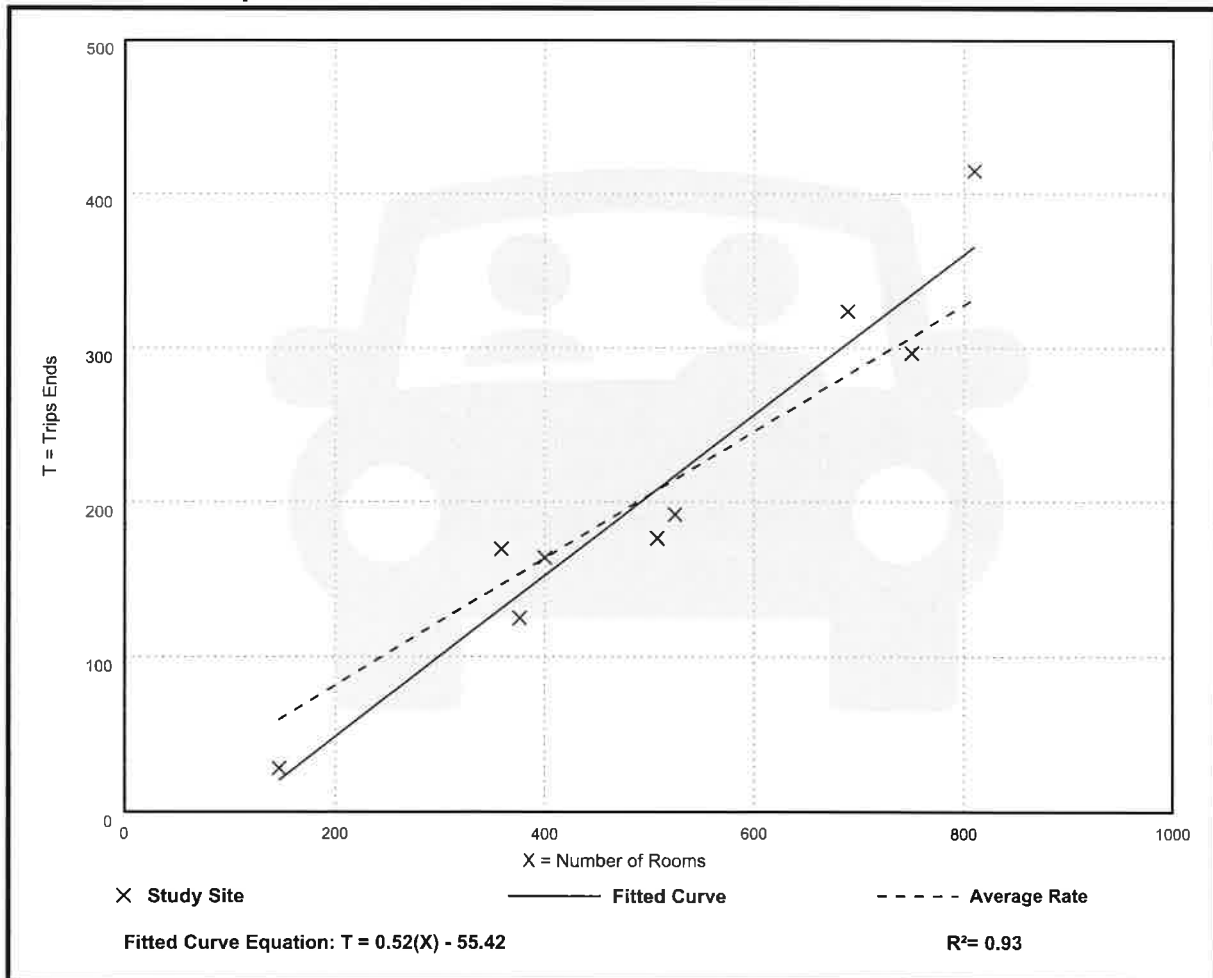
Avg. Num. of Rooms: 507

Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.19 - 0.51	0.08

Data Plot and Equation



Resort Hotel (330)

Vehicle Trip Ends vs: Rooms

On a: Weekday,

AM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 6

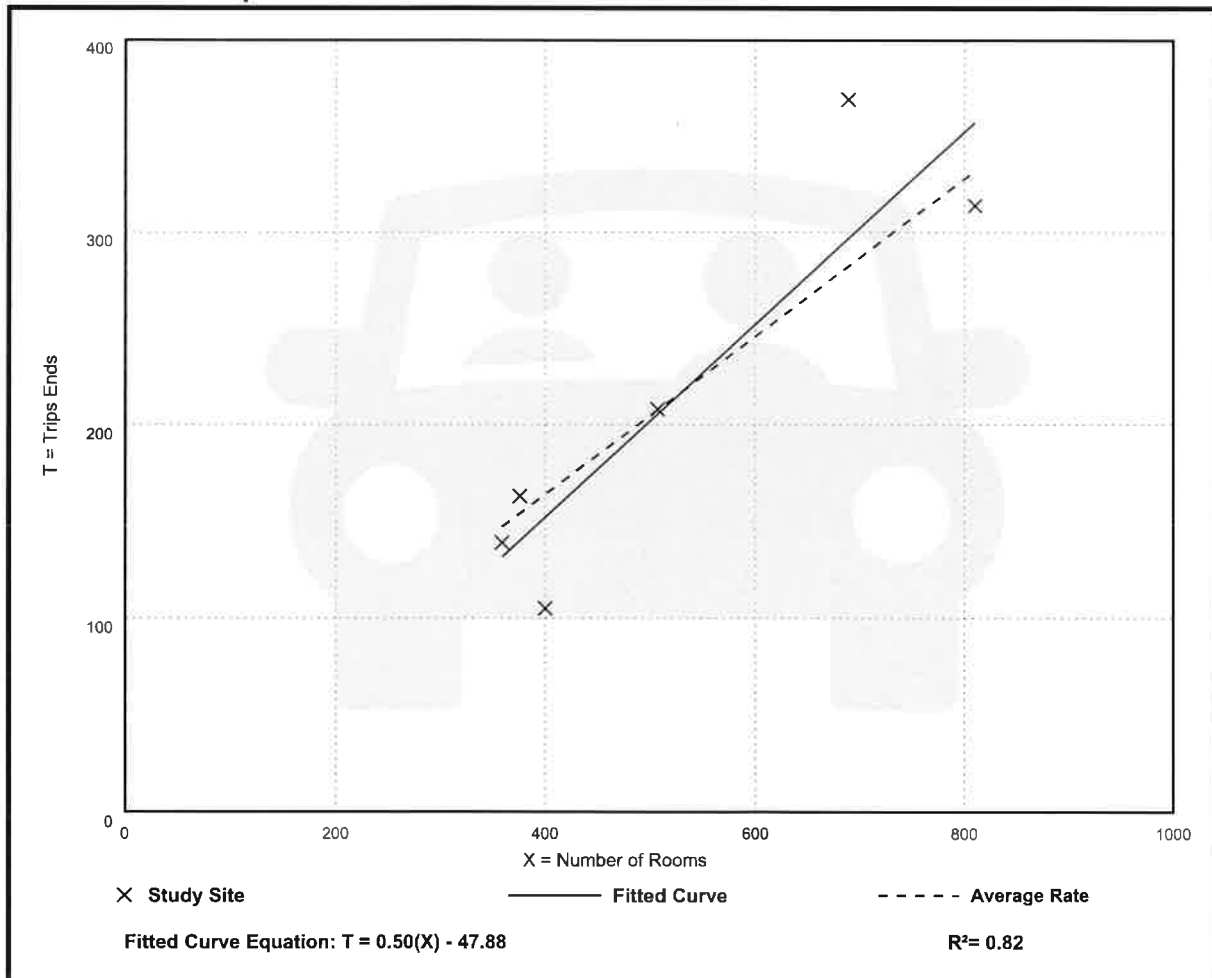
Avg. Num. of Rooms: 524

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.26 - 0.54	0.09

Data Plot and Equation



Marina (420)

Vehicle Trip Ends vs: Berths
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. Num. of Berths: 939

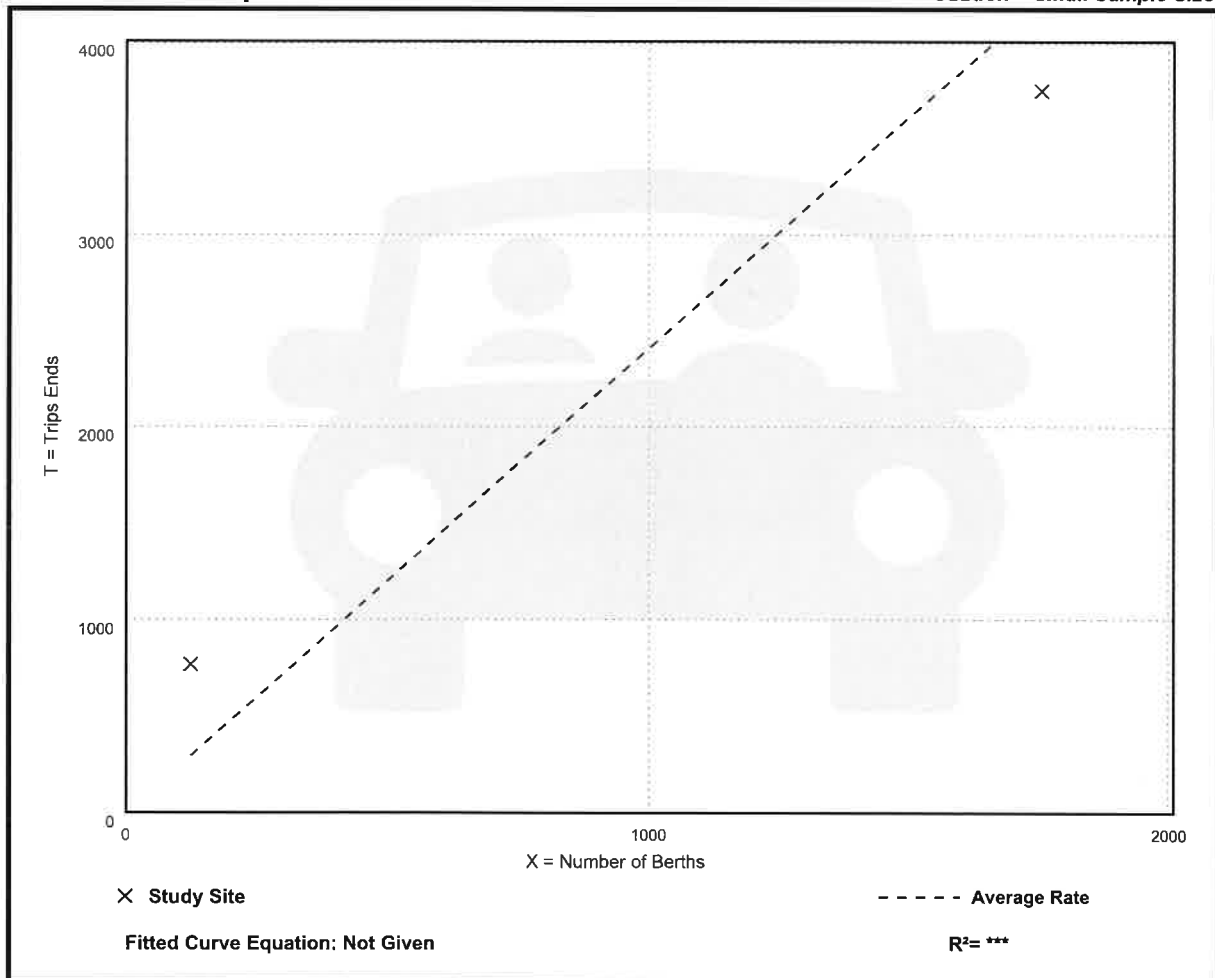
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Berth

Average Rate	Range of Rates	Standard Deviation
2.41	2.14 - 6.21	***

Data Plot and Equation

Caution – Small Sample Size



Marina (420)

Vehicle Trip Ends vs: Berths

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 1

Avg. Num. of Berths: 300

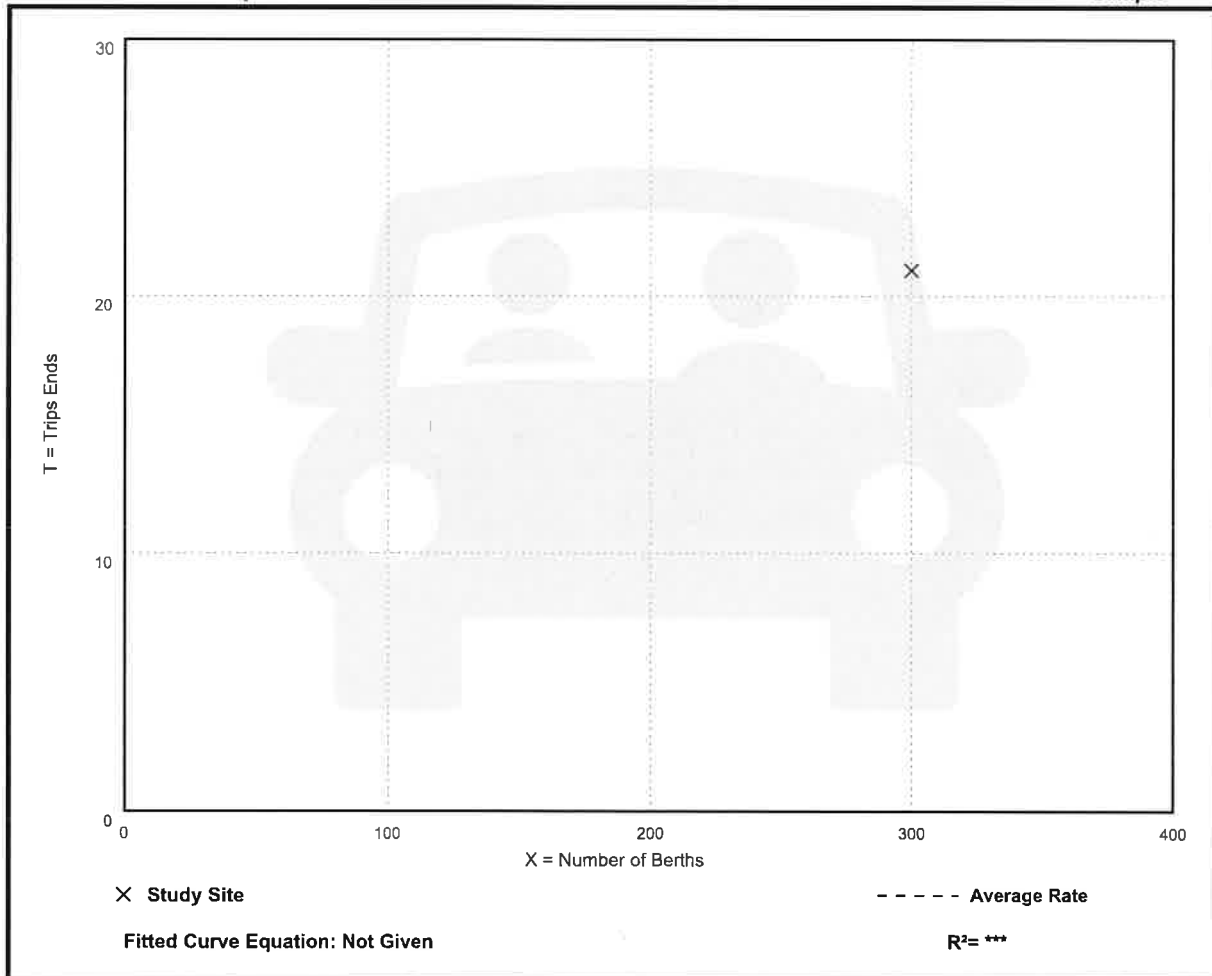
Directional Distribution: 33% entering, 67% exiting

