



Fort Myers Beach Local Planning Agency

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

Agenda

Tuesday, June 10, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. APPROVAL OF MINUTES

A. Local Planning Agency - May 13, 2025

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. SEZ20250046, 6425 Estero Blvd., (Beach Theater)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250046 TO ALLOW 1) CONSUMPTION ON PREMISES (COP) OUTDOORS WITHIN 500 FEET OF DWELLING UNITS; 2) NEW OUTDOOR ENTERTAINMENT IN THE COMMERCIAL BOULEVARD (CB) ZONING DISTRICT; 3) NEW LIVE ENTERTAINMENT IN THE CB ZONING DISTRICT; AND 4) NEW OUTDOOR SEATING THAT IS OPEN AFTER SUNSET IN THE CB ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6425 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000; AND PROVIDING FOR AN EFFECTIVE DATE.

B. VAR20250047, 6425 Estero Blvd. (Beach Theater)

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE APPLICATION VAR20250047 FOR THE PROPERTY AT 6425 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000 IN FORT MYERS BEACH FOR A VARIANCE TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 115 TO 33 PARKING SPACES AND A BICYCLE RACK FOR A RESTAURANT, COCKTAIL BAR AND ENTERTAINMENT AREA; PROVIDING FOR

SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

- C. CPD20250008; 7225 Estero Blvd, (Fishtale Marina)
AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING AN AMENDMENT AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. ADMINISTRATIVE AGENDA

IX. LPA MEMBERS ITEMS/REPORTS

X. LPA ATTORNEY ITEMS/REPORTS

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XII. ITEMS FOR NEXT MONTHS AGENDA (NO JULY MEETING)

XIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

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

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



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



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, May 13, 2025

9:00 AM

DRAFT

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 29, 2025

LPA Member Boan 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. Town Clerk Baker confirmed that all agenda items were properly noticed. She swore in those providing testimony.

A. Salty Crab Restaurant CPD

1154 Estero Blvd.: AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH

CONDITIONS/DENYING TO REZONE THE PROPERTY LOCATED AT 1154 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00011.0000 IN FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED (CPD) TO ALLOW FOR A) AN INCREASE IN FLOOR AREA RATIO FROM 1.2 TO 1.96; B) DECREASE STREET SETBACK FROM 10 FEET TO 0 FEET; C) DECREASE SIDE SETBACKS FROM 20 FEET TO 0 FEET; D) A 100% REDUCTION IN PARKING REQUIREMENTS FROM 58 SPACES TO 0 SPACES; E) INCREASED SIGNAGE FROM 32 SF TO 94.6 SF AND E) CONDITIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the ordinance. Ex parte communications: LPA Members Eckmann, Boan and McLean had meetings with Mr. Drovdlc. Chair Cereceda had a conversation with Mr. Drovdlc last year. No disclosures from other members.

Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the yellow sheet. The staff recommended approval with conditions.

Fred Drovdlc, planner, represented the applicant. Greg Walden, an architect from BDG Architects, reviewed his experience.

LPA Member Dunlap moved to accept Mr. Walden as an expert in his field, seconded by LPA Member Plummer.

The motion carried unanimously.

Jimi Pendley, BDG Architects project manager, reviewed his experience.

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

The motion carried unanimously.

Diego Rodriguez, civil engineer, reviewed his experience.

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

The motion carried unanimously.

Mr. Drovdlc utilized PowerPoint for the presentation. Slides included: Request, Location, The Past, The Future, Estero Blvd. Details, Crescent Park Details, Abutting Margaritaville, Beach Side Details, Master Concept Plan, Building Height and Stories, Floor Area Ratio, Deviations, Parking, Sign Area, LDC Compliance, Comprehensive Plan Consistency, Key Points and Conclusion.

LPA Member Plummer asked how the building would be constructed in the small space. LPA Member Boan wondered whether there would be a gap between the awnings of Margaritaville and the Salty Crab building. Mr.

Walden responded that the awnings were not encroaching and they were coordinating with Margaritaville. Regarding construction, they were working with several contractors and investigating off-site staging. LPA Member Eckmann brought up the possibility of temporary construction easements.

Principal Planner Frankel stated they would have to work with the county if

they wanted to add awnings to the side of the building. Mr. Walden noted they would like outside seating for the ice cream shop. They were having conversations with the county regarding opportunities for delivery trucks. LPA Member Dunlap suggested talking to Margaritaville about a joint operating agreement on delivery sites.

No public comment.

Principal Planner Frankel started to review the findings, conclusions and requirements of the Land Development Code (LDC). Chair Cereceda asked if she had to read the portion on pages five through eight. Town Attorney Stuparich agreed that the LPA could indicate that they reviewed her report and had no questions. LPA members read the report and had no questions regarding the findings and conclusions. Principal Planner Frankel provided a summary.

LPA Member Plummer brought up setting a precedent if the larger sign was approved. LPA members commented it was site-specific with unique features and faced a public park.

LPA Member Plummer moved to approve the ordinance with conditions and deviations, as it meets the findings and conclusions, and includes a strong recommendation to Lee County to provide an appropriately sized parking structure within Crescent Park consistent with the historical pre-lan design, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

B. Estero Island Beach Club Timeshare CPD

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING TO REZONE THE PROPERTY LOCATED AT 1836 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-03200.00CE & 19-46-24-W4-03200.1010, TO REZONE FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) AND REQUEST FOUR (4) DEVIATIONS FROM REQUIREMENTS TO PROVIDE; 1) OPERABLE DOORS ALONG ESTERO BLVD, 2) SCREENING MATERIAL ON THE GROUND FLOOR, 3) INCREASE BUILD-TO LINE SETBACKS, AND 4) INCREASE THE MAXIMUM ALLOWED HEIGHT BY 18-FEET; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ex parte communications: LPA members McLean, Boan and Eckmann met with Mr. Drovdic. No disclosures from other members. Chair Cereceda read the title of the ordinance.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. The staff recommended approval with conditions.

Amy Thibaut, attorney with Roetzel & Andress, utilized PowerPoint for the presentation. Slides included: The Team, Request, Zoning History, History & Existing Conditions, The Past, Rendering on Estero Blvd., Aerial Rendering,

Design Revisions, Building Height & Stories, Floor Area Ratio, Prospective from Estero Blvd., Master Concept Plan, Development Waterward of CCCL, Conceptual Landscape Plan, Deviations, LDC Compliance, Comprehensive Plan Consistency, Public Benefits, Owner & Visitor Impact and Conclusions. Jim Murley, President of the EIBC Board, described the owners of the units, the past three years, lost members and the future.

LPA Member Dunlap clarified that there would be a turnaround on Miramar. Mr. Drovdlc stated that all units would be 842 square feet. LPA Member asked whether they could incorporate a bench close to the beach. Mr. Drovdlc replied that it would be good next to the bike rack.

No public comment.

LPA Member McLean commended the applicant for going through the entire process.