Vehicle Trip Generation per Berth

Average Rate	Range of Rates	Standard Deviation
0.07	0.07 - 0.07	***

Data Plot and Equation

Caution – Small Sample Size



Marina (420)

Vehicle Trip Ends vs: Berths

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 1

Avg. Num. of Berths: 300

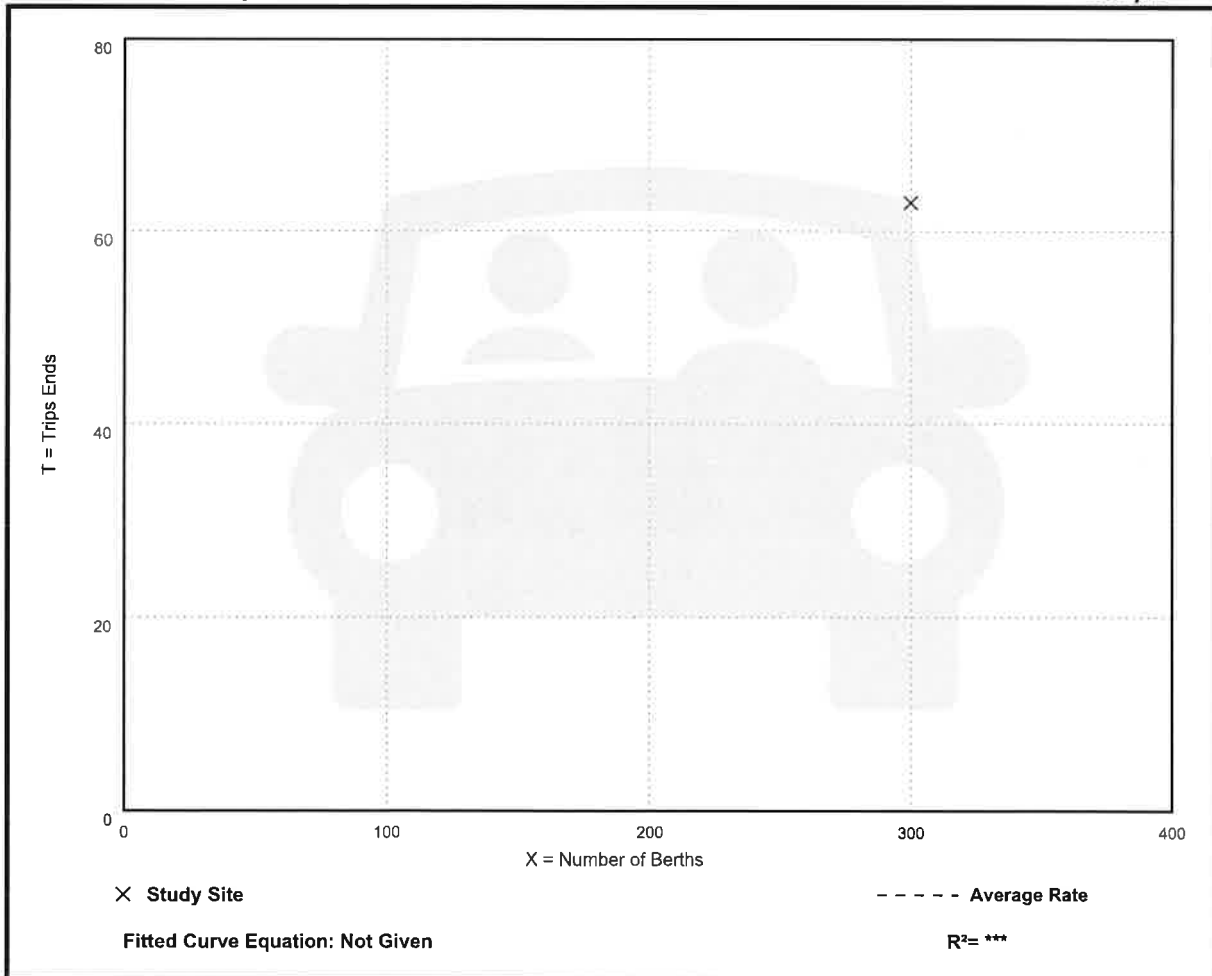
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per Berth

Average Rate	Range of Rates	Standard Deviation
0.21	0.21 - 0.21	***

Data Plot and Equation

Caution – Small Sample Size





February 25, 2025

Town of Fort Myers Beach
Community Development Department
Attn: Ms. Judith Frankel
2525 Estero Blvd.
Fort Myers Beach, FL 33931

**Subject: Response to Staff Email (01-15-25) Comments for DCI Application #20230151
CPD Rezone - Moss Marina/The Arches Bayfront Resort**

Dear Ms. Frankel:

Please accept this letter and revised documents in response to your email dated January 15, 2025, providing further comments/notes based on our coordination call. We have also included revised application/supplemental submittal documents, and a response document related to unresolved TIS comments from the town.

In reply to your review comments, we offer the following responses in **bold**:

Fire Comments:

1. Previously there was access provided between Harbor Ct and Bonita Street, can this be added back? Even with green space, we could have the required stabilized base to provide for access?

Response: The applicant commits to providing at the time of development order approval an accessible stabilized surface meeting the required width between Harbor Ct. and Bonita Street for emergency and fire personnel and vehicles. The MCP (Sheet 2) has been revised to note this commitment.

2. There appear to be walkovers added that may affect access between buildings C & D?

Response: The applicant is agreeable to a condition that all proposed walkovers will be designed at time of development order approval to allow fire and emergency vehicle access.

3. Provide information/clarification on what the Night Controlled Access will be?

Response: Night controlled access will be a system of gated sections with keypad or scanning capabilities to only allow employees, current registered owners/guests of the property and emergency personnel to enter and exit the property from these locations during the night (1 hour after sunset).

Comments/Points of Clarification were prepared by Judith Frankel, AICP:

1. Promenade width.

RESPONSE: As conceptually proposed, the promenade width will vary depending on final development plans at the time of development order approval. The applicant is proposing the following condition to ensure the promenade width is adequate for pedestrians to comfortably walk:

- An unobstructed walkable “clear zone” will be maintained at a minimum of 10 feet and an average 12 feet wide and that will vary in location within the Bayfront Public Promenade area as noted and shown on the approved Master Concept Plan.

2. Proposed Number of Boat Slips:

RESPONSE: Per our parking analysis outlined in the narrative, there are 75 proposed boat slips, inclusive of 6 charter/party fishing boat slips.

3. Updated renderings, including for Building E buffer detail:

RESPONSE: See the attached renderings and exhibit for the proposed Type A buffer adjacent to the canal and Building E.

4. Expected use (or restrictions) of north access from Old San Carlos to Arches Way; safety considerations for pedestrians i.e. lights, sidewalks

RESPONSE: This existing access will continue to function as it does today. All modes of transportation can use this access to move between properties as permitted. An existing ingress/egress easement is in place to allow access between Old San Carlos and the existing Moss Marine property and the proposed Arches Way. While we cannot restrict existing access, no guests, owners and/or visitors in vehicles, biking, walking, or on transit will be directed to use this access. The majority will be directed to the Arches development via 3rd Street to the proposed Arches Way roadway.

5. Conditions related to noise/sound mitigation from Bldg. E

RESPONSE: The Applicant proposes the following condition:

- Outdoor live amplified music or entertainment will not be permitted on Building E’s guest pool deck. Amplified ambient music will be permitted from 10am to 1 hour after sunset.

6. Seawall at Boat Ramp permit – potential Deviation with condition for DEP approval

RESPONSE: The current submittal includes Deviation #5 that seeks a deviation from LDC Section 26-77(b), which states that new or expanded seawalls are not allowed along natural waterbodies in order to allow the existing boat ramp to be filled-in and

capped with a seawall. This effort will not include any expansion or intrusion into the “Back-Bay” and corrects and eliminates an unsafe condition where the existing derelict boat ramp will be filled-in.

The applicant has retained a consultant to further coordinate and seek approval with all state and federal agencies.

7. Detail of arrangement with Town for facility use or reservation for the Town

RESPONSE: The applicant will coordinate with the Town at the time of development order approval to have a legally binding agreement between the Town and the developer/operator for use of the applicable facilities (pump out/fueling services for the town’s mooring field) within the Arches development.

8. Details of COP for sunset deck due to proximity to neighbors, i.e. music restrictions

RESPONSE: MCP Sheet 3 of 5 indicates the locations of the proposed outdoor consumption on premises (COP). As stated previously, outdoor amplified music or entertainment (amplified sound) will not be oriented towards adjacent residential uses and is permitted until 9 pm within Building B’s Sunset Deck area.

9. Bonita Street/Harbor Ct turn arounds to prevent resident driveway use

RESPONSE: The MCP indicates the access points at Harbor Ct. and Bonita St. provide for “Emergency/Limited Access Only.” “Limited Access” is intended to allow vehicles that have unintentionally driven down Harbor Court or Bonita Street to temporarily access the Arches property; maneuver through the turn-around area; and then exit the property. Buildings D and E will have gates restricting access to the buildings so that non-guest/owner vehicles will not be able to have access to the under-building parking areas. Signage will be placed along 3rd Street informing motorists that 3rd Street is for local traffic only (DEAD-END or NO THRU TRAFFIC) and direct visitors and guests/owners down Arches Way to the main entrance.

We look forward to coordinating with you further and are available to answer questions related to this response.

Sincerely,

The Neighborhood Company



Kenrick S. Gallander, AICP
Vice President and Partner

cc: File: #24011.01.02
Mr. Ben Freeland
Mr. Thomas Freeland



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: 401 San Carlos Blvd

STRAP Number: See attached parcel information narrative

Applicant: Freeland FL Holdings, LLC Phone: 615-337-7671

Contact Name: Ken Gallander/Pat Vanasse - The Neighborhood Company Phone: 850-803-5621

Email: kg@theneighborhood.company; pv@theneighborhood.company Fax: _____

Current Zoning District: DOWNTOWN, MARINA, & RESIDENTIAL CONSERVATION

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL, MARINA, & MIXED RESIDENTIAL

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: Comp Plan Amendment

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*: Ben Freeland Phone: (615) 337-7671

**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: 5333 Hickory Hollow Parkway, Anitoch, TN 37013

Email: Ben.Freeland@freelandauto.com Fax: _____

Contact Name: Ben Freeland Phone: (615) 337-7671



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: Ken Gallander/Pat Vanasse - The Neighborhood Company Phone: 850-803-5621
Address: 5618 Whispering Willow Way
Email: kg@theneighborhood.company; pv@theneighborhood.company Fax: _____

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

Name: Bruce Strayhorn Esq. Phone: (239) 334-1260
Address: 2125 1st Street, Fort Myers, FL 33901
Email: bruce@strayhornlaw.com Fax: _____

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ 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: Comprehensive Plan Map Change
- _____
- _____

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: 34-212(6) Description: _____
Temporary waiver of Traffic Impact Statement to allow methodology determination

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Ben Freeland (name), as Managing Member (title)
of Freeland FL Holdings, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Freeland FL Holdings, LLC

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: See application narrative

Property Address: 401 San Carlos Blvd

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

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 640 feet
Depth (please provide an average width if irregular in shape) 390 feet
Frontage on street: 430 feet. Frontage on waterbody: 660 feet
Total land area: 4.98 ☒ acres ☐ square feet

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

NW corner of Old San Carlos Blvd and Third street and extending NW along the
bayfront to the canal on the western property line.

☒ 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

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: 401 San Carlos Blvd

STRAP Number: See attached parcel information narrative

Applicant: Freeland FL Holdings, LLC Phone: 615-337-7671

Contact Name: Ken Gallander/Pat Vanasse - The Neighborhood Company Phone: 850-803-5621

Email: kg@theneighborhood.company; pv@theneighborhood.company Fax: _____

Current Zoning District: Downtown, Marina, Mixed Residential

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL, MARINA, & MIXED RESIDENTIAL

FLUM Density Range: N/A 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*: Ben Freeland Phone: (615) 337-7671

**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: 5333 Hickory Hollow Parkway, Antioch TN 37013

Email: ben.freeland@freelandauto.com Fax: _____

Contact Name: Ben Freeland Phone: (615) 337-7671



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: Ken Gallander/Pat Vanasse - The Neighborhood Company Phone: 850-803-5621
Address: 5618 Whispering Willow Way
Email: kg@theneighborhood.company; pv@theneighborhood.company Fax: _____

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

Name: Bruce Strayhorn Esq Phone: 239-334-1260
Address: 2125 1st Street, Suite 201, Fort Myers, FL 33901
Email: bruce@StrayhornLaw.com Fax: _____

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: 34-212(6) Description: _____
Temporary waiver of TIS at submittal to allow for methodology determination.

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.

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Ben Freeland (name), as Managing Member (title)
of Freeland FL Holdings, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Freeland FL Holdings, LLC

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

Signature

Ben Freeland

Typed or Printed Name

Managing Member

Title

Date

STATE OF TN COUNTY OF Rutherford

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 10th day of August, 2023, by [Signature] ☒ who is personally known to me OR ☐ who has produced [Signature] as identification.



[Signature]
Notary Public Signature Exp. 1-17-27

PART VI- Property Information

A. Legal Description:

STRAP: See attached property narrative

Property Address: 401 San Carlos Blvd

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

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 640 feet
Depth (please provide an average width if irregular in shape) 391 feet
Frontage on street: 430 feet. Frontage on waterbody: 660 feet
Total land area: 4.98 ☒ acres ☐ square feet

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

NW corner of Old San Carlos and Third Street and extending to bay west to canal.

☒ 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 |

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: Arches Bayfront CPD
Authorized Applicant: Freeland FL Holdings, LLC
STRAP Number(s): See Parcel Narrative

Current Property Status: Marina, Residential and vacant lands
Current Zoning: Downtown, Mixed Residential, Marina
Future Land Use Map (FLUM) Category: PED, COMMERCIAL, MARINA, & MIXED RESIDENTIAL
Platted Overlay? ☐ yes, ☒ no FLUM Density Range:

Requested Action:

☐	DRI (with rezoning)
☒	Planned Development (also check below)
☒	Rezoning from: Downtown, Res. & Marina to: CPD
☐	Amendment to Master Concept Plan/attendant documentation

PART I Narrative Statements

A. Comprehensive Plan Amendments (check one)

☐	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☒	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)
Map Change to move Mixed Residential and Marina Parcels into Pedestrian Commerical	

B. Phasing of Construction

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

C. Comprehensive Plan Compliance.

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

See attached request statement

D. Design Standards Compliance

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

See attached request statement

E. Decision-making Compliance

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

[illegible]

F. Schedule of deviations and written justification

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

[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.

[illegible]

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.