LPA Member Boan moved to approve the ordinance, adopting the findings and conditions outlined in the staff report, along with the conditions and finding that the deviations are acceptable and the conceptual landscape plan should be adopted as conditions of approval, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

A. Public Notice

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

Chair Cereceda read the title of the ordinance. Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. She described three categories of notices and noted that the big change was that the applicant was now required to do the noticing. A discussion was held regarding providing a template for applicants to use. LPA Member Dunlap asked whether staff would make special exceptions to come before the LPA if the applicants could not complete the noticing process in the event of a storm. Principal Planner Frankel replied that noticing was a courtesy right now, but this ordinance took out the language. She suggested they make the rules very clear. LPA Member Boan asked about using non-legal language in the notices. Town Attorney Stuparich will work with Principal Planner Frankel on the details.

LPA Member Boan moved to recommend the ordinance as it is consistent

with the comprehensive plan and promotes the policies in the LDC, seconded by LPA Member Eckmann.

The motion carried unanimously.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member McLean suggested they review the development agreements and all members agreed. Town Attorney Stuparich noted that SB180 was coming and would be an extension of SB250 if signed. Modifying the development agreements to make them more restrictive would not be allowed. If SB180 does get signed, it will be effective July 1, 2025.

Chair Cereceda brought up adding renderings and 3D images for developments on the website so people could see the projects. Principal Planner Frankel described in-house GIS capabilities for development status mapping. LPA Member Dunlap brought up how Lee County provided visualization and upkeep when Estero Blvd. was being rebuilt and noted that the details were invaluable for the town. Principal Planner Frankel will forward information regarding systems used by other towns.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

Fish Tale and variances.

XIII. ADJOURNMENT

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

The meeting adjourned at 12:21 p.m.

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

Yellow Sheet Number: **2025-456**

1. Request:

Meeting Date: June 10, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250046 TO ALLOW 1) CONSUMPTION ON PREMISES (COP) OUTDOORS WITHIN 500 FEET OF DWELLING UNITS; 2) NEW OUTDOOR ENTERTAINMENT IN THE COMMERCIAL BOULEVARD (CB) ZONING DISTRICT; 3) NEW LIVE ENTERTAINMENT IN THE CB ZONING DISTRICT; AND 4) NEW OUTDOOR SEATING THAT IS OPEN AFTER SUNSET IN THE CB ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6425 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

LPA makes recommendation for special exceptions for Town Council's consideration.

What the action accomplishes:

Approval of the special exceptions will allow 1) consumption on premises (cop) outdoors within 500 feet of dwelling units, with 2) new outdoor entertainment in the commercial boulevard (CB) zoning district, and 3) new live entertainment in the CB zoning district, and 4) new outdoor seating that is open after sunset in the CB zoning district.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The property at 6425 Estero Blvd was previously a movie theater with food service. The applicant is proposing the redevelopment of the property as a restaurant and bar on the second floor, first level above the required flood elevation, and a bar with games and entertainment area on the open ground floor, that previously provided under-building parking. The second story above flood will be used for storage and office space. No substantive changes are proposed to the parking lot adjacent to the building, which previously contained 34 spaces and will be slightly modified to provide 2 ADA parking spaces and a total of 33 spaces.

The application is proposing several changes to the building exterior. Exterior improvements include: a deck with shade structure for restaurant seating on the first level above flood, that extends toward Estero Blvd by approximately 15 feet, a wall along the rear of the building on the first floor to block sounds and light from the bar and entertainment area to the adjacent single-family residential property, a type C buffer with a fence along the property line adjacent to the single family residential property, and landscaping.

This special exception application is accompanied by a Variance application for a reduction in the number of required parking spaces.

Attachments:

1. Final Resolution 25-XX (1)
2. Resolution Exhibit A: Special Exception Review Criteria and Findings
3. Staff Report
4. Staff Report Exhibit A Site Plan

5. Staff Report EXHIBIT B Schedule of uses
6. Staff Report Exhibit C Findings
7. Staff Report Exhibit D 500-ft property map

Financial Impact:

Unknown

6. Alternative Action

Deny/ approve with conditions Special Exception for COP

Deny/ approve with conditions Special Exception for new Outdoor Entertainment

Deny/ approve with conditions Special Exception for new Live Entertainment

Deny/ approve with conditions Special Exception for Outdoor Seating after dark

7. Staff Recommendations:

Approve Special Exception for COP

Deny Special Exception for new Outdoor Entertainment

Approve Special Exception for new Live Entertainment

Approve Special Exception for Outdoor Seating after dark

8. Recommended Approval:

_____	Date: June 04, 2025
Judith Frankel, Principal Planner	
_____	Date: June 04, 2025
Georgina Cid, Community Development Manager	
_____	Date: June 04, 2025
Frankie Kropacek, Community Development Director	
_____	Date: June 04, 2025
nancy stuparich, Town Attorney	
_____	Date: June 04, 2025
Amy Baker, Town Clerk	

RESOLUTION NUMBER 25-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250046 TO ALLOW 1) CONSUMPTION ON PREMISES (COP) OUTDOORS WITHIN 500 FEET OF DWELLING UNITS; 2) NEW OUTDOOR ENTERTAINMENT IN THE COMMERCIAL BOULEVARD (CB) ZONING DISTRICT; 3) NEW LIVE ENTERTAINMENT IN THE CB ZONING DISTRICT; AND 4) NEW OUTDOOR SEATING THAT IS OPEN AFTER SUNSET IN THE CB ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6425 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000; 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, Applicant The Neighborhood Company, on behalf of the property owner, 6425 Estero LLC, is requesting four uses that require approval of a special exception:

- 1) Consumption on Premises (COP) outdoors within 500 feet of dwelling units
- 2) New outdoor entertainment in the Commercial Boulevard (CB) zoning district
- 3) New live entertainment in the CB zoning district
- 4) New outdoor seating that is open after sunset in the CB zoning district; and

WHEREAS, the STRAP number for the subject property is 34-46-24-W4-00046.0000; and

WHEREAS, the Property is located in the “Boulevard” category of the Future Land Use Map of the Comprehensive Plan and the “Commercial Boulevard” 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 June 10, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA voted ___ - ___ to recommend approval of the special exception request; and

WHEREAS, on August 4, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the Land Development Code (“LDC”); and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

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

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested special exceptions do/ do not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the special exceptions is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the special exceptions as described herein.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council has considered the following criteria set forth in Section 34-88 of the LDC for each of the requested approvals as stated in more detail in Exhibit A:

- A. Whether there exist changed or changing conditions which make approval of the request appropriate.
- B. The testimony of any applicant.
- C. The recommendation of staff and of the local planning agency.
- D. The testimony of the public.
- E. Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- F. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- G. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- H. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- I. Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

Section 4. The following conditions of approval shall apply to all requested special exceptions:

1. All music and entertainment on the property will be in compliance with the Town's noise

regulations.

2. Hours of amplified music will be limited from 11 AM to 9 PM on weekdays and from 11 AM to 10 PM on Weekends.
3. No consumption of alcohol shall be permitted outside the entertainment and seating area, as depicted on the plan attached.
4. Games in the entertainment area cannot include loud electronic beeping, ringing, or buzzing.
5. The development must comply with the LDC sea turtle conservation requirements.
6. Redevelopment of the dock must receive an approved LDO or DO as determined by the Community Development Department.
7. The dumpster enclosure shall be refurbished, in coordination with the solid waste carrier, to allow closure of the doors. Solid waste pickup shall be provided six days a week (excluding Sundays).
8. Any violation of the conditions of approval shall render the special exception null and void.