I, Ben Freeland, as authorized member of Freeland FL Holdings, LLC owner of property located at 450, 445, 441, and 436 Harbor Ct., 435 and 438 Bonita St., 935 and 939 Third St., and 401 Old San Carlos Boulevard Fort Myers Beach, FL, identified by STRAP Number(s), SEE PAGE 2, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Fort Myers Beach Application for Public Hearings: Other – Comp Plan Amendment & Planned Development – Commercial.

By Signed: _____
Print Name: Ben Freeland
Title: _____

STATE OF _____
CITY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2025 by Ben Freeland, as _____ of Freeland FL Holding, LLC, on behalf of the company(s), who ☐ is personally known to me OR ☐ has produced a(n) driver's license as identification.

(NOTARY STAMP)

Notary Public, State of _____
Print Name: _____
My Commission Expires: _____



STRAP #	ADDRESS
24-46-23-W3-00026.0020	450 Harbor Ct.
24-46-23-W3-00027.0000	450 Harbor Ct.
24-46-23-W3-0030B.0200	445 Harbor Ct.
24-46-23-W3-0030B.0190	441 Harbor Ct.
24-46-23-W3-0030C.0060	436 Harbor Ct.
24-46-23-W3-0030C.0040	435 Bonita St.
24-46-23-W3-0030A.0110	438 Bonita St.
24-46-23-W3-0030A.0030	935 Third St.
24-46-23-W3-0030A.0020	939 Third St.
24-46-23-W3-0030A.0010	401 Old San Carlos Blvd.



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 April 8, 2025; 1st Town Council May 5, 2025; 2nd Town Council June 2, 2025

CASE: 20230151 and 202320230152

ADDRESS: 450/445/441/436 Harbor Court, 435/438 Bonita Street, 935/939 Third Street and 401 Old San Carlos Blvd.

APPLICANT: Freeland FL Holdings, LLC./The Neighborhood Company

REQUEST: Requesting a rezoning to a CPD for a 239 unit resort hotel with restaurants, retail and public space

TOWN CONTACT: JUDITH FRANKEL 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
2731 Oak St,
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«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

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

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

Yellow Sheet Number: **2025-322**

1. Request:

Meeting Date: April 8, 2025

ARCHES COMPREHENSIVE PLAN AMENDMENT: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, FOR PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040 & 24-46-23-W3-0030A.0110, FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA reviews amendments to the Comprehensive Plan Future Land Use Map and makes recommendations to the Town Council.

What the action accomplishes:

The recommendation of the LPA will be forwarded to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

Freeland FL Holdings LLC, owner of the subject property, and The Neighborhood Company, applicant for the owner, are requesting a Comprehensive Plan Future Land Use Map Amendment. The amendment requests a change of 3.53 acres of Marina Future Land Use (FLU), known as Moss Marina, and 1 acre of Mixed Residential FLU, to Pedestrian Commercial. There are no proposed text amendments to the Comprehensive Plan. The applicant has also applied for a Commercial Planned Development that encompasses three additional properties that are already mapped as Pedestrian Commercial and do not need to be amended.

Attachments:

1. CPA Ordinance 24-09 ns edits
2. Boundary Survey
3. LPA Staff Report CPA 3.19.25
4. Exhibit A Map of CPA Area
5. Exhibit B: Applicant Narrative
6. Exhibit C: Application

Financial Impact:

Unknown

6. Alternative Action

Approve

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: March 20, 2025

Frankie Kropacek, Operations & Compliance Director

Date: March 20, 2025

nancy stuparich, Town Attorney

Date: March 27, 2025

Amy Baker, Town Clerk

Date: March 27, 2025

ORDINANCE 24-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, FOR PROPERTIES LOCATED AT 450, 445, 441 & 436 HARBOR COURT, 435 & 438 BONITA STREET ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040 & 24-46-23-W3-0030A.0110, FORT MYERS BEACH; PROVIDING FOR 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, James Inc ("Applicant"), on behalf of Freeland FL Holdings, LLC, owners of the property generally located at 450, 445, 441 & 436 Harbor Court, 435 & 438 Bonita Street also respectively identified as strap numbers 24-46-23-W3-00027.0000 & 24-46-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040 & 24-46-23-W3-0030A.0110, Fort Myers Beach ("Property"), filed an application for a small-scale future land use map amendment to change the future land use of the property from Marina and Mixed Residential to Pedestrian Commercial; and

WHEREAS, the Property is in the Marina and Mixed Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the owners as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 10th, 2024, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted XXX to XXX to recommend approval/denial to the small scale map amendment request, and

WHEREAS, on May XX, 2024, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on June XX, 2024;

at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-92 of the LDC and Policy 4-C-10 of the 1999 Comprehensive Plan (1999); and

WHEREAS, the Town Council finds the proposed small-scale map amendment request is **consistent/not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/ deny** the Application.

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

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested small scale map amendment request **does/does not** meet the requirements of the Town Comprehensive Plan and LDC and approving the request for a small-scale Future Land Use Map Amendment from Marina and Mixed Residential to Pedestrian Commercial **is/is not** 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 Section 34-92 of the Land Development Code, the Town Council **APPROVES/DENIES** the requested small scale future land use map amendment of the Property.

Section 3. 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 4. 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 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. The proposed action does not result in a more restrictive or burdensome amendment to the Town's Comprehensive Plan or Land Development Code.

Section 7. Issuance of a development permit by the Town does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the Town for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law.

Section 8. The effective date of this plan amendment shall be the earliest date permitted under

Section 163. 3187, Florida Statutes.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember _____ 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 May 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

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

Exhibits

Exhibit A Existing Future Land Use Map

Exhibit B Proposed Future Land Use Map

NOTES:
SURVEY BASED ON THE PLAT OF MATANZAS VIEW, RECORDED DEEDS, PREVIOUS SURVEYS BY THIS FIRM, SURVEY BY BENTON LAND SURVEYORS DATED 02-02-89, FOUND MONUMENTATION AND AN OPINION OF TITLE ISSUED BY STRAYHORN, PERSONS-MULICKA & FISHER WITH AN EFFECTIVE DATE OF MARCH 6, 2023.

BEARINGS BASED ON THE U.S. ARMY CORP OF ENGINEERS MATANZAS PASS SURVEY DATED APRIL 1993 WITH THE CENTERLINE OF THE CHANNEL AS BEARING N72°05'47"W.

STATE PLANE COORDINATES LABELED (27) ARE FLORIDA WEST ZONE-1927 DATUM BASED ON THE U.S. ARMY CORPS OF ENGINEERS MATANZAS PASS SURVEY DATED APRIL 1993 AND COORDINATES LABELED (83/07) ARE BASED ON SURVEY-GRADE GPS OBSERVATIONS BASED ON FLORIDA WEST ZONE (NAD 1983/2007 ADJUSTMENT) HOLDING CONTROL POINT BO0B2.

ELEVATIONS BASED ON NAVD OF 1988 AND NGS BENCHMARK BM NO 2 1965.

PARCEL LIES IN FLOOD ZONE AE WITH A BASE FLOOD ELEVATION OF 11' PER FLOOD INSURANCE RATE MAP 12071C05546, WITH AN EFFECTIVE DATE AND INDEX DATE OF NOVEMBER 17TH, 2022 (COMMUNITY NAME: LEE COUNTY AND COMMUNITY NUMBER 125124). SUBJECT TO ADDITIONAL RESTRICTIONS AND DESIGN CRITERIA WITHIN THE LIMWA (LIMIT OF MODERATE WAVE ACTION) LINES AS APPLICABLE AND SHOWN HEREON.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH YELLOW CAP BEARING CORPORATION NO LB8267.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED. THIS SURVEY DOES NOT REFLECT ANY ENVIRONMENTAL MATTERS.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THE MEAN HIGH WATER ELEVATION AS SHOWN HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION (0.14' NAVD 1988) AT MEAN HIGH WATER INTERPOLATION POINT 872-5366 PER DEP PROCEDURAL APPROVAL DATED JUNE 29, 2011.

DATE OF LAST FIELD WORK 07-02-2023.

PARCEL IDENTIFICATION LIST:

PARCEL ADDRESS: DOCK
PARCEL STRAP #24-46-23-W3-00000.0010
CONTAINS 0.01 ACRES OR (615 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 450 HARBOR COURT, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-00027.0000

CONTAINS 1.66 ACRES OR (72,248 SQ FT) MORE OR LESS.

AND
PARCEL STRAP #24-46-23-W3-00028.0020

CONTAINS 1.87 ACRES OR (81,583 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 441 HARBOR COURT, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-00308.0190

CONTAINS 0.11 ACRES OR (5,000 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 445 HARBOR COURT, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-00308.0200

CONTAINS 0.12 ACRES OR (5,046 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 436 HARBOR COURT, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-00300.0060

CONTAINS 0.17 ACRES OR (7,527 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 435 BONITA STREET, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-00300.0040

CONTAINS 0.17 ACRES OR (7,509 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 438 BONITA STREET, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-0030A.0110

CONTAINS 0.21 ACRES OR (9,299 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 935 THIRD STREET, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-0030A.0030

CONTAINS 0.09 ACRES OR (4,000 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 939 THIRD STREET, FORT MYERS BEACH, FL 33931

PARCEL STRAP #24-46-23-W3-0030A.0020

CONTAINS 0.13 ACRES OR (5,760 SQ FT) MORE OR LESS.

PARCEL ADDRESS: 401 OLD SAN CARLOS BOULEVARD, FORT MYERS BEACH, FL

PARCEL STRAP #24-46-23-W3-0030A.0010

CONTAINS 0.23 ACRES OR (10,000 SQ FT) MORE OR LESS.

DESCRIPTION PER TITLE OPINION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, SAID PARCEL BEING LOTS 19, 20 AND 21, BLOCK B, LOTS 4 THROUGH 7, BLOCK C, LOTS 1 THROUGH 3, 11 AND 12, BLOCK A, MATANZAS VIEW, RECORDED IN PLAT BOOK 9, PAGE 40, AND LANDS DESCRIBED IN PARCELS 2, 3 AND 4 IN OFFICIAL RECORDS BOOK 2738, PAGE 2444, AND LANDS DESCRIBED IN INSTRUMENT NUMBER 202100006561, AND LANDS DESCRIBED IN INSTRUMENT NUMBER 202100006557 RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION FORMED BY THE WESTERLY RIGHT-OF-WAY LINE OF OLD SAN CARLOS BOULEVARD (MEASURED 33' FROM THE CENTERLINE AND PERPENDICULAR THERETO) AND THE NORTH RIGHT-OF-WAY LINE OF THIRD STREET (50' WIDE), SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK A, MATANZAS VIEW, PLAT BOOK 9, PAGE 40, RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND RUNS THENCE; N63°57'56"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 4.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 4, BLOCK A AS SHOWN ON SAID PLAT; THENCE N26°02'04"E DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID LOT 4 FOR 80.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4; THENCE N63°57'56"W ALONG THE NORTHERLY LINE OF LOTS 4, 5 AND 6, BLOCK A OF SAID PLAT FOR 150.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 6; THENCE N26°05'15"E ALONG THE EASTERLY LINE OF SAID LOT 9, AND LOT 10, BLOCK A OF SAID PLAT FOR 100.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 10; THENCE N63°57'56"W ALONG THE NORTHERLY LINE OF SAID LOT 10 FOR 103.09 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF BONITA STREET (50' WIDE); THENCE N26°02'04"E ALONG SAID RIGHT-OF-WAY LINE FOR 90.21 FEET TO THE NORTHWESTERLY CORNER OF LOT 12, BLOCK A OF SAID PLAT; THENCE N63°54'45"W ALONG THE NORTHERLY LINE OF SAID BONITA STREET FOR 50.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 5, BLOCK C OF SAID PLAT; THENCE S26°02'04"W ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BONITA STREET FOR 100.26 FEET TO THE NORTHEASTERLY CORNER OF LOT 3, BLOCK C OF SAID PLAT; THENCE N63°57'56"W DEPARTING SAID RIGHT-OF-WAY LINE OF BONITA STREET AND ALONG THE NORTHERLY LINE OF LOTS 3 AND 8, BLOCK C OF SAID PLAT FOR 149.87 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF HARBOR COURT (40' WIDE), SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID LOT 8; THENCE N26°02'04"E ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY LINE OF SAID HARBOR COURT FOR 100.40 FEET TO THE NORTHWESTERLY CORNER OF LOT 6, BLOCK C OF SAID PLAT; THENCE N63°54'45"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HARBOR COURT FOR 40.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 20, BLOCK B OF SAID PLAT; THENCE S26°02'04"W ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY LINE FOR 100.43 FEET TO THE NORTHEASTERLY CORNER OF LOT 18, BLOCK B OF SAID PLAT; THENCE N63°57'56"W DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG THE NORTHERLY LINE OF SAID LOT 18 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 18; THENCE N26°02'04"E ALONG THE WESTERLY LINE OF LOT 19, BLOCK B OF SAID PLAT FOR 50.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 20; THENCE N26°05'15"E ALONG THE WESTERLY LINE OF SAID LOT 20 FOR 50.52 FEET TO THE SOUTHWEST CORNER OF LOT 21, BLOCK B OF SAID PLAT; THENCE N26°05'15"E ALONG THE WESTERLY LINE OF SAID LOT 21 FOR 55.00 FEET TO A POINT OF CURVATURE AND THE SOUTHWESTERLY CORNER OF SAID PARCEL 4 DESCRIBED IN OFFICIAL RECORDS BOOK 2738, PAGE 2444; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS AND SAID CURVE TO THE RIGHT WITH A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF N71°05'15"E, A CHORD LENGTH OF 106.07 FEET, FOR 117.81 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LANDS AND SAID CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 31°47'16", A CHORD BEARING OF S79°48'23"E, A CHORD LENGTH OF 109.54 FEET, FOR 110.96 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LANDS AND SAID CURVE TO THE RIGHT WITH A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 31°47'16", A CHORD BEARING OF S79°48'23"E, A CHORD LENGTH OF 109.54 FEET, FOR 110.96 FEET TO A POINT OF TANGENCY; THENCE S63°54'45"E SAID LANDS FOR 126.19 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID LANDS AND SAID CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 38°27'45", A CHORD BEARING OF S83°08'38"E, A CHORD LENGTH OF 32.94 FEET, FOR 33.56 FEET TO A NON-TANGENT LINE; THENCE S26°05'15"W FOR 0.85 FEET TO A NON-TANGENT CURVE; THENCE ALONG THE LANDS DESCRIBED IN INSTRUMENT NUMBER 202100006561 AND SAID CURVE TO THE RIGHT WITH A RADIUS OF 67.22 FEET, A DELTA ANGLE OF 31°35'19", A CHORD BEARING OF S84°59'23"E, A CHORD LENGTH OF 36.59 FEET, FOR 37.06 FEET TO A POINT OF TANGENCY; THENCE S69°11'50"E ALONG SAID LANDS FOR 165.78 FEET TO POINT "A"; THENCE S25°58'52"W ALONG THE WESTERLY LINE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2260, PAGE 2267, OFFICIAL RECORDS BOOK 2260, PAGE 2271 AND INSTRUMENT #201600083457 FOR 418.36 FEET TO THE SOUTHWEST CORNER OF PARCEL 3 OF LANDS DESCRIBED IN INSTRUMENT #201600083457 AND THE NORTHWEST CORNER OF LOT 2, BLOCK A, SAID PLAT; THENCE S63°57'56"E ALONG THE NORTHERLY LINE OF LOT 2 AND 1, BLOCK A OF SAID PLAT FOR 197.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 1 AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD SAN CARLOS BOULEVARD; THENCE S26°02'04"W ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF A BUTLER ACT PARCEL RECORDED IN OFFICIAL RECORDS BOOK 3423, PAGE 344 AS RECORDED IN INSTRUMENT NUMBER 202100006557:

COMMENCING AT SAID POINT A, N25°58'52"E FOR 35.94 FEET TO THE POINT OF BEGINNING; THENCE N67°32'03"W FOR 17.67 FEET; THENCE N18°42'53"E FOR 10.60 FEET; THENCE N71°17'07"W FOR 21.45 FEET; THENCE N22°31'17"E FOR 10.02 FEET; THENCE S71°17'05"E FOR 41.19 FEET; THENCE ALONG SAID BUTLER ACT PARCEL S25°58'52"W FOR 21.93 FEET; TO THE POINT OF BEGINNING.

CONTAINS 208,587 SQUARE FEET 4.79 ACRES MORE OR LESS.

BEARINGS BASED ON THE U.S. ARMY CORP OF ENGINEERS MATANZAS PASS SURVEY DATED APRIL 1993 WITH THE CENTERLINE OF THE CHANNEL AS BEARING N72°05'47"W.

SURVEY PLAT

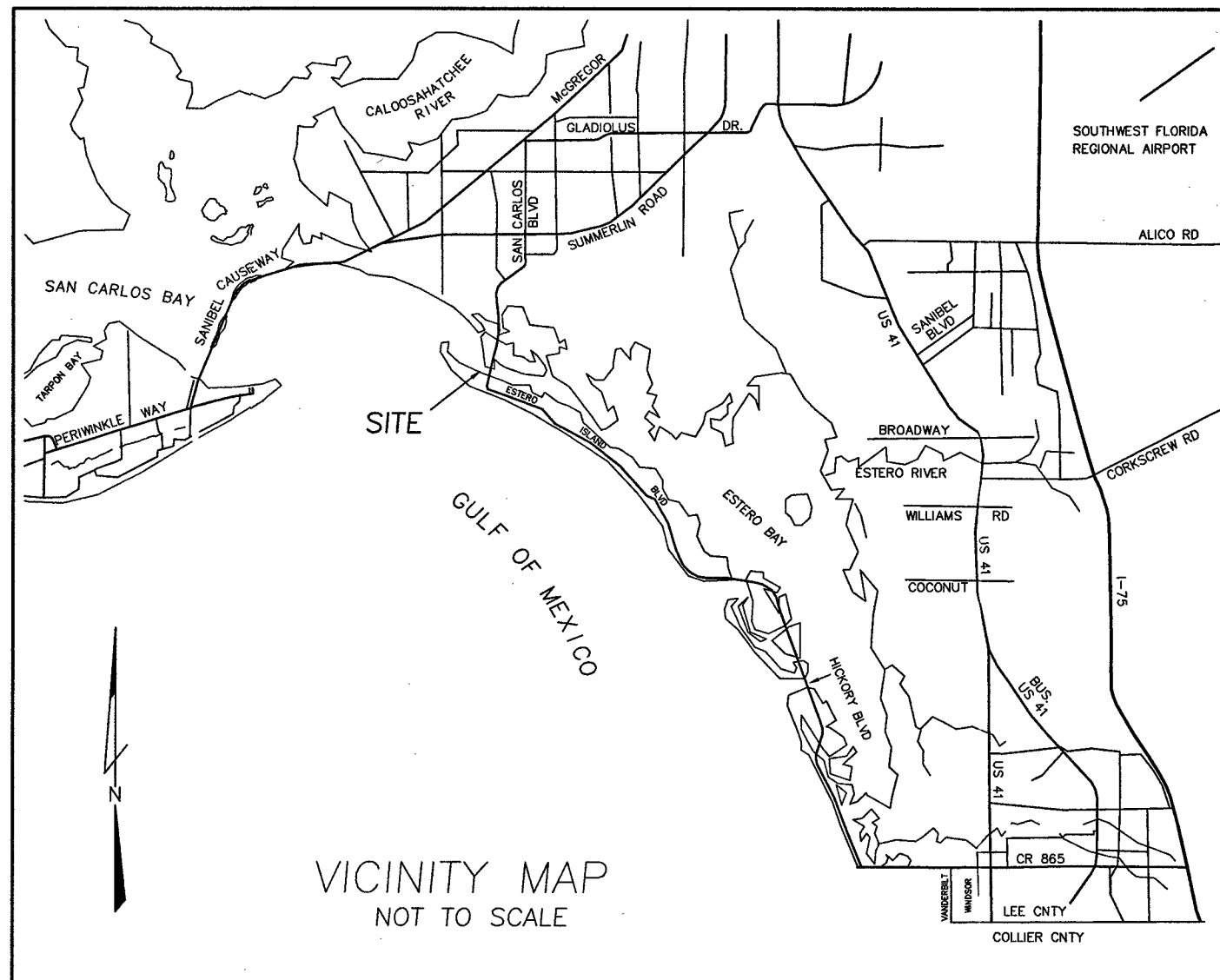
OF

A PARCEL OF LAND

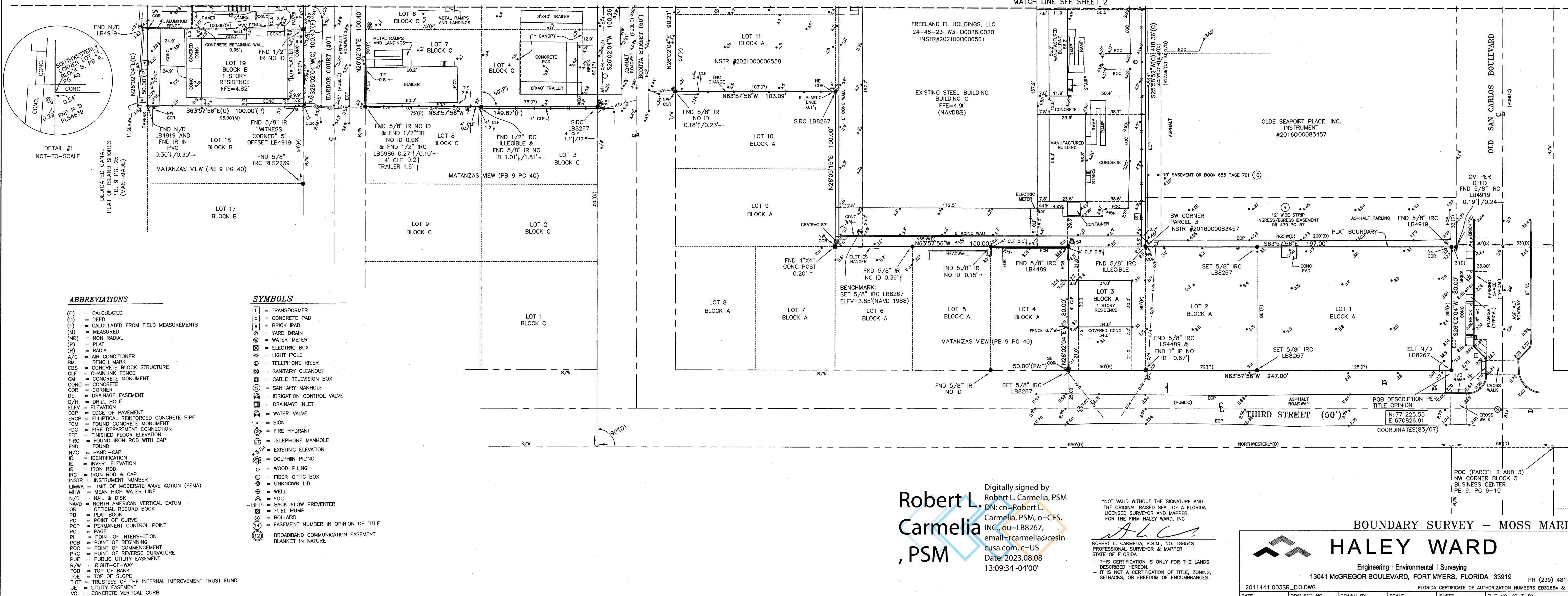
LYING IN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

0 30' 60' 90'
SCALE 1"=30'



VICINITY MAP
NOT TO SCALE



ABBREVIATIONS

(C) = CALCULATED
(D) = DEED
(F) = CALCULATED FROM FIELD MEASUREMENTS
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A/C = AIR CONDITIONER
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FCM = FOUND CONCRETE MONUMENT
FDC = FIRE DEPARTMENT CONNECTION
FFE = FINISHED FLOOR ELEVATION
FRC = FOUND IRON ROD WITH CAP
FND = FOUND
H/C = HAND-ON
ID = IDENTIFICATION
IE = INVERT ELEVATION
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LIMWA = LIMIT OF MODERATE WAVE ACTION (FEMA)
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TITF = TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
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VC = CONCRETE VERTICAL CURB

SYMBOLS

1 = TRANSFORMER
2 = CONCRETE PAD
3 = BRICK PAD
4 = YARD DRAIN
5 = WATER METER
6 = ELECTRIC BOX
7 = LIGHT POLE
8 = TELEPHONE RISER
9 = SANITARY CLEANOUT
10 = CABLE TELEVISION BOX
11 = SANITARY MANHOLE
12 = IRRIGATION CONTROL VALVE
13 = DRAINAGE INLET
14 = WATER VALVE
15 = SIGN
16 = FIRE HYDRANT
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18 = EXISTING ELEVATION
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25 = FDC
26 = BACK FLOW PREVENTER
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28 = BOLLARD
29 = EASEMENT NUMBER IN OPINION OF TITLE
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31 = BLANKET IN NATURE

Robert L. Carmelia, PSM
Digitally signed by Robert L. Carmelia, PSM, o=CES, ou=LB8267, email=rcarmelia@cesin.cusa.com, c=US
Date: 2023.08.08
13:09:34 -04'00'

*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER FOR THE FIRM HALEY WARD, INC.
ROBERT L. CARMELIA, P.S.M., NO. LS6548
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

BOUNDARY SURVEY - MOSS MARINA

HALEY WARD

Engineering | Environmental | Surveying

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919

PH (239) 481-1331

2011441.003SR_DO.DWG
DATE 09-14-22 PROJECT NO. 1441.003 DRAWN BY RC/MAB SCALE 1"= 30' SHEET 1 OF 2 FILE NO. (S-T-R) 24-46-23

Curve number 1 Radius= 75.00 Delta= 90°00'00" Arc= 117.81 Tangent= 75.00 Chord= 106.07 Chord Brg N71°05'15"E N71°03'00"E(D)	Curve number 2 Radius= 200.00 Delta= 31°47'16" Arc= 110.96 Tangent= 56.95 Chord= 109.54 Chord Brg S79°48'23"E S79°50'40"E(D)	Curve number 3 Radius= 200.00 Delta= 31°47'16" Arc= 110.96 Tangent= 56.95 Chord= 109.54 Chord Brg S79°48'23"E S79°50'40"W(D)	Curve number 4 Radius= 50.00 Delta= 38°27'45" Arc= 33.36(C) Tangent= 32.17(D) Chord= 17.44 Chord Brg S83°08'38"E(C) S82°23'10"E(D)	Curve number 5 Radius= 75.00 Delta= 10°54'52" Arc= 14.29 Tangent= 7.17 Chord= 14.27 Chord Brg N31°32'41"E
Curve number 6 Radius= 67.22(D&C) Delta= 31°35'19" Arc= 37.06(D&C) Tangent= 19.01 Chord= 36.59(D&C) Chord Brg S84°59'23"E(C) S86°04'38"E(D)	Curve number 7 Radius= 75.00 Delta= 79°05'08" Arc= 103.52 Tangent= 61.92 Chord= 95.50 Chord Brg S76°32'41"E			

(BEARING BASIS)
S72°05'47"E

CENTERLINE OF FEDERAL CHANNEL
D.O. FILE NO. 57-36395

RANGE 200'

MATANZAS PASS

SPECIAL NOTE:
THE INFORMATION REGARDING BOUNDARIES OF RIPARIAN RIGHTS REPRESENTS THE GENERALLY ACCEPTED METHODOLOGY FOR DETERMINING SUCH RIPARIAN LINES. HOWEVER, A BINDING DETERMINATION OF RIPARIAN BOUNDARIES CAN ONLY BE MADE BY AGREEMENTS OF THE AFFECTED PARTIES OR BY A FINAL ADJUDICATION OF A COURT OF COMPETENT JURISDICTION. ACCEPTANCE OF THIS SURVEY AND ISSUANCE OF A PERMIT DOES NOT CONSTITUTE A BINDING DETERMINATION OF RIPARIAN BOUNDARIES.

SPECIAL EASEMENT NOTE:
APPARENT 10' FPL EASEMENT PER DRAWING PREPARED BY DEAN WATKINS, LUTZ & KASSEL, INC. DATED 8-8-13. RECORDING INFORMATION NOT PROVIDED IN TITLE COMMENT AND ITS EXISTENCE NOT VERIFIED BY THIS FIRM.