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

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

ADOPTED this ___th day of August 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Nancy Stuparich, Town Attorney

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

ATTACHMENTS

Exhibit A –

1. Findings for Consumption on Premises (COP) outdoors within 500 feet of dwelling units
2. Findings for outdoor entertainment in the Commercial Boulevard (CB) zoning district
3. Findings for new live entertainment in the CB zoning district
4. Findings for new outdoor seating that is open after sunset in the CB zoning district

Exhibit A: Findings of Specific Special Exception requests

Resolution 25-xx

SEZ20250046

Evaluation of each special exception request per LDC criteria.

#1 Special Exception for COP: The code requires that all a bar or cocktail lounge use, within 500 feet of residences and outdoor bar or lounge space within 500 feet of residences, receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor bar space would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The COP use will not create noise, vibration, smoke, dust, or lighting glare. The special exception request is required due to the locational standards of not being located within 500 feet of a residence.

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

The proposed COP is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 addition of a solid wall at the rear of the building, adjacent to the residential uses should reduce any impact to nearby residences. The applicant is also abiding by the Type C buffer requirement that includes 15 feet of landscaping and a solid fence.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed COP requires a special exception in the CB zoning district.

The Special Exception for a COP outdoors and within 500 feet of residences **does meet** the criteria found in Section 34-88.

#2 Special Exception for outdoor entertainment: The code requires that any new outdoor entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider outdoor entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor entertainment may not be appropriate in this location. If music or amplified entertainment is too loud or at inappropriate times, could cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor entertainment in the CB zoning district **does not meet** the criteria found in Section 34-88. Outdoor entertainment may have nuisance impacts on adjacent properties.

#3 Special Exception for live entertainment: The code requires that any new live entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed live entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider live entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The live entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. Additionally, live entertainment indoors would create very little noise. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed live entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed live entertainment, if it is too loud or at inappropriate times, could cause nuisance. If the live entertainment were contained inside the building it would not have a detrimental impact on adjacent uses.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If live entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new live entertainment in the CB zoning district **does meet** the criteria found in Section 34-88. The reason that outdoor entertainment does not meet the criteria and live entertainment does meet the criteria is because live entertainment could be provided indoors and have almost no impact on surrounding properties.

#4 Special Exception for outdoor seating: The code requires that any new outdoor seating that is open after dark in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor seating would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor seating use will not create excessive noise, or vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor seating is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor seating should not cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor seating after dark were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor seating that is open after dark in the CB zoning district **does meet** the criteria found in Section 34-88.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Special Exceptions & Variance

CASE NUMBER: SEZ20250046 & VAR20250047

CASE NAME: 6425 Estero Blvd

SEZ: 1) Consumption on Premises (COP) outdoors within 500 feet of dwelling units, and 2) New outdoor entertainment in the Commercial Boulevard (CB) zoning district, and 3) New live entertainment in the CB zoning district, and 4) New outdoor seating that is open after sunset in the CB zoning district.

VAR: 1) Sec. 34-2020(b)(2) from the requirement to provide additional parking spaces that are necessary for a change of use, and 2) Sec. 34-2020(d)(2)(h) from the minimum required parking spaces for a restaurant, and 3) Sec. 34-2020(d)(2)(h)2. from the minimum required parking spaces for a bar.

LPA

HEARING DATE: June 10, 2025 at 9:00 AM

STAFF

RECOMMENDATION: **Approve** Special Exception for COP
Deny Special Exception for new Outdoor Entertainment
Approve Special Exception for new Live Entertainment
Approve Special Exception for Outdoor Seating after dark
Deny Variance for Parking Reduction

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

I. APPLICATION SUMMARY

Applicant/Owner: The Neighborhood Company/Estero 4148 LLC

Request: A special exception to allow a bar within 500 feet of residences, and new outdoor entertainment, new live entertainment, and new outdoor seating past sunset in

the CB zoning district, AND a variance from the parking requirements to provide 33 parking spaces for the new use.

Subject property: See attached site plan

Physical Address: 6425 Estero Blvd.

STRAP #: 34-46-24-W4-00046.0000

FLU: Mixed Residential

Zoning: Commercial Boulevard (CB)

Adjacent zoning and land uses:

North(northwest): Commercial Boulevard (CB)/Boulevard
(previously Charley's Boathouse)

South (southeast): Commercial Resort (CR)/Mixed Residential

East (northeast): Residential Single family (RS)/ Low Density

West (southwest): Residential Multi-family (RM)/ Mixed Residential

II BACKGROUND AND ANALYSIS

Background:

The property at 6425 Estero Blvd was previously a movie theater with food service. The applicant is proposing the redevelopment of the property as a restaurant and bar on the first level above flood and a bar with games and entertainment area on the open ground floor, that previously provided under building parking. The second story above flood will be used for storage and office space. No substantive changes are proposed to the parking lot adjacent to the building, which previously contained 34 spaces and will be slightly modified to provide 2 ADA parking spaces and a total of 33 spaces.

The application is proposing several changes to the building exterior. Exterior improvements include: a deck with shade structure for restaurant seating on the first level above flood, that extends toward Estero Blvd approximately 15 feet, a wall along the rear of the building on the first floor to block sounds and light from the bar and entertainment area to the adjacent single-family residential property, a type C buffer with a fence along the property line adjacent to the single family residential property, and landscaping.

Analysis:

The applicant is requesting a total of four special exceptions for new uses on the property and three variances to allow the proposed uses without meeting the parking requirements found in 34-2020. The building modifications do not require variances or

special exceptions. The building is currently nonconforming for CB zoning district setbacks which require a build-to line of 5-10 feet from Estero Blvd, and a setback from Egret of 10 feet. The proposed deck will decrease the nonconforming Estero Blvd build-to requirement.

Special Exception for COP: The code requires that all a bar or cocktail lounge use, within 500 feet of residences and outdoor bar or lounge space within 500 feet of residences, receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor bar space would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The COP use will not create noise, vibration, smoke, dust, or lighting glare. The special exception request is required due to the locational standards of not being located within 500 feet of a residence.

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

The proposed COP is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 addition of a solid wall at the rear of the building, adjacent to the residential uses should reduce any impact to nearby residences. The applicant is also abiding by the Type C buffer requirement that includes 15 feet of landscaping and a solid fence.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed COP requires a special exception in the CB zoning district.

The Special Exception for a COP outdoors and within 500 feet of residences **does meet** the criteria found in Section 34-88.

Special Exception for outdoor entertainment: The code requires that any new outdoor entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider outdoor entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor entertainment may not be appropriate in this location. If music or amplified entertainment is too loud or at inappropriate times, could cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor entertainment in the CB zoning district **does not meet** the criteria found in Section 34-88. Outdoor entertainment may have nuisance impacts on adjacent properties.