SURVEY PLAT

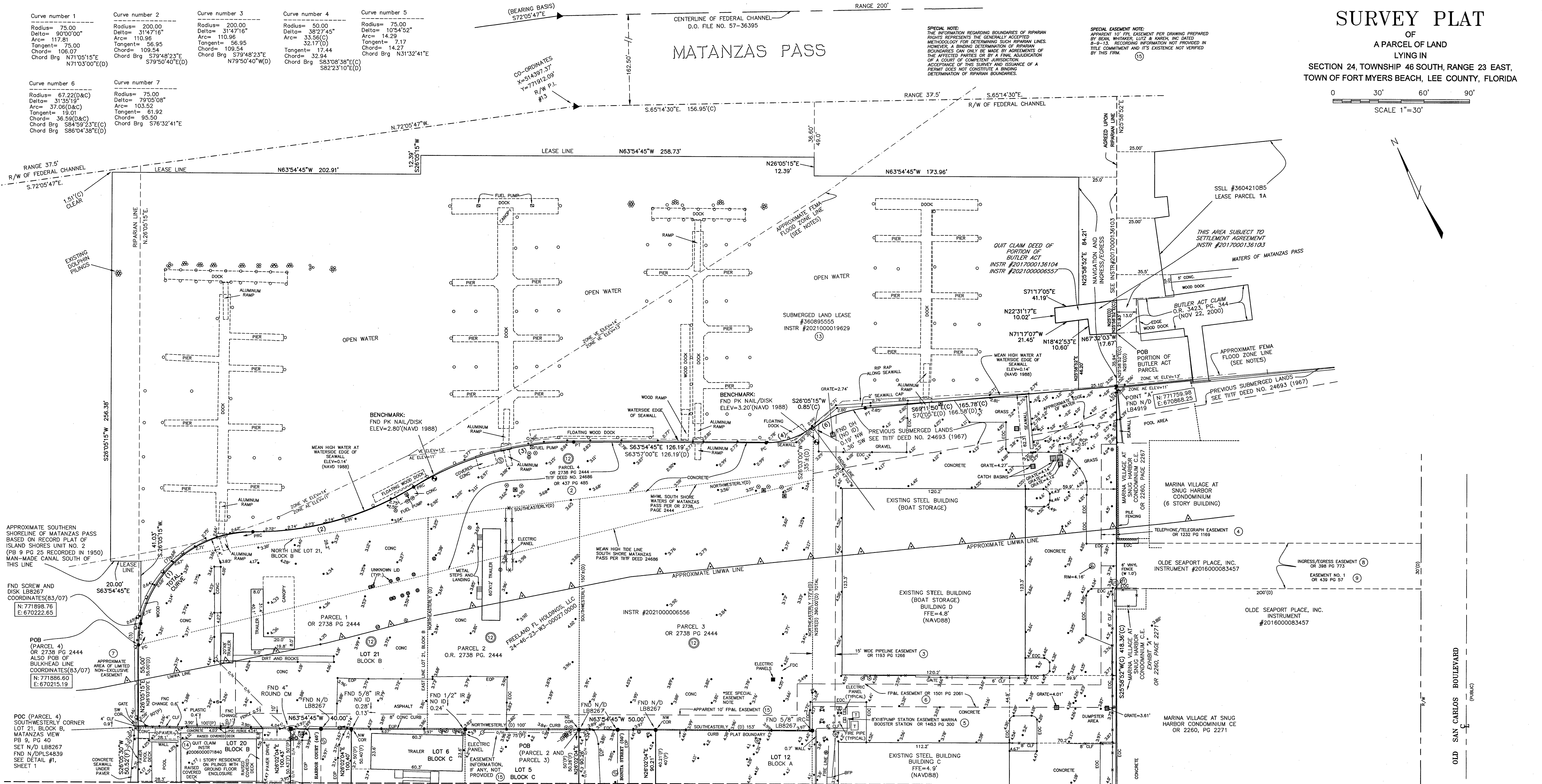
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BOUNDARY SURVEY - MOSS MARINA

HALEY WARD
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13041 McGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331

201141.003SR_DO.DWG		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32664 & LB8267			
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
09-23-22	1441.003	RC/MAB	1" = 30'	2 OF 2	24-46-23

REVISED: 07-20-23 UPDATE SURVEY TO DEVELOPMENT ORDER STANDARDS
REVISED: 01-24-23 CHANGE INSTRUMENT NUMBER



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Comprehensive Plan Amendment

CASE NUMBER: CPA20230152

CASE NAME: Arches Bayfront Comprehensive Plan Future Land Use Map Amendment (450 Harbor Court, 445 Harbor Court, 441 Harbor Court, 436 Harbor Court, 435 Bonita Street, 438 Bonita Street)

LPA HEARING DATE: April 8th, 2025

STAFF RECOMMENDATION: DENIAL

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

I. APPLICATION SUMMARY

Applicant/Owner: Freeland FL Holdings, LLC/Ink Engineering, Inc

Request: Comprehensive plan future land use map amendment to change 3.53 acres of Future Land Use Marina and 1.0 acre of Future Land Use Mixed Residential to Future Land Use Pedestrian Commercial

Subject property: See attached plan

Physical Address: 450 Harbor Court, 445 Harbor Court, 441 Harbor Court, 436 Harbor Court, 435 Bonita Street & 438 Bonita Street

STRAP #s: 24-46-23-W3-00027.0000, 24-46-23-W3-00026.0020,
24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190,
24-46-23-W3-0030C.0060, 24-46-23-W3-0030C.0040,
24-46-23-W3-0030A.0110

FLU: Marina & Mixed Residential (Platted Overlay)

Zoning: Commercial Marina (CM) & Residential Conservation (RC)

Adjacent zoning and land uses:

North: Tidal Waters, Matanzas Pass

South: RESIDENTIAL CONSERVATION (RC)
Mixed Residential (Platted Overlay)

East: DOWNTOWN (D)
Pedestrian Commercial

West: Tidal Waters, Canal

II. BACKGROUND AND ANALYSIS

Background:

Freeland FL Holdings LLC, owner of the subject property, and Jim Ink, PE, applicant for the owner, are requesting a Comprehensive Plan Future Land Use Map Amendment. The amendment requests a change of 3.53 acres of Marina Future Land Use (FLU), known as Moss Marina, and 1 acre of Mixed Residential FLU, to Pedestrian Commercial. There are no proposed text amendments to the Comprehensive Plan.

The applicant has also applied for a Commercial Planned Development that encompasses three additional properties that are already mapped as Pedestrian Commercial and do not need to be amended. Those properties are shown on the attached area map (Exhibit A), outlined but not in color, they are 935 & 939 Third Street and 401 Old San Carlos Blvd.

Moss Marina was established in 1969. Matanzas View subdivision was platted in 1952, the first homes appear to have been built in the early 1950s. This neighborhood appears to have been primarily single family and two-family homes prior to hurricane Ian. More than half of the pre-Ian homes are still standing, however staff does not know what portion of the homes are currently habitable.

Analysis:

The **Marina FLU** is defined as *“designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provide that they don’t displace recreational marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be places in the Land Development Code.”* And Marina Uses are described by the Comprehensive Plan as *“involving the use of prime waterfront sites to support recreational boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair.”*

Marina FLU allows a maximum floor area ratio (FAR) of 1.5 and no density is listed in the Comprehensive Plan for the Marina FLU.

The **Mixed Residential FLU** is defined as “*designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile homes and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 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. Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and 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 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 comprises 7.9% of the land in this category, and this percentage shall not exceed 12%.*” The Mixed Residential FLU allows a maximum floor area ratio (FAR) of 1.5 and typically allows a density of six dwelling units per acre. This neighborhood is in the platted overlay which allows up to 10 dwelling units per acre for legally existing dwelling units. The single acre that is currently FLU Mixed Residential, appears to have contained a mix of single family and two family dwelling units prior to Hurricane Ian.

The combined Marina and Mixed Residential parcels, could allow a total of 295,990 square feet of floor area, through a CPD. The current zoning districts allow a lower square footage. The proposed change to Pedestrian Commercial could allow a total of 493,317 square feet of floor area, through a CPD. This is an increase of almost 200,000 square feet of development potential.

Neighborhood Compatibility:

The current Comprehensive Plan refers to this area as the “north end” in one section and the “core area”, in another section. It describes that “north end” area as follows: “*The north end of the island retains its residential and resort identity. Its motel rooms, older cottages and high-rises all benefit from their proximity to Bowditch Point and the downtown “core area,” yet are comfortably removed from seasonal traffic congestion and outdoor entertainment activities that many residents find intrusive.*” The 1999 Comprehensive Plan does not provide a vision or plan for this part of the “core area”.



Figure from Page 2-2 of 1999 Town of Fort Myers Beach Comprehensive Plan

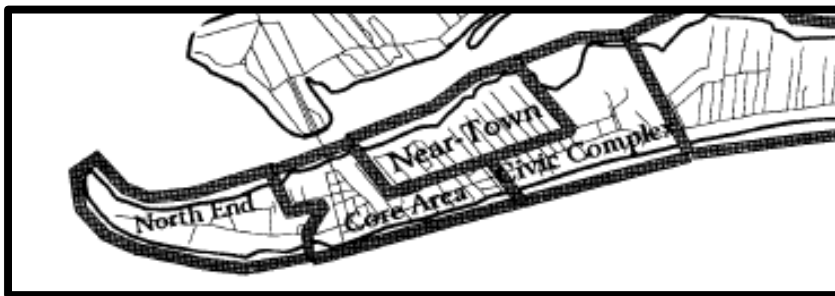
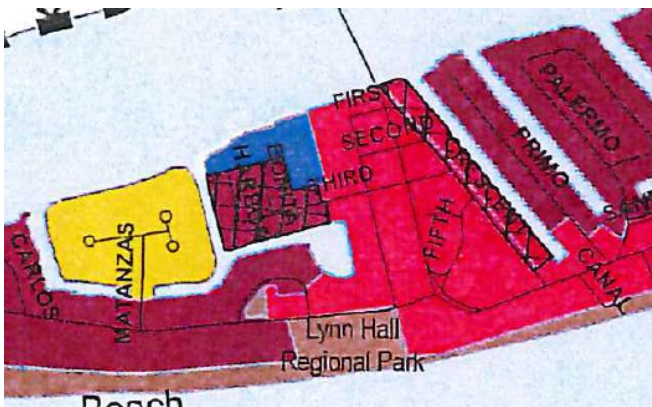


Figure from Page 3-4 of 1999 Town of Fort Myers Beach Comprehensive Plan

The 1999 Comprehensive Plan intended the North End to be quiet and downtown adjacent, whereas the Core Area was to be part of the action with a high level of commercial activity. Unfortunately, it is unclear whether the area of proposed future land use amendment was intended to be part of the North End or the Core Area. The addition of an intense commercial area which is accessible through the neighborhood will create additional traffic and noise impacts which would not be appropriate in a quiet neighborhood but would be acceptable in a downtown neighborhood.



1999 Comprehensive Plan Future Land Use Map

The pattern of Platted Overlay districts on both the east and west side of the Pedestrian Commercial District, creates a buffer between the higher impact downtown and the lower density residential districts. Elimination of that buffer between the intense commercial district and the neighborhoods could increase conflict. Uses that create additional noise in residential neighborhoods have been of particular concern to the Town of Fort Myers Beach in the past. Careful evaluation of outdoor music and activities will be necessary to ensure that nearby homes are not negatively impacted by proposed development on this site.

Infrastructure Impacts:

Evaluation of infrastructure impacts is important to ensure that the Town of Fort Myers Beach will be able to accommodate the additional development that will be allowed with the change from Marina and Mixed Residential to Pedestrian Commercial. The uses that are allowed in Pedestrian Commercial can have a much higher impact on traffic, water use and stormwater. While the applicant is proposing a rezoning to Commercial Planned Development (CPD), it would be possible for other developments to be proposed and approved in that area, therefore, we have to consider what impact other uses may have on the Town's infrastructure.

Traffic

The change from Marina and Residential to Pedestrian Commercial will increase density and intensity in the region and this could impact the surrounding streets. The applicant has not provided an analysis of the maximum development that could occur with the amendment of the Future Land Use Map.

The traffic impact statement for the proposed CPD application is still going through reviews. A final analysis of that traffic impact statement will be available when the review for the CPD is complete. The applicant's CPD is proposing the main entrance to the site from Old San Carlos Boulevard, through the existing Marina Village parking lot. However, it is important to note that Harbor Court and Bonita Street are public rights of way and traffic will be allowed through those streets. This will increase automobile and pedestrian traffic on Third Street, Harbor Court and Bonita Street which are not wide streets and do not have pedestrian and cyclist infrastructure.

Staff notes that if the proposed resort use were to be approved and developed on these parcels there may be a higher trip capture in the downtown area.

Water

The applicant provided a conceptual water and sewer usage that was accepted by Tetrattech, the Town's engineering reviewer. The usage is based primarily on resort hotel room and restaurant uses, which have a higher demand than most uses that could be developed in the Pedestrian Commercial FLU.

Tetrattech is in the process of completing a hydraulic model for the Town of Fort Myers Beach to determine future infrastructure needs. Per Tetrattech, "The (current) model shows that as long as Lee County Utilities (LCU) and/or the existing Moss

Marina Pump Station (PS) can provide enough supply at sufficient pressure, the FMB water distribution system has ample capacity to support the calculated peak hour water demand for the new development.”

The development may reduce additional demand on potable water by installing drought tolerant, native plants, cisterns and rain barrels and providing other water wise techniques to decrease their impacts on the Town’s water supply.

Stormwater

Stormwater is of high concern for development on a flood prone barrier island. All development will be required to meet the stormwater management requirements of the South Florida Water Management District and any local requirements. There may be exemptions based on the current development of the site. The applicant has not provided water quality or quantity data as part of this application.

Overall Impacts

Approval of the Comprehensive Plan Map Amendment will allow additional development on this 4.53 acres which will increase demand on infrastructure. There is currently insufficient infrastructure to serve bicycle and pedestrian needs which are appropriate for the Pedestrian Commercial FLU and potentially insufficient right-of-way width to provide the infrastructure. It is important for the Town of Fort Myers Beach to evaluate capacity and infrastructure availability for development at the time of the amendment to the comprehensive plan future land use map.

Since the Fort Myers Beach Comprehensive Plan was approved in 1999 there have been changes in Marina operators. The Comprehensive Plan identifies 4 marinas. The Island Bay Marina was destroyed by Hurricane Ian and has not yet been rebuilt. The Snook Bight Marina appears to be now located at the former Mid-Island Marina (Comp. Plan Map on page 5-18) location. Fish Tale Marina remains at the original location. Neither of the remaining marinas are located in close proximity to the downtown area. Although the proposed CPD would increase the wet slips. The dry dock storage and servicing of boats would no longer be present.

Findings and Conclusions:

LDC Sec. 34-92 states that: *Proposals to amend the Future Land Use Map must meet Comprehensive Plan Policy 4-C-10.*

Policy 4-C-10 Map Amendments: The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.

The LPA must make a recommendation to Town Council based on whether the proposed Comprehensive Plan Amendment is in the best interest of the Town of Fort Myers Beach. The following segments of the Comprehensive Plan may assist the LPA in determining that interest and impact.

- The Marina Future Land Use Category limits the uses and therefore the potential economic impacts of the land. Policy 4-B-7 “MARINA” in the Comprehensive Plan is designed to provide water access to the water bodies around Fort Myers Beach. All marina uses listed in 4-B-7 are permitted in the “PEDESTERIAN COMMERCIAL”. As Fort Myers Beach is an island both visual and physical access to the water is an important component. The changes in Future Use Category will not necessarily limit access to the water.
- In the Coastal Management Element the section on Land Use Conflicts notes, “In a few cases, marinas are completely surrounded by residential dwellings and the only road access is by residential street, thus limiting future expansion potential to protect other existing uses.” This site currently falls into this category. The re-zoning proposal provides an alternate access road to the site that avoids use of the existing residential streets by the proposed development. However, this is not a restriction of the FLU category.
- Policy FLU 1-B-7 “PEDESTERIAN COMMERCIAL”, states that commercial activities must contribute to the pedestrian-oriented public realm. The proposed map amendment would allow further development to contribute to this goal for Old San Carlos and Times Square. Any new development in this area would be required to be pedestrian oriented. This land use category also encourages a mix of uses to contribute to the vibrancy of the area.
- Objective 3-D “Times Square” is to “stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities”. The enlargement of the Pedestrian Commercial FLU would increase the number available land uses permitted at the site. As stated by the applicant: “The Old San Carlos Boulevard commercial corridor will benefit from the expansion of the Pedestrian Commercial designation and a redevelopment project on the bay will complement the recently completed Margaritaville Resort and the proposed redevelopment of Times Square on the gulf side. This creates two significant anchors and will encourage a vibrant and sustainable downtown district. The Old San Carlos corridor has long been identified as an area where infill development should be encouraged.

The proposed FLU map amendment will increase the potential for nuisance issues for the surrounding single-family homes. Issues of noise, traffic (visitor/guest vehicles and delivery/service/sanitation vehicles), view obstruction and general congestion can be associated with significant increases in commercial and lodging activities. These concerns are addressed in the companion CPD application. The LPA must determine the thoroughness of those mitigating measures as proposed in the CPD application.

Staff finds that the request to amend the Future Land Use Map to change 3.53 acres of Marina FLU and 1.0 acre of Mixed Residential FLU to Pedestrian Commercial FLU is not clearly in the public interest. Creating additional commercial land adjacent to the existing downtown does not necessarily provide a benefit to the Town and will result in traffic and noise impacts to nearby residential uses through elimination of

the buffer between the intense commercial district and the neighborhood which could increase conflict. Additionally, the area lacks sufficient pedestrian and bicycle infrastructure to support the proposed amendment which will increase density and intensity

RECOMMENDATION

Staff has reviewed the request for a Comprehensive Plan Amendment and found that the Comprehensive Plan Amendment request does not meet the requirements set forth in sec. 34-92 and Comprehensive Plan Policy 4-C-10. Therefore, staff recommends **DENIAL** of CPA20230152, a request for a Comprehensive Plan Amendment to change 3.53 acres of Marina FLU and 1.0 acre of Mixed Residential FLU to Pedestrian Commercial FLU. However, if the LPA finds that the concurrent CPD application for this area adequately demonstrates that the proposed development is *“clearly in the public interest, not just in the private interest of a petitioning landowner.”* approval could be granted. **APPROVAL** of CPA20230152 would be recommended if the CPD application is found by the LPA to sufficiently address Policy 4-C-10.

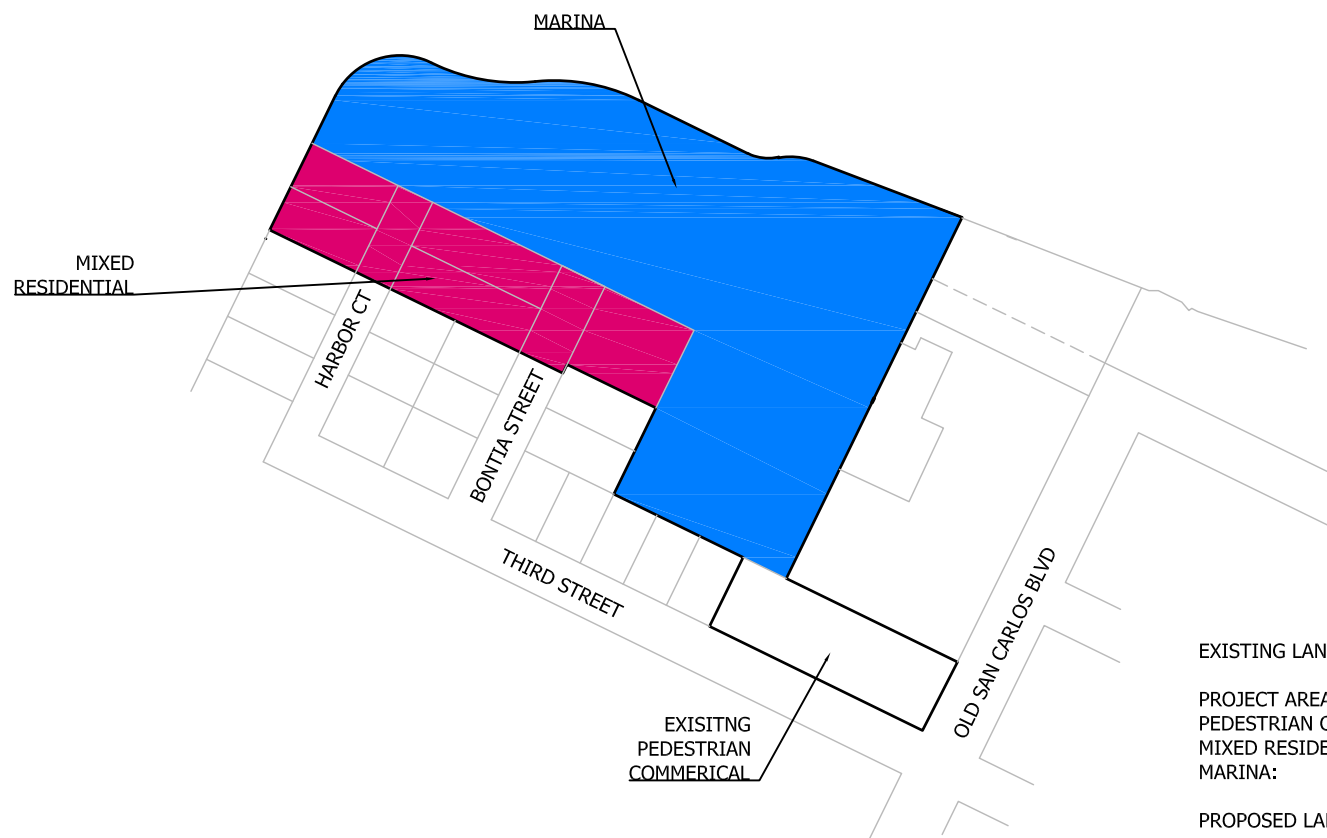
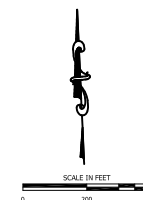
III. EXHIBITS

Exhibit A: Area Map

Exhibit B: Applicant Narrative

Exhibit C: Application

Exhibit E: Post Cards



EXISTING LAND USE TABLE

PROJECT AREA:	4.98 AC	100%
PEDESTRIAN COMMERCIAL:	0.45 AC	9.0%
MIXED RESIDENTIAL:	1.00 AC	20.1%
MARINA:	3.53 AC	70.90%

PROPOSED LAND USE TABLE

PEDESTRIAN COMMERCIAL:	4.98 AC	100%
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INK ENGINEERING, INC
2055 West First Street
Fort Myers, Florida 33901
E-mail: ink@inkengineeringinc.net

EXISTING COMPREHENSIVE PLAN MAP

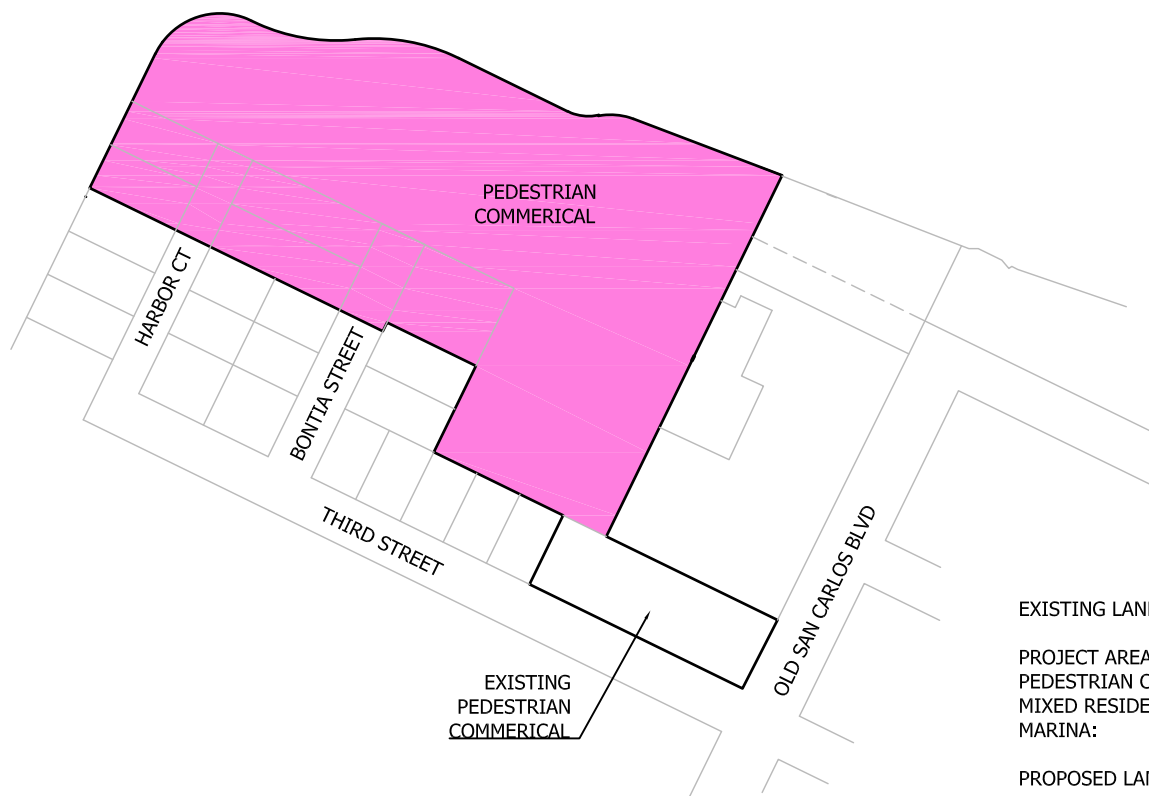
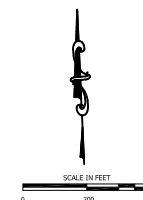
JOB #: 22037

ARCHES BAYSIDE CPA MAP AMENDMENT

DATE: 03.2024

450 HARBOR COURT, FT MYERS BEACH, FL

SHEET: 1 OF 2



EXISTING LAND USE TABLE

PROJECT AREA:	4.98 AC	100%
PEDESTRIAN COMMERCIAL:	0.45 AC	9.0%
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MARINA:	3.53 AC	70.90%

PROPOSED LAND USE TABLE

PEDESTRIAN COMMERCIAL:	4.98 AC	100%
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INK ENGINEERING, INC
 2055 West First Street
 Fort Myers, Florida 33901
 E-mail: ink@inkengineeringinc.net

PROPOSED COMPREHENSIVE PLAN MAP

JOB #: 22037

ARCHES BAYSIDE CPA MAP AMENDMENT

DATE: 03.2024

450 HARBOR COURT, FT MYERS BEACH, FL

SHEET: 2 OF 2



**THE ARCHES BAYFRONT RESORT
FUTURE LAND USE MAP AMENDMENT
CPA20230152**

PROJECT NARRATIVE AND JUSTIFICATION

BACKGROUND & REQUEST

Freeland FL Holdings, LLC, is seeking a Small-Scale Comprehensive Plan Future Land Use Map Amendment and a rezoning of the subject property, comprised of 10 parcels and encompassing ± 4.98 acres. It is located at 450, 445, 441, and 436 Harbor Ct., 435 and 438 Bonita St., 935 and 939 Third St., and 401 Old San Carlos Boulevard. The Comprehensive Plan Amendment is requested to designate all properties to the Pedestrian Commercial Future Land Use designation. This means that 7 of the 10 parcels or ± 4.53 acres are subject to the map change. The concurrent rezoning petition is to rezone all 10 properties to Commercial Planned Development (CPD) Zoning District to develop a luxury mixed-use resort with significant public amenities. All properties are identified by STRAP Number, Address, Future Land Use designations and zoning districts in the table below:

STRAP #	ADDRESS	EXISTING FUTURE LAND USE	EXISTING ZONING
24-46-23-W3-00026.0020	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-00027.0000	450 Harbor Ct.	Marina	Commercial Marina
24-46-23-W3-0030B.0200	445 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030B.0190	441 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0060	436 Harbor Ct.	Mixed Residential	Residential Conservation
24-46-23-W3-0030C.0040	435 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0110	438 Bonita St.	Mixed Residential	Residential Conservation
24-46-23-W3-0030A.0030	935 Third St.	Pedestrian Commercial	Commercial Office
24-46-23-W3-0030A.0020	939 Third St.	Pedestrian Commercial	Downtown
24-46-23-W3-0030A.0010	401 Old San Carlos Blvd.	Pedestrian Commercial	Downtown



The two petitions were previously filed by Ink Engineering, Inc. on behalf of Freeland FL Holdings, LLC in 2023. The Comprehensive Plan Future Land Use Map Amendment has been reviewed by Town Staff and presented to the Local Planning Agency (LPA) on April 9, 2024. The LPA voted 4 – 2 to deny the request. The Town Council on May 6, 2024, granted a continuance for the Comprehensive Plan Future Land Use Map Amendment to a date uncertain, until such time that it could be presented simultaneously with the Commercial Planned Development rezoning request.

The proposed development concept has been revised to address LPA and public comments. As such, this application for a Small-Scale Comprehensive Plan Future Land Use Map Amendment is being submitted concurrently to the revised CPD documents. These applications are meant to be reviewed as companion items and therefore the narratives have been simplified to reduce redundancy among documents. This narrative and justification report provides evidence and support for the approval of the Comprehensive Plan Future Land Use Map Amendment. The requested change from Marina and Mixed Residential future land use designation to Pedestrian Commercial will allow for the development of the proposed resort at the density and intensity outlined in the CPD petition, including the following:

- 263 hotel units
- 15,000 SF commercial uses
- 336 total parking spaces (with 96 dedicated public spaces)
- Maximum FAR of 2.0

It is important to note these companion items are meant to address the LPA's concern that supporting the proposed map change without the companion CPD created an unknown and allowed a wide range of commercial uses and potential intensities allowed under the Pedestrian Commercial Future Land Use Category. Evaluating and voting on these petitions concurrently provides assurance that the development proposed within the CPD is the only development that can move forward on the subject property. Once approved, the CPD with all its limitations, conditions, commitments and constraints becomes the property's zoning district and dictates what is allowed and developable on this site. Any desire to change the approved CPD would require a CPD Amendment and, if applicable, additional public hearings. As such, it is acknowledged that both requests are inextricably linked and have to be approved as companion items to allow The Arches Bayfront Resort to move forward.

The proposed map change provides a logical extension of the Pedestrian Commercial Future Land Use category and implements the Downtown Core Area vision articulated in the comprehensive plan. The subject property is currently designated Marina on the Future Land Use Map and is home to a commercial marina which has peacefully coexisted with residential uses along Harbor Court and Bonita Street. The proposed map change will allow the continuation of recreational marina uses while allowing a hotel resort which will help revitalize the Downtown Core as intended and expressed on page 3-5 of the Comprehensive



Plan, “Core Area Vision,”

*“The Downtown Core Area **boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an “old Estero Island” character to the buildings.***

“Old San Carlos Boulevard is an active pedestrian-friendly “Main Street” linking Times Square and the marina on the Bay side. The street is framed with refurbished and new buildings designed to flood regulations with stores on the ground level. On-street parking is available. Continuous tree-lined sidewalks and safe intersections promote pedestrian safety and comfort. The corner at Third Street has become as a focal point midway between Times Square and the Bay side, with “corner stores” providing a variety of goods and services.

Moreover, the proposed map change and proposed Arches Bayfront Resort are consistent with elements identified in the “Community Design and Livability” section of the comprehensive plan.

“Using design to promote compatibility of mixed land uses, making good neighbors of commercial uses (somewhere to walk to get a quart of milk), and accommodating residential uses of varying types and affordability.”