Special Exception for live entertainment: The code requires that any new live entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed live entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider live entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The live entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. Additionally, live entertainment indoors would create very little noise. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed live entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed live entertainment, if it is too loud or at inappropriate times, could cause nuisance. If the live entertainment were contained inside the building it would not have a detrimental impact on adjacent uses.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If live entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new live entertainment in the CB zoning district **does meet** the criteria found in Section 34-88. The reason that outdoor entertainment does not meet the criteria and live entertainment does meet the criteria is because live entertainment could be provided indoors and have almost no impact on surrounding properties.

Special Exception for outdoor seating: The code requires that any new outdoor seating that is open after dark in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor seating would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

Whether the request meets or exceeds all performance and locational standards set forth

for the proposed use.

The outdoor seating use will not create excessive noise, or vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor seating is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor seating should not cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor seating after dark were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor seating that is open after dark in the CB zoning district **does meet** the criteria found in Section 34-88.

Variances for Parking: Section 34-2020(b)(2) requires that new uses in a building must provide code required parking, Section 34-2020(d)(2)(h) requires restaurants to provide eight spaces per 1,000 square feet of total floor area plus outdoor seating area, Section 34-2020(d)(2)(h) 2. Requires bars to provide 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, plus outdoor seating area. The Applicant proposes a single variance from Section 34-2020 to provide 33 automobile parking spaces, 2 bicycle racks, and 4 golf cart parking spaces where the code would require 115 parking spaces.

The applicant suggests that due to the previous use of movie theater, the space does not readily calculate to restaurant space and that the large square footage is not commensurate with the code required number of parking spaces. While this seems to be a legitimate argument, staff feels that the proposed number of parking spaces may not be adequate for the number of proposed dining room seats, bar seats, and bar seating and entertainment area on the ground floor. The number of proposed parking spaces equates to a single parking space for each table currently shown on the 2nd floor dining room plan.

Section 34-87 required variance findings:

*(1) 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 parking lot adjacent to the building is existing and it would not be possible to add parking spaces to that parking lot without a substantial cost. However, parking places existed under the building previously and that area will be utilized for a bar, seating and entertainment.

*(2) 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 building previously had parking spaces on the ground floor. The proposed new use of outdoor entertainment and bar will utilize a portion of the previous parking area.

*(3) That 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 in question to his property;*

The request is the minimum variance necessary to allow the proposed layout of the property.

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

The lack of parking on site may result in people parking where they are not allowed. They may park along Curlew St or Egret St or in the condominium parking lots across Estero Blvd from the proposed use.

*(5) 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.*

Staff recognizes that the parking code is in need of updating. However, the reduction being requested may be more than is appropriate without some mitigation such as valet parking.

The Variance from Section 34-2020 for a reduction in the number of required parking spaces **does not meet** the criteria found in Section 34-87.

II. RECOMMENDATION

Based on the code requirements for Special Exceptions found in Section 34-88, staff recommends:

- Approval of the Special Exception for COP,
- Denial of the Special Exception for Outdoor Entertainment,
- Approval of the Special Exception for Live Entertainment, and
- Approval of Special Exception for Outdoor Seating after dark

Based on the code requirements for Variances found in Section 34-87, staff recommends:

- Denial of Variance for Parking Reduction

III. CONDITIONS OF APPROVAL

1. All music and entertainment on the property will be in compliance with the Town's noise regulations.
2. Hours of amplified music will be limited from 11 AM to 9 PM on weekdays and from 11 AM to 10 PM on Weekends.
3. No consumption of alcohol shall be permitted outside the entertainment and seating area, as depicted on the plan attached.
4. Games in the entertainment area cannot include loud electronic beeping, ringing, or buzzing.
5. The development must comply with the LDC sea turtle conservation requirements.
6. Redevelopment of the dock must receive an approved LDO or DO as determined by the Community Development Department.
7. The dumpster enclosure shall be refurbished, in coordination with the solid waste carrier, to allow closure of the doors. Solid waste pickup shall be provided six days a week (excluding Sundays).
8. Any violation of the conditions of approval shall render the special exception null and void.

A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

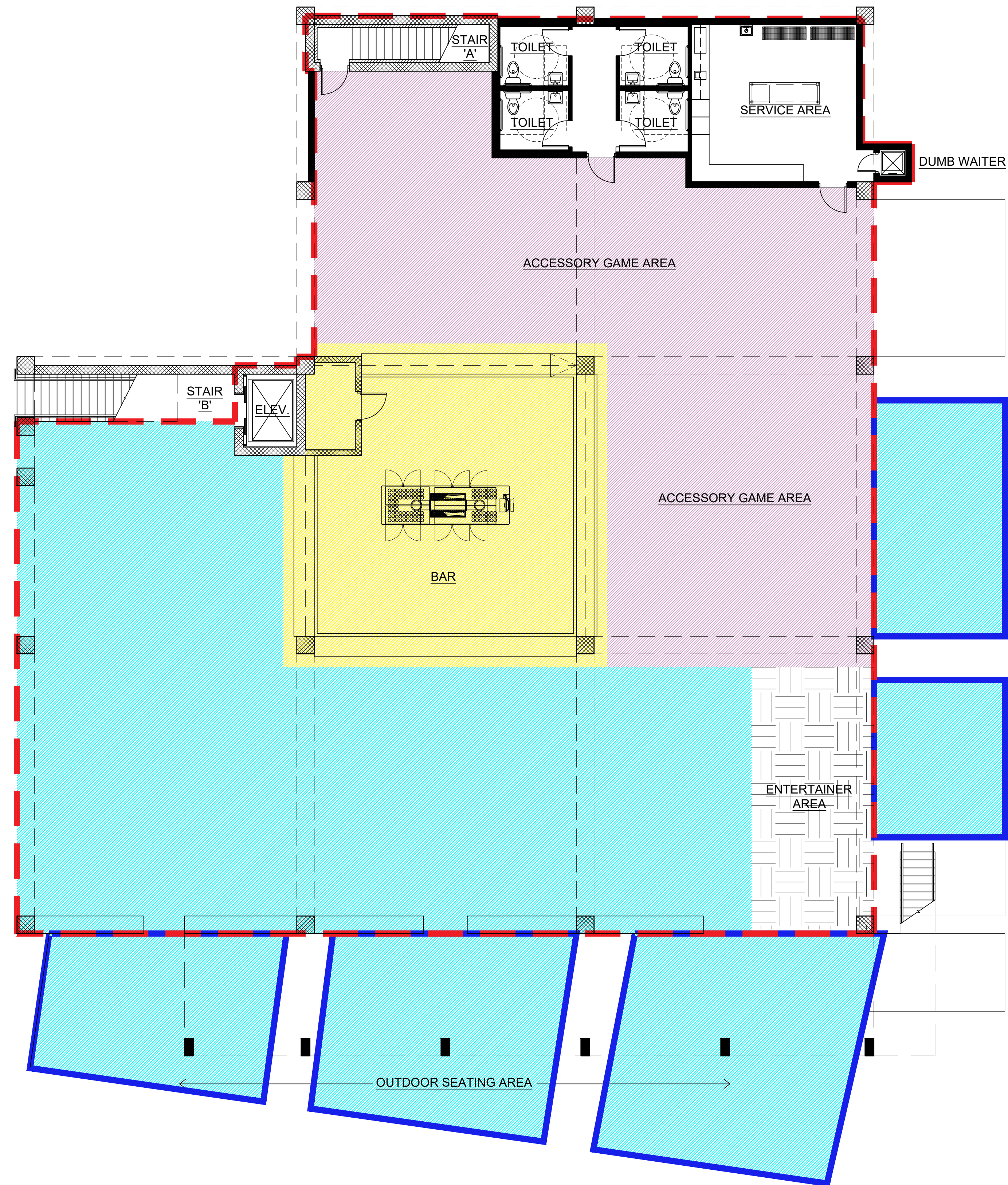
DATE ISSUED: 17 APRIL 2025

REVISIONS:

SHEET

D1

OF 4



ACCESSORY GAME AREA = 2,613 SQ. FT.

BAR = 1,336 SQ. FT.

RESTAURANT (INDOOR NOT INC. BAR AND STAGE) = 3,395 SQ. FT.

RESTAURANT (OUTSIDE) = 2,496 SQ. FT.

INDICATES GROSS FLOOR AREA = 8,764 SQ. FT.

A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET
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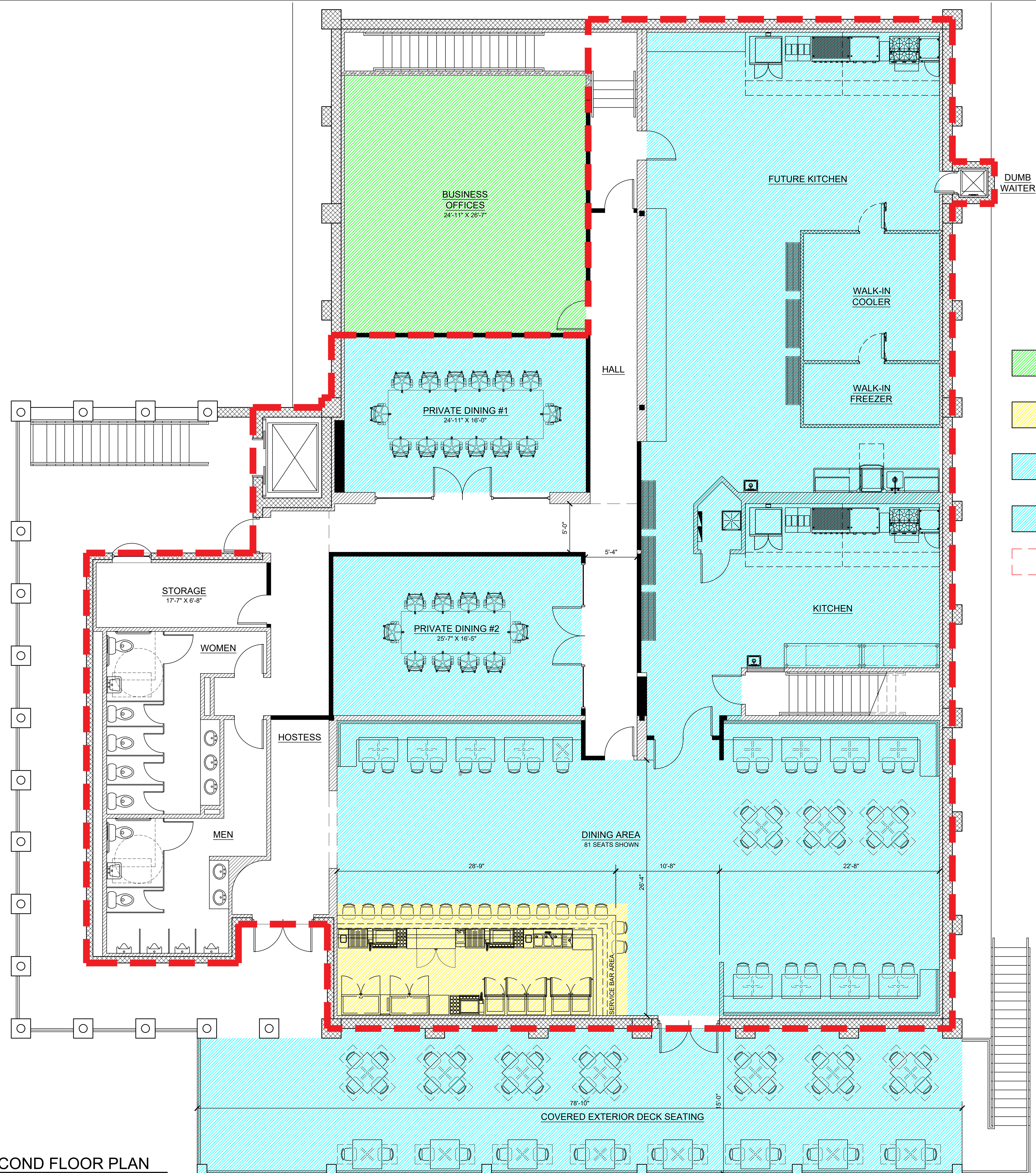
DATE ISSUED: 17 APRIL 2025

REVISIONS:

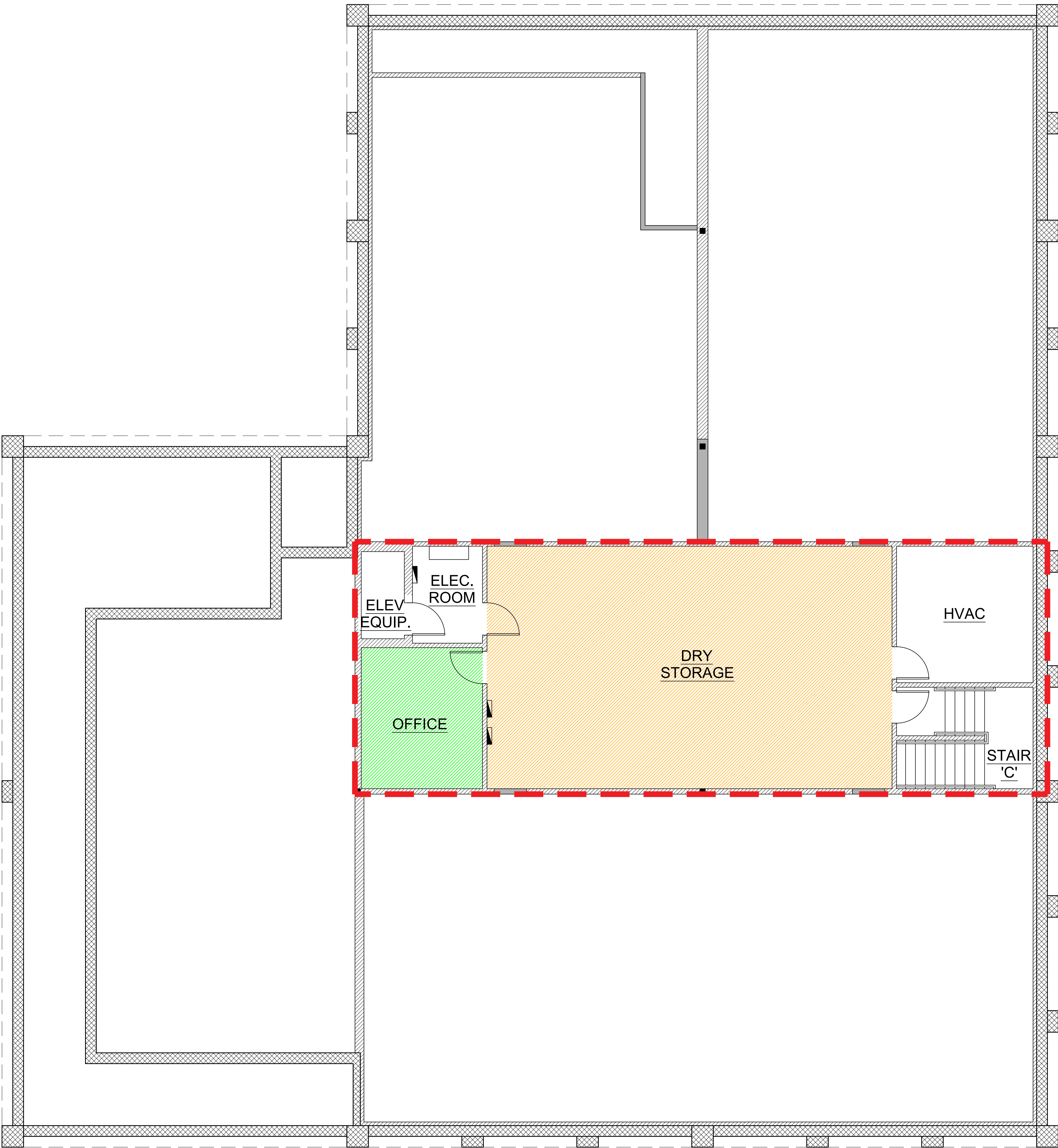
SHEET

D2

OF 4



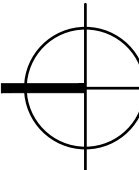
- OFFICE = 662 SQ. FT.
- BAR = 345 SQ. FT.
- RESTAURANT (INDOOR NOT INC. BAR) = 4,377 SQ. FT.
- RESTAURANT (OUTSIDE) = 1,156 SQ. FT.
- INDICATES RESTAURANT GROSS FLOOR AREA = 6,969 SQ. FT.



OFFICE = 147 SQ. FT.

STORAGE = 846 SQ. FT.

INDICATES GROSS FLOOR AREA = 1,505 SQ. FT.

NORTH  EXISTING MEZZANINE PLAN

SCALE: 3/16" = 1'-0"

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A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
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CONSTRUCTION

DATE ISSUED: 17 APRIL 2025

REVISIONS:

SHEET

D3

OF 4



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A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD

FORT MYERS BEACH, FLORIDA

CONSULTANT:

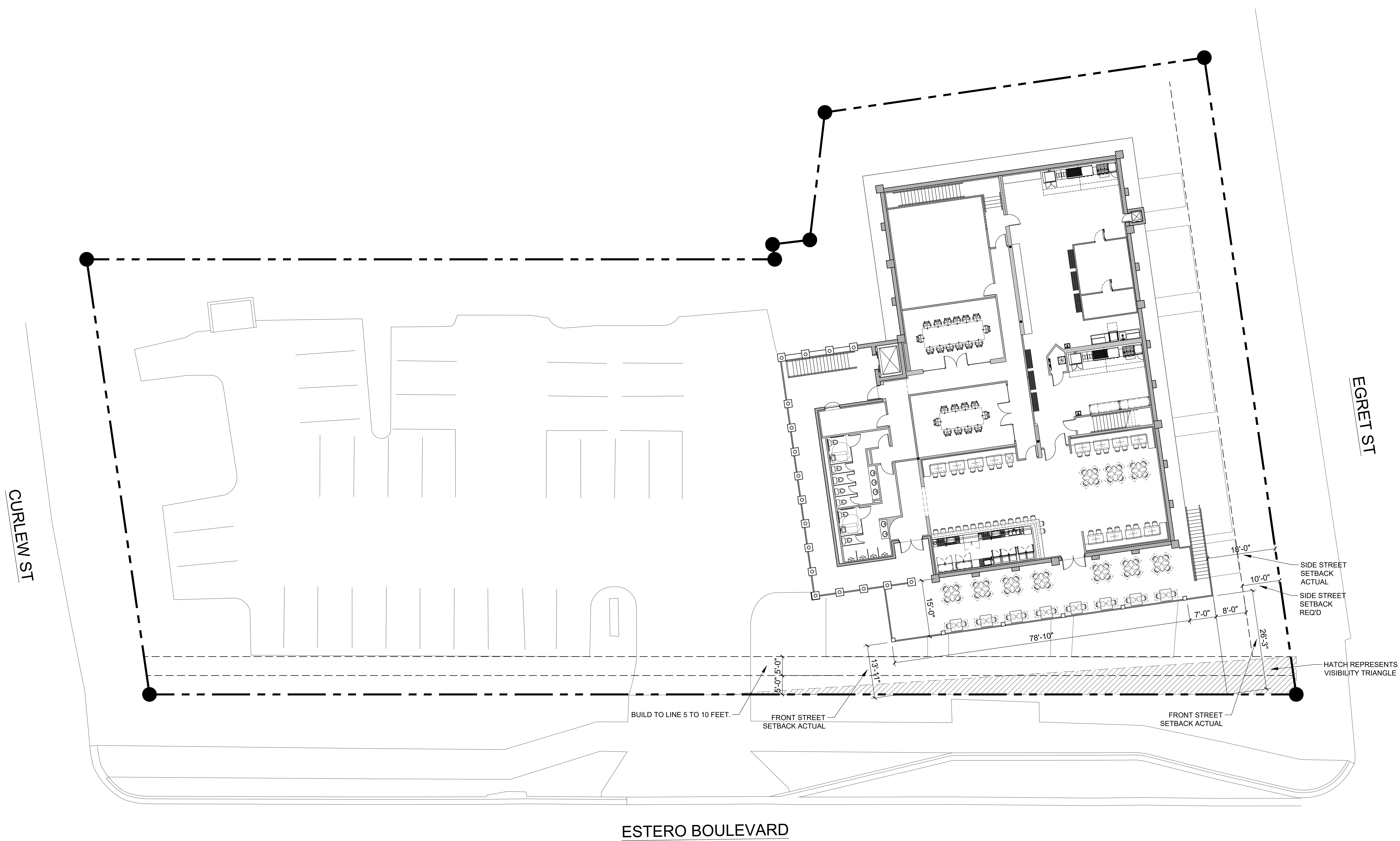
ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

DATE ISSUED: 17 APRIL 2025

REVISIONS:



From: [Kappes, Kenton](#)
To: [Laura Tefft](#)
Cc: [NickB@stevensbuilds.com](#); [Pat Vanasse](#)
Subject: FW: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance
Date: Wednesday, April 30, 2025 12:39:01 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Laura, below is the response from operations regarding PU of the containers at the theater which would not be an issue with the current layout.

Thanks,

Kenton Kappes

Construction Service Account Manager

Waste Management Inc. of Florida

kkappes@wm.com

Servicing Collier, Lee and Charlotte counties

C: 239-253-6350

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SIGNUP FOR ONLINE ACCOUNT ACCESS see link <https://www.wm.com/us/en/user/register>

*ETA, SCHEDULE, ACCOUNT UPDATES, and more

Learn more about the Greenest Show On Grass at <https://www.wm.com/us/en/inside-wm/phoenix-open/sustainability-report>



From: Arrieta, Roberto <rarriet1@wm.com>

Sent: Wednesday, April 30, 2025 12:26 PM

To: Butler, Isaac <ibutler@wm.com>; Kappes, Kenton <kkappes@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>

Subject: RE: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Hello team,

There are no issues with picking this up as long as the enclosure is not blocked. Thank you.

Roberto Arrieta

Residential Route Manager

Ft Myers Hauling

rarriet1@wm.com

T : 239.253.8873

11990 FL-82

Fort Myers, FL. 33913



From: Butler, Isaac <ibutler@wm.com>

Sent: Friday, April 25, 2025 1:00 PM

To: Kappes, Kenton <kkappes@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>; Arrieta, Roberto <rarriet1@wm.com>

Subject: RE: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

I believe the can sat in that location for all these years. I'll have Roberto look into it and confirm. But we do not have any letter that I know of that would be sent out.

Ron?

Roberto,

See below. Please confirm we had no issues prior to Ian at this location.

Thanks.



ISAAC BUTLER

District Ops Manager

Ft Myers Hauling

ibutler@wm.com

C : 813.451.9221

11990 FL-82

Fort Myers, FL. 33913



From: Kappes, Kenton <kkappes@wm.com>

Sent: Friday, April 25, 2025 12:47 PM

To: Butler, Isaac <ibutler@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>

Subject: FW: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Afternoon Isacc, do we have letter that we send out confirming that this location is accessible to service by our truck? Looks like we have been servicing this since 2011

W2H-319 BEACH THEATER LLC 6425 ESTERO BLVD

Thanks,

Kenton Kappes

Construction Service Account Manager

Waste Management Inc. of Florida

kkappes@wm.com

Servicing Collier, Lee and Charlotte counties

C: 239-253-6350

Access WM 24/7 with [MyWM](#)

SIGNUP FOR ONLINE ACCOUNT ACCESS see link <https://www.wm.com/us/en/user/register>

*ETA, SCHEDULE, ACCOUNT UPDATES, and more

Learn more about the Greenest Show On Grass at <https://www.wm.com/us/en/inside-wm/phoenix-open/sustainability-report>



From: Laura Tefft <lt@theneighborhood.company>

Sent: Friday, April 25, 2025 12:26 PM

To: Kappes, Kenton <kkappes@wm.com>

Cc: NickB@stevensbuilds.com; Pat Vanasse <pv@theneighborhood.company>

Subject: [EXTERNAL] 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Kenton,

Thank you for taking my call earlier today. As a follow-up to our conversation, I am working with Stevens Construction and the property owners for the project located at 6425 Estero Boulevard. This project is a remodel of the existing Fort Myers Beach Theater. I have enclosed a copy of the site plan and am providing a screen shot of an aerial view of the existing site.



As we are proceeding through the variance request process, we have received the following comment from the public works reviewer, "The dumpster location is positioned so that a garbage truck would not be able to turn around."

The existing location of the dumpster has been in existence and was previously serviced for years by Waste Management when the building was occupied by the theater. The proposed redevelopment of the project does not include alterations to this area of the site. Would it be possible for Waste Management to provide a letter addressing the review's comment? I understand that you may not be the person who could address this issue but if you could be so kind as to forward this email to the correct person or provide their contact information, I would be very grateful. I can be reached at 239-462-3452 should you have any questions. Thank you in advance for your assistance in this matter.

Sincerely,



THE NEIGHBORHOOD
COMPANY

-LAND PLANNING + DESIGN-
LAURA TEFFT, AICP

Land Use Planner
239.462.3452
www.theneighborhood.company

EXHIBIT B: Schedule of Uses

- 1) Consumption on Premises (COP) outdoors within 500 feet of dwelling units,
- 2) New outdoor entertainment in the Commercial Boulevard (CB) zoning district,
- 3) New live entertainment in the CB zoning district
- 4) New outdoor seating that is open after sunset in the CB zoning district

Exhibit C Code Required Findings

Special Exception for COP: The code requires that all a bar or cocktail lounge use, within 500 feet of residences and outdoor bar or lounge space within 500 feet of residences, receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor bar space would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The COP use will not create noise, vibration, smoke, dust, or lighting glare. The special exception request is required due to the locational standards of not being located within 500 feet of a residence.

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

The proposed COP is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 addition of a solid wall at the rear of the building, adjacent to the residential uses should reduce any impact to nearby residences. The applicant is also abiding by the Type C buffer requirement that includes 15 feet of landscaping and a solid fence.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed COP requires a special exception in the CB zoning district.

Exhibit C Code Required Findings

The Special Exception for a COP outdoors and within 500 feet of residences **does meet** the criteria found in Section 34-88.

Special Exception for outdoor entertainment: The code requires that any new outdoor entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider outdoor entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor entertainment may not be appropriate in this location. If music or

Exhibit C Code Required Findings

amplified entertainment is too loud or at inappropriate times, could cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor entertainment in the CB zoning district **does not meet** the criteria found in Section 34-88. Outdoor entertainment may have nuisance impacts on adjacent properties.

Special Exception for live entertainment: The code requires that any new live entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed live entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider live entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The live entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. Additionally, live entertainment indoors would create very little noise. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

Exhibit C Code Required Findings

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

The proposed live entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed live entertainment, if it is too loud or at inappropriate times, could cause nuisance. If the live entertainment were contained inside the building it would not have a detrimental impact on adjacent uses.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If live entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new live entertainment in the CB zoning district **does meet** the criteria found in Section 34-88. The reason that outdoor entertainment does not meet the criteria and live entertainment does meet the criteria is because live entertainment could be provided indoors and have almost no impact on surrounding properties.

Special Exception for outdoor seating: The code requires that any new outdoor seating that is open after dark in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor seating would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

Exhibit C Code Required Findings

The outdoor seating use will not create excessive noise, or vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor seating is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor seating should not cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor seating after dark were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor seating that is open after dark in the CB zoning district **does meet** the criteria found in Section 34-88.