“Encourage private investment in the economic life, physical form, and natural amenities of the town, directing infill change and redevelopment toward the town’s vision through such means as:

- *Focusing planning efforts on specific areas that are in transition, and reinforcing the quality of existing stable neighborhoods.*
- *Improving linkages to and sharing the town’s precious sensitive resource areas in ways that sustain their viability over time, and creating mechanisms for responsible stewardship of these areas.*
- *Reserving the most important sites at the end of street vistas for civic and religious buildings or monuments and designing other buildings to fit together as ensembles rather standing out as icons.*
- *Strengthen views to the waterfront to promote a feel of shared use of these irreplaceable amenities.”*



The proposed minor map amendment is requested and justified based upon exceptional circumstances and extensive public benefits discussed extensively in the CPD application and summarized as follows:

- Bayfront Promenade
 - Public access to bayfront
 - Splash pad for kids
 - Mix of food, entertainment and retail venues for public and resort guests
- Enhanced view corridors
- Implementation of Old San Carlos Plan
- Creating a cohesive downtown with two dynamic bookends that provide first-rate pedestrian plazas
- Downtown Ferry/Water Taxi Terminal and founding partner of Ferry System
- 96 Public Parking spaces
- Golf Cart Parking
- Bicycles for Resort Guests & Bicycle racks for the public
- Shuttle Service for employees and guests
- Participation in the DRAC program
- Implementation of Park Once Initiative
- Marina with Temporary Docking/Parking for non-motorized watercraft - paddle boards, kayaks and canoes, outfitters providing access to local water and natural environment
- Convenient Boat Pump Out and Fueling service
- Linear Park Memorial Garden Park honoring:
 - FMB history & historic FMB Arches
 - Hurricane Ian impacts & casualties
 - Hurricane Ian rebuild
- Outdoor Market – Farmers and Arts & Crafts Market which will support local businesses and create a social gathering place
- Revitalization of the Downtown and increasing visitor density by creating public spaces, facilitating public access and diversifying food, recreational and entertainment options.
- Replacement of stark, dry storage barns with attractive coastal architecture – form and good design are important, they define and create a sense of place
- Hardened and resilient structures
- Improved water management conditions
- Significant positive economic impact: ad valorem taxes, impact fees, bed tax, employment, capital improvement costs, secondary impacts in supporting other local businesses
- Support of FMB Elementary School through informing/educating staff about the school and providing flexible work schedules to facilitate drop-off and pick-up

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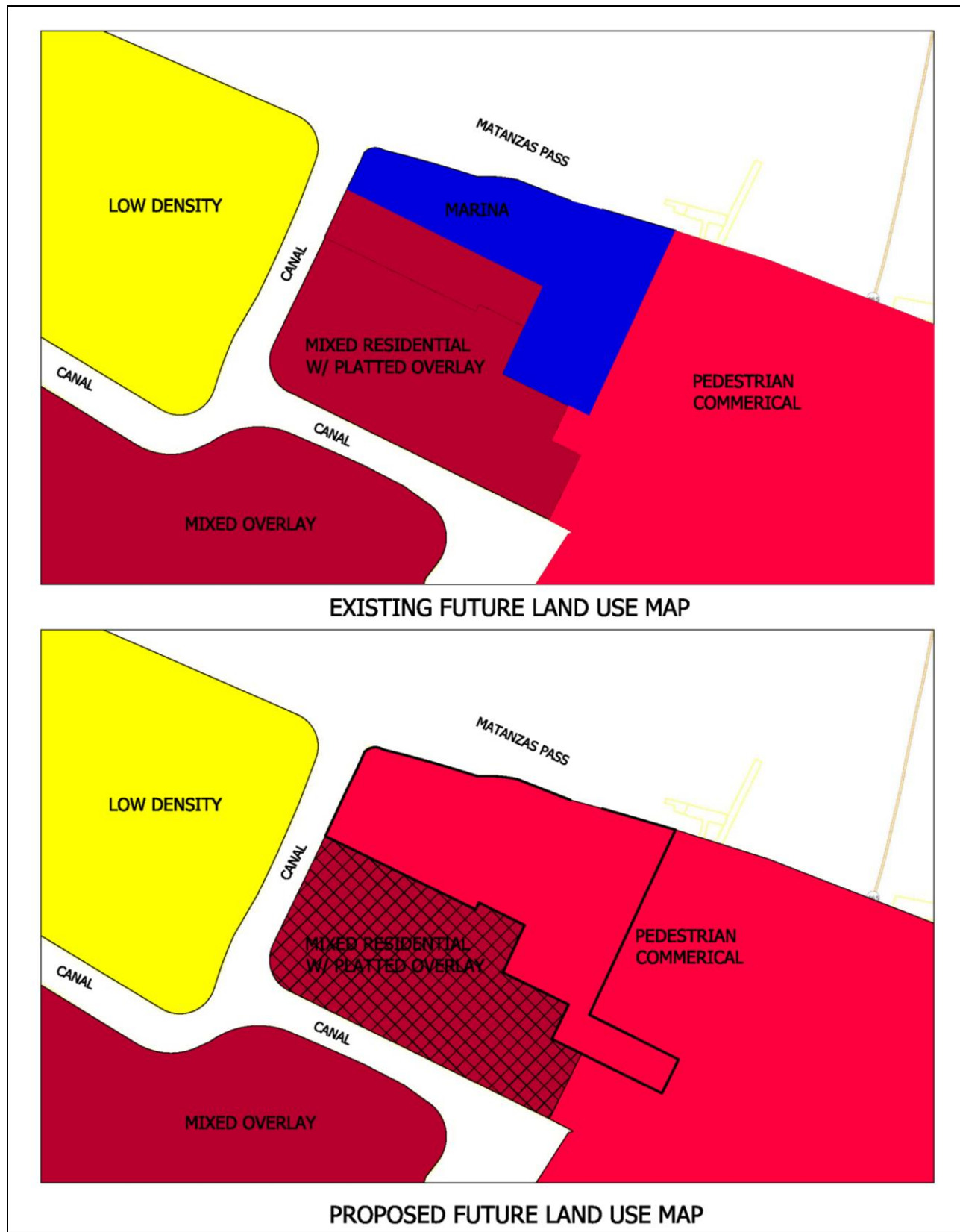


Figure 1. Existing and Proposed Future Land Use Map



EXISTING CONDITIONS & SURROUNDING LAND USES

Moss Marina has long been an iconic landmark on Fort Myers Beach. It was originally established as a marina by John and Betty Moss in 1969 and was expanded by George Freeland in 1983. Having received significant damage due to Hurricane Ian, ownership felt that through the rebuilding process they had a unique opportunity to create a mixed-use bayfront development to complement the Fort Myers Beach downtown district.

The future land use designations and existing land uses surrounding the property are as follows:

- North: Matanzas Pass Bay
- South: Mixed Residential, developed with a blend of single-family/duplex residential and vacation rentals
- East: Pedestrian Commercial, developed with primarily hotel and commercial uses
- West: Canal



Figure 2. Location Map



CONSISTENCY WITH FLORIDA STATUTES & FORT MYERS BEACH COMPREHENSIVE PLAN

Florida Statutes Chapter 163.3177 regulates Comprehensive Plans, including map and text amendments. Map amendments are permitted, subject to specific conditions:

8. *Future land use map amendments shall be based upon the following analyses:*
 - a. *An analysis of the availability of facilities and services.*
 - b. *An analysis of the suitability of the plan amendment for its proposed use considering the character of the development land, soils, topography, natural resources, and historic resources on site.*
 - c. *An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.*

The Town of Fort Myers Beach requires that all map amendments address Comprehensive Plan Policy 4-C-10, which states:

The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.

The following analysis addresses the proposed map change and its consistency with both Florida Statutes and relevant Goals, Objectives, and Policies of the Comprehensive Plan.

Public Facilities Impacts

Traffic Circulation: A Traffic Impact Statement has been submitted. The Town's traffic consultant provided comments on January 3, 2024. A coordination meeting with town staff was held on January 17, 2024, and the TIS was resubmitted on March 1, 2024. Currently, the TIS is being updated for the pending CPD application for resubmittal. Per the TIS report, the existing roadway network can accommodate the estimated 20 new trips the project will add to Estero Boulevard. No roadway capacity improvements are required as a result of the proposed development.

Sanitary Sewer: Lee County Utilities will provide Sanitary Sewer. There is existing infrastructure that services the site and sufficient capacity for the proposed project. A service availability letter is attached as Exhibit XCP-3.



- Potable Water:* Town of Fort Myers Beach will provide potable water. There is existing infrastructure that services the site and sufficient capacity for the proposed project. A service availability letter is attached as Exhibit XCP-4.
- Surface Water:* The property pre-dates the requirement for stormwater management systems. Redevelopment of the property will require issuance of an Environmental Resource Permit from SFWMD/FDEP for water quality and quantity.
- Parks:* There is no impact to the existing Town Park system. Any rezoning which may provide for residential uses would be evaluated at time of zoning for park impacts that may need to be mitigated.
- Recreation:* There are no impacts to the recreation of the Town. The companion rezone proposes to add recreation facilities as a public benefit.
- Open Space:* Any proposed uses will comply with the Town's Open Space requirements as required by the Land Development Code.
- Fire Protection:* Fire Protection is provided by the Fort Myers Beach Fire and Rescue District. A service availability letter confirming sufficient capacity for the proposed project is attached as Exhibit XCP-5.
- Solid Waste:* The Lee County Solid Waste Department will provide solid waste collection for the project. A service availability letter confirming sufficient capacity for the proposed project is attached as Exhibit XCP-6.
- Safety:* The Lee County Sheriff's Office has jurisdiction in the Town for Public Safety. A service availability letter confirming sufficient capacity for the proposed project is attached as Exhibit XCP-7.
- Mass Transit:* LeeTran has jurisdiction in the Town for Mass Transit services. A service availability letter confirming sufficient capacity for the proposed project is attached as Exhibit XCP-8.
- Environmental:* The subject property does not have any jurisdictional wetlands. There are no upland environmental impacts. Currently, the adjacent state lands are operating



as a marina with wet slip dockage. The facility has operational authorization from FDEP and ACOE with conditions to address current environmental impacts. Any change in development will be required to be consistent with the comprehensive plan, land development code, FDEP, and ACOE rules, regulations, and requirements.

Historical Resources: The site has been developed for a significant period. There are no known Historic Resources on the site.

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Comprehensive Plan Community Design Element

GOAL 1: To continually improve the appearance and function of transportation corridors, commercial areas, and links to the natural and recreational areas.

OBJECTIVE 1-B OTHER PUBLIC SPACES — Beautify public spaces throughout the island.

POLICY 1-B-3 Identify potential mechanisms to implement and maintain special amenities such as entry features, monuments, or other special landscape projects.

OBJECTIVE 2-B SIDE STREETS — Encourage residents to achieve a higher ambition for their residential streets, improving their walkability, comfort, beauty, interconnectedness, and safety.

GOAL 2: To upgrade residential neighborhoods throughout Estero Island.

OBJECTIVE 2-A HIDDEN PATHS — Create an additional interconnected system of pedestrian and bicycle pathways throughout the island to improve mobility and promote community interaction.

GOAL 3: To revitalize and improve specific transitional neighborhoods.

OBJECTIVE 3-D TIMES SQUARE — Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.

The CPA petition proposes to expand the Pedestrian Commercial Future Land Use designation along the bayfront by redesignating the entire subject property from a combination of Mixed Residential, Marina, and Pedestrian Commercial to Pedestrian Commercial. The area along the Matanzas Pass shoreline is currently designated Marina, which has extremely limited uses. The Pedestrian Commercial designation does not prevent continuation of those marina-related uses but expands the development options and the potential to provide greater public access to the waterfront.

Currently, public access to the bayfront is limited to Bayfront Park at the end of Old San Carlos Boulevard, a few restaurants in the downtown district and Mid Island, and Mound Key Park. Approval of this application and the companion CPD rezone will provide public access to over 670 feet of waterfront and publicly accessible land consisting of the Bayfront Promenade and Linear Park & Memorial Garden. Detailed descriptions of these amenities can be found in the companion CPD petition. The requested change will also allow the ability, through a CPD rezone, to add a resort inclusive of hotel, marina, retail, and other commercial uses at the bayfront end of the downtown corridor.



The Old San Carlos Boulevard commercial corridor will benefit from the expansion of the Pedestrian Commercial designation and a redevelopment project on the bay will complement the recently completed Margaritaville Resort and the proposed redevelopment of Times Square on the gulf side. This creates two significant anchors and will encourage a vibrant and sustainable downtown district. The Old San Carlos corridor has long been identified as an area where infill development should be encouraged. The 1999 “Old San Carlos Boulevard – Crescent Street Master Plan” called for the expansion of the Times Square pedestrian-friendly zone along Old San Carlos Boulevard, recommending redevelopment standards that help create a strong “sense of place” and encourage pedestrian activity throughout the corridor by **“connecting the beach to the bay”**. The Master Plan also outlines the **“Park-Once”** strategy to complement pedestrian-focused design:

Those who must drive to Fort Myers Beach should park in a safe central location and enjoy their visit on foot or use the trolley. This ‘Park-Once’ pattern can be seen in mature towns and in healthy historic communities all around the globe, especially in favorite vacation spots.

The addition of public parking through the redevelopment of the existing marina supports the Park-Once strategy and will be, as the Master Plan suggests, “conveniently located, easily identifiable, safe, and connected to popular destinations in such a way that the walk is part of the attraction, not a hurdle to overcome.”

As described in the companion CPD petition, the project emphasizes pedestrian and bicycle access and the creation of interconnections to the whole of downtown. Downtown Fort Myers Beach is only ±300 yards (less than a quarter mile) wide between the Gulf and Bayfront, making it ideal for pedestrian travel. The short distance along Old San Carlos Boulevard creates a walkable district, thereby reducing the need for vehicle travel. The typical “pedestrian shed”, or distance the average person is able to comfortably walk, is a quarter mile or a 5-minute walk. The expansion of the Pedestrian Commercial designation creates a logical pedestrian shed connecting the proposed project to the Old San Carlos Corridor and Times Square. This site has the ability to add a mixture of uses that enhances the downtown environment and provides a bayfront anchor for an active, vibrant, and sustainable downtown district.



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.

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.

OBJECTIVE 4-B FUTURE LAND USE MAP CATEGORIES — Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.

POLICY 4-B-6 “PEDESTRIAN COMMERCIAL”: a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

On September 28, 2022, Hurricane Ian swept ashore with a storm surge that caused catastrophic damage to the island. The town suffered a crippling blow with a great loss of property. As redevelopment occurs, it is important that the “small town” identity of Fort Myers Beach remains, honoring the historical legacy of the island. However, replacing structures to meet current codes for flood elevation and other resiliency policies comes at a significant cost. It is extremely difficult, and often nearly impossible, to replace what was lost



while keeping the same eclectic form that took decades to build. Therefore, adaptations to the traditional definition of small town are necessary for the successful redevelopment and future sustainability of Fort Myers Beach.

The proposed expansion of the Pedestrian Commercial future land use designation creates an opportunity for Fort Myers Beach to retain its “small town” identity while still adapting to the challenges of current development standards. Through thoughtful application of a CPD, the redevelopment of the subject property can focus on human-scaled design, environmentally sound planning practices, and a significant addition to the pedestrian-oriented public realm that is encouraged by the Comprehensive Plan.

As mentioned previously, the current uses permitted under the Marina designation are not in conflict with a map change to Pedestrian Commercial, as Policy 4-B-6 permits pre-existing Marina uses. The proposed change would allow for the continuation of a recreational marina, but with high-class amenities and greater public access to the waterfront.

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.