Variances for Parking: Section 34-2020(b)(2) requires that new uses in a building must provide code required parking, Section 34-2020(d)(2)(h) requires restaurants to provide eight spaces per 1,000 square feet of total floor area plus outdoor seating area, Section 34-2020(d)(2)(h) 2. Requires bars to provide 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, plus outdoor seating area. Staff proposes a single variance from Section 34-2020 to provide 33 automobile parking spaces, 2 bicycle racks, and 4 golf cart parking spaces where the code would require 115 parking spaces.

Section 34-87 required variance findings:

*(1) 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 parking lot adjacent to the building is existing and it would not be possible to add parking spaces to that parking lot without a substantial cost. However, parking places existed under the building previously and that area will be utilized for a bar, seating and entertainment.

*(2) 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;*

Exhibit C Code Required Findings

The building previously had parking spaces on the ground floor. The proposed new use of outdoor entertainment and bar will utilize a portion of the previous parking area.

*(3) That 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 in question to his property;*

The request is the minimum variance necessary to allow the proposed layout of the property.

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

The lack of parking on site may result in people parking where they are not allowed. They may park along Curlew St or Egret St or in the condominium parking lots across Estero Blvd from the proposed use.

*(5) 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.*

Staff recognizes that the parking code is in need of updating. However, the reduction being requested may be more than is appropriate without some mitigation such as valet parking.

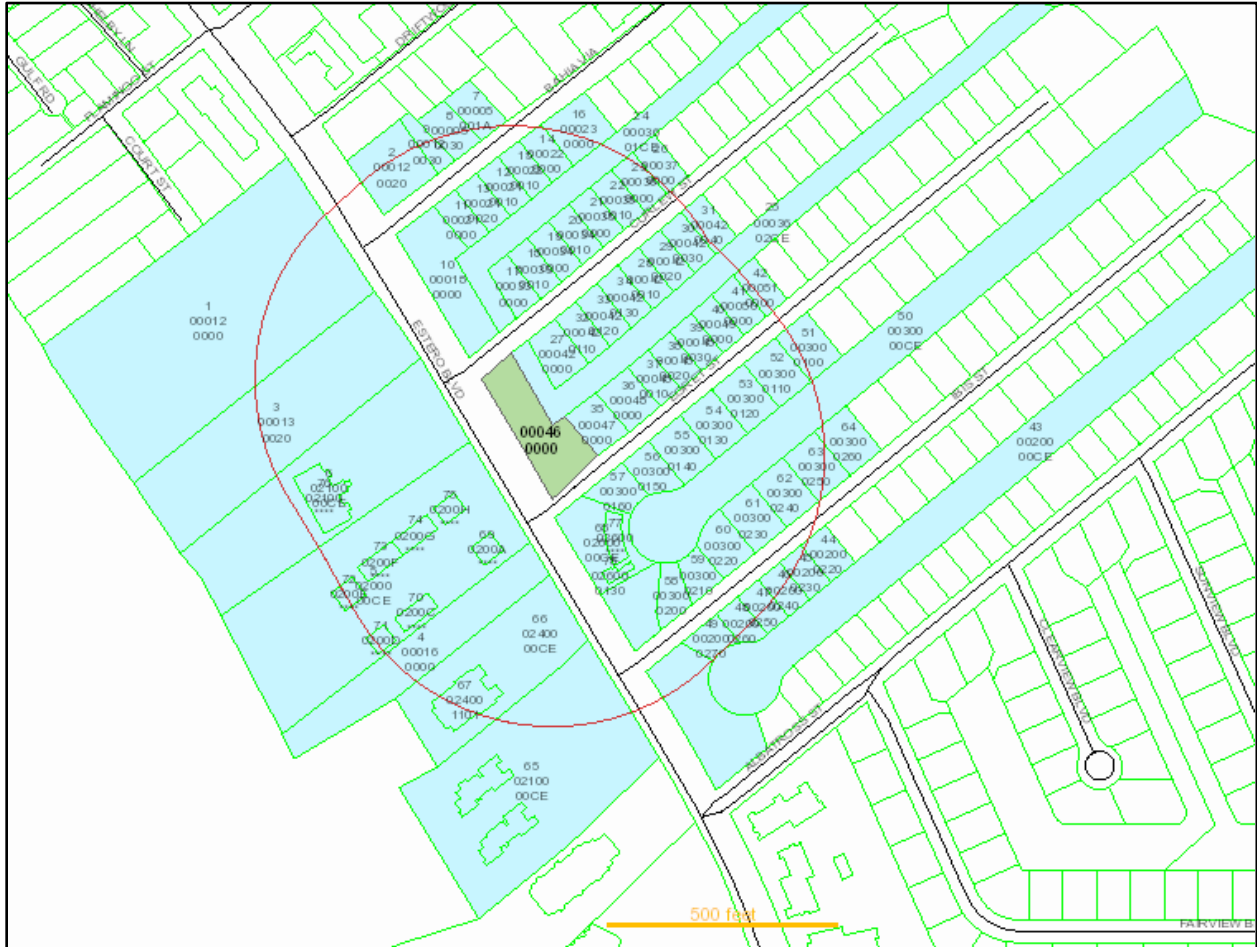
The Variance from Section 34-2020 for a reduction in the number of required parking spaces **does not meet** the criteria found in Section 34-87.



THE NEIGHBORHOOD COMPANY

6425 ESTERO BLVD SPECIAL EXCEPTION

500' PROPERTY OWNER MAP



6200 ESTERO BLVD INVESTMENTS L
2210 VANDERBILT BEACH RD #1300
NAPLES FL 34109

TOWN OF FORT MYERS BEACH
2731 OAK ST
FORT MYERS BEACH FL 33931

CAROUSEL BEACH REDEVELOPMENT L
815 N EAST AVE
OAK PARK IL 60302

ESTERO 4148 LLC
4517 BRYNWOOD DR
NAPLES FL 34119

PRIVATEER OF FT MYERS BEACH
6500 ESTERO BLVD
FORT MYERS BEACH FL 33931

SUNSET CONDO
6400 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHOMEL JEFFREY & CATHY
2201 LINCOLN AVE
CONNERSVILLE IN 47331

HAINBUCHNER ERONIM PATRIK
200 NEW COURT
NOVI MI 48377

BROWN GEORGE KEITH
PO BOX 4
LA CROSSE WI 54602

6200 ESTERO BLVD INVESTMENTS L
2210 VANDERBILT BEACH RD #1300
NAPLES FL 34109

MURPHY TERRANCE P &
110 BAHIA VIA
FORT MYERS BEACH FL 33931

BARTOW MARTIN J &
130 BAHIA VIA
FORT MYERS BEACH FL 33931

BAHIA VIA LLC
4180 BRIGADOON DR
SHOREVIEW MN 55126

DIMURRO JOHN
150 BAHIA VIA
FORT MYERS BEACH FL 33931

MCGRATH PETER J & NICOLE
300 GRAND ST UNIT 412
HOBOKEN NJ 07030

DIMURRO JOHN
160 BAHIA VIA
FORT MYERS BEACH FL 33931

CAMPBELL ROBERT E & PHYLLIS
3627 HUBBARD MIDDLESEX
WEST MIDDLESEX PA 16159

SPRADLING TYLER J &
127 CURLEW ST
FORT