While the proposed map change has no direct impact on Coastal Management, the companion CPD rezone proposes a project that significantly activates the bayfront with plazas, parks/open space areas, and walkability integrated into a vibrant and sustainable downtown district. Existing uses pre-date the requirement for stormwater management; redevelopment of this area will require compliance with current stormwater regulations, which ensures an improvement from current conditions.

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.



OBJECTIVE 7-D VARIETY OF TRAVEL MODES — The Town of Fort Myers Beach shall make efforts every year to improve mobility for its residents and visitors, striving for a balanced transportation system that allows safe movement even during peak periods of traffic congestion. These efforts may include further subsidies to improve the trolley system, the use of impact fees to improve sidewalks, and creation of critical links on the hidden-path system.

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.

OBJECTIVE 7-I LEVEL-OF-SERVICE STANDARD — Maintain minimum acceptable levels of service for the transportation system.

Transportation is an important concern regarding any development on the island. Approval of this map change does not grant any specific uses on a property. Currently, the existing marina zoning district provides the schedule of allowable uses, which can continue consistent with the redesignation to Pedestrian Commercial. Although the proposed map change has no direct impact on transportation management, the Pedestrian Commercial future land use designation, by definition, emphasizes a pedestrian-oriented public realm. The proposed CPD, as discussed previously, seeks to prioritize the creation of new bike and pedestrian networks which will help to reduce traffic associated with redevelopment. Additionally, the CPD petition proposes a water taxi/ferry system that will provide a new alternative method of transportation to multiple destinations on the Island.

The Comprehensive Plan requires that a development maintain specific levels of service. The map change would only allow the potential of adding uses in addition to the Marina. A Traffic Impact Statement has been submitted concurrently and demonstrates consistency with Objective 7-1 and Policy 7-J-2.

It is worth noting that, despite the proposed increase in hotel rooms requested in the companion CPD petition, the Town of Fort Myers Beach has significantly fewer hotel rooms open as of June 2024 than prior to Hurricane Ian. Including new rooms from Margaritaville opened post-Ian, the Lee County Visitor & Convention Bureau estimates that only 42.9% of all pre-Ian hotel rooms are currently open (see table below). Equating increased traffic with the addition of hotel rooms is a common assumption; however, the data clearly indicates that new hotel rooms have not even replaced the rooms closed due to Hurricane Ian. Anecdotal reports of increased traffic post-Ian are more likely a result of a combination of construction-related trips, change in transportation operations and an uptick in day trips from mainland residents.



HOTEL ROOMS (as of 6-10-2024)		
	Pre-Ian Room Count	Post-Ian Room Count (%)
Fort Myers Beach	2,156	1,069 (42.9%)*

*Includes new properties open post-Ian.

The Transportation Element of the Comprehensive Plan acknowledges that conventional traffic solutions, like road widening and alternative routes, are ineffective for Fort Myers Beach and instead emphasizes alternative modes of transportation as a way to relieve congestion on constrained roadways. The following are mitigation solutions cited by the Comprehensive Plan and ways in which the proposed project supports each strategy. More detailed descriptions of public benefits can be found in the companion CPD petition.

- **Make it easier for visitors to arrive without a car (Policy 7-D-1)**
 - Shuttle service provided for guests and employees
 - Participation in the DRAC program
 - Mix of uses easily accessible by pedestrians/bicycles and creating internal capture
 - Bicycles provided for guest use
 - Golf cart parking provided
- **Encourage a reliable system of water taxis (7-D-4)**
 - Founding partner in water taxi/ferry system
 - Downtown water taxi/ferry terminal on site
- **Create a hidden-path system (7-D-5)**
 - Separated bike/pedestrian path system integrated throughout the resort and connected to downtown
 - Wayfinding to direct bike/pedestrian traffic towards bayfront
 - ±860' of public promenade area

Additionally, the proposed project supports and enhances the Town's "Park Once" strategy by locating a "fully-amenitized" resort in the heart of downtown where guests who drive can meet all their needs within walking distance. Moreover, the project will provide centrally located public parking spaces that allow day trippers to park once and have convenient access to the beach, Times Square, the Bayfront Promenade, the Old San Carlos Boulevard corridor, and water related activities.



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: 401 San Carlos Blvd
STRAP Number: See attached parcel information narrative
Applicant: Freeland FL Holdings, LLC Phone: 615-337-7671
Contact Name: James Ink PE c/o Ink Engineering, Inc Phone: 239-940-2504
Email: jink@inkeengineeringinc.net Fax: _____
Current Zoning District: Downtown, Marina, Residential Conversation
Future Land Use Map (FLUM) Category: Pedestrian Commerical, Marina, Mixed Residential
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: Comp Plan Amendment

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*: Ben Freeland Phone: (615) 337-7671
**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: 5333 Hickory Hollow Parkway, Anitoch, TN 37013
Email: Ben.Freeland@freelandauto.com Fax: _____
Contact Name: Ben Freeland Phone: (615) 337-7671



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: James Ink PE, c/o Ink Engineering, Inc Phone: (239) 940-2504
Address: 2055 West First Street, Fort Myers, FL 33901
Email: jink@inkengineeringinc.net Fax: _____

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

Name: Bruce Strayhorn Esq. Phone: (239) 334-1260
Address: 2125 1st Street, Fort Myers, FL 33901
Email: bruce@strayhornlaw.com Fax: _____

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ 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: Comprehensive Plan Map Change
- _____
- _____

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: 34-212(6) Description: _____
Temporary waiver of Traffic Impact Statement to allow methodology determination

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

I, Ben Freeland (name), as Managing Member (title)
of Freeland FL Holdings, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Freeland FL Holdings, LLC

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: See application narrative

Property Address: 401 San Carlos Blvd

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

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 640 feet
Depth (please provide an average width if irregular in shape) 390 feet
Frontage on street: 430 feet. Frontage on waterbody: 660 feet
Total land area: 4.98 ☒ acres ☐ square feet

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

NW corner of Old San Carlos Blvd and Third street and extending NW along the
bayfront to the canal on the western property line.

☒ 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 |



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, October 29, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Not recorded.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

V. NOMINATION OF OFFICERS

A. Election of Officers
Not recorded.

VI. APPROVAL OF MINUTES

No minutes.

VII. PUBLIC COMMENT

Katherine Cantlon, resident, asked that the LPA not allow tall buildings. She was not swayed by developers who added a restaurant and a park. She noted that Sanibel was sticking to their height restrictions. She encouraged the LPA to stick to their guns and follow the plan.

VIII. PUBLIC HEARINGS

No hearings.

IX. ADMINISTRATIVE AGENDA

B. Public Benefits

Discussion regarding Public Benefits.

Community Development Principal Planner Judith Frankel will compile their ideas and suggested they schedule a joint meeting with the town council afterward. She noted that it would be helpful if they defined terms such as view corridor and restaurant. Town Attorney Stuparich read a description of special benefits in Resolution 24-73.

LPA Member Dunlap explained how he created his tiered list of public benefits. He noted the applicant's responsibility was to prepare, provide, argue, demonstrate and defend what they wanted and how it benefited the town. LPA Member Sudduth liked the idea of how to quantify a public benefit and the tax benefit. He compared paying a private place to enter versus public access for a fee like the pool at Margaritaville. The view corridor and beach accesses on each side of the property should be fundamental. He did not really care what developers did as long as they were close to the plan.

LPA Member Eckmann commented that public benefit was hard to define and thought the challenge was to find a balance. He indicated that if developers ask for 17 stories, they should offer up the beachfront or part of the beachfront for a public park. The benefit had to be substantial for a substantial request, and it would be difficult, but they would have to find a compromise.

LPA Member Boan saw a difference between a public benefit and an amenity. A public benefit had to be perpetual. He noted that some benefits would be for the public and some for the developer, making it a hybrid, but it would not count as much as a true public benefit. He stated they needed a clear path to analyze the project.

LPA Member McLean thought they could recognize that there were different classes of offers from a developer and some would be in their self-interest while maybe benefiting the public, too. He used a restaurant as an example of a private enterprise that benefits the public. He felt that being open to the public free of charge in perpetuity was a top public benefit and adding beach accesses, including access to the sand behind the property, was critical.

Next would be view corridors and public parks. He felt that access to amenities would be another tier. He agreed with including the economic impact to the island.

Town Attorney Stuparich stated that private property rights were at stake and the rules created referred to a special benefit. She indicated they might want to elaborate and discuss a distinction. She stated that benefits should have a nexus to the development. She noted they cannot engage in contract zoning. LPA Member Dunlap commented that there should be consistency among applicants and the town should amplify what they thought was important and see how developers rise to the occasion voluntarily.

Chair Cereceda questioned why public benefit was used in the LDC (Land Development Code) while special benefit was in the development agreement. Town Attorney Stuparich stated that they could change it. Chair Cereceda felt that the terms conflicted with each other in the essence of what they

meant. She felt that public benefits had to be exclusive to the public. She objected to the roundabout because it was not a public park, although the public could have access. She agreed that the guiding principles were essential and noted that Margaritaville had true public in perpetuity dedicated to public improvements. She questioned who would benefit if Mr. Price dedicated the entire beachfront to the public. The property would be taken off the tax roll, and the financial element would be negative; however, the community benefit would be enormous. She wondered how to balance that. LPA Member Dunlap addressed the resolution, which said the town shall balance the public benefits. He did not read it as a noun but as a concept; it was up to the LPA to start a new conversation and make it theirs. He was surprised that there was an official requirement for view corridors with the EIBC (Estero Island Beach Club) application. Community Development Senior Planner Jason Smalley disputed that anything was forced or required and the EIBC chose the design because it worked better for them.

Principal Planner Frankel explained how planning works in Florida and read the language in the code referring to view corridors and height. She added that the staff did not want to be in the business of negotiating with developers. Defining the view corridor was discussed. Senior Planner Smalley explained that if EIBC tiered their building with setbacks on floors three to ten they could have asked for slightly more. They were allowed to build a 60-story building over 70% of the property by right. LPA Member Dunlap thought that a view corridor was where an opportunity existed to have a clear line of sight without mass blocking light and views for the public on the street. LPA Member McLean felt that the view corridor was up to the sky.

LPA Member Sudduth commented that a view corridor might be blocked on the ground but open three stories up, benefiting the property across the street. LPA Member Dunlap stated that both could be true. LPA Member Eckmann brought up developers providing a view corridor beyond the required setback and making a special effort above and beyond what they had to do anyway.

LPA Member Boan felt that a view corridor should be an unimpeded view of the beach or the bay and should be more than what was required by code. Chair Cereceda agreed and defined the view corridor as an open, clear line of sight vertically and horizontally that opens space beyond the required setbacks. LPA Member Sudduth clarified that it could be within the property. The magnitude was significant to LPA Member Dunlap and Chair Cereceda. LPA Member McLean asked whether a three-foot wall detracted from the view corridor. LPA Member Sudduth felt that three feet should be the maximum.

Public versus special benefits were discussed. LPA Member Dunlap felt that public was general and special was to whom and in what context. LPA Member Eckmann thought a public benefit was to dedicate access to the beach for everyone to use forever. A special benefit would be opening the beach club to the public as Margaritaville does by providing a discount to residents. Another example was a deeded beach access that benefited a

specific group of people.

Tier 2 examples from LPA Member Dunlap's document were discussed. Beach access improvements were deemed a public benefit and an offsite public parking garage could be public and special. LPA Member Sudduth commented that workforce housing, which enabled people to live on the island, was a special benefit. LPA Member Boan added that it was a special benefit to the employee and a public benefit on an altruistic scale because it aided with staffing businesses. Relocating utilities underground is a public benefit, along with improving public infrastructure above and beyond code.

Open-space malls are considered a public benefit. LPA Member Dunlap described an island-wide pedestrian-friendly transit system. Chair Cereceda summarized that a parking garage would be redefined and workforce housing would be considered special. The remaining items on the tier 2 list were considered public benefits. Town Attorney Stuparich questioned whether they wanted to add or public benefit rather than eliminate it.

The difference between a benefit and an amenity was discussed. LPA Member Sudduth felt that restaurants fell under special benefits. LPA Member Eckmann questioned whether all amenities fell under special benefits and LPA Member Sudduth responded that it was an amenity for the development if the public did not have access. A special benefit would be access for the public. LPA Member Boan brought up limiting access for 75 people who pay and LPA Member Sudduth felt that it was a very restrictive benefit and would throw it out of the benefit category.

The definition of blight was discussed. Principal Planner Frankel noted that the town had a process if blight referred to dilapidated buildings. LPA Member Eckmann suggested eliminating blight as a special or public benefit because it was part of the development agreement. LPA Member Dunlap discussed an economic benefit to the town after demolishing buildings.

Principal Planner Frankel responded that the developer had already agreed to clean up the property at that point in the development agreement process. LPA Member Dunlap discussed financial motivations and loss carried forward. He addressed the tax implications and benefits if the owner decided to leave the property damaged and unimproved versus scraping the property and making the land taxable without being able to claim losses against the damaged building. The LPA decided to leave that alone.

LPA Member Dunlap suggested putting numbers around what developers consider benefits. For example, the land Margaritaville donated would have a financial value to quantify it. LPA Member Sudduth added that civic organizations were looking for funding to rebuild. Town Attorney Stuparich stated that due to a recent statutory change, land use decisions would be included in a business impact estimate and that requirement might answer some of the questions presented. LPA Member Sudduth questioned whether Seagate purchasing the not-for-profit art association property across the street would be contract zoning. Town Attorney Stuparich did not think the town was involved in that. Chair Cereceda asked whether there was something they could formulate as criteria. Principal Planner Frankel was

uncomfortable with defining the type of developers they wanted. The projects should be judged only on their merits. LPA Member Dunlap indicated that the Chamber of Commerce in Orlando was responsible for community outreach to potential businesses. Town Attorney Stuparich thought they could require community outreach meetings. LPA Member Sudduth asked whether Seagate's offering space in his building for a civic organization in perpetuity like the Art Association was a special benefit. LPA members agreed because it was rebuilding the community instead of one project.

Senior Planner Smalley mentioned quantifying parks and asked whether too many parks would decrease the value. Chair Cereceda commented that a passive park did not have a revenue stream and wondered if that negatively impacted the town.

Examples of public benefits provided by LPA Member Boan were discussed and examples of a permanent source of periodic funding for town infrastructure were provided. Principal Planner Frankel noted it had to have a direct nexus if required.

LPA Member Boan stated the development agreement was negotiated before the LPA saw it. LPA Member Dunlap was used to a town manager having a list of items that needed to be in negotiations and then addressing how the negotiations were added. Town Attorney Stuparich indicated that consistency with the comprehensive plan was vital to the development agreements.

Chair Cereceda stated that a public benefit was accessible to or for the benefit of all and unique in its nature or physical location for a perpetual commitment to Fort Myers Beach, as stated in LPA Member Dunlap's document. Town Attorney Stuparich will quantify the discussion and draft a document for their review on November 12, 2024.

X. LPA MEMBERS ITEMS/REPORTS

No items.

XI. LPA ATTORNEY ITEMS/REPORTS

No items.

XII. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XIII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIV. ADJOURNMENT

LPA Member Dunlap moved to adjourn the meeting, seconded by LPA Member Sudduth.

The motion carried unanimously.

The meeting was adjourned at 11:24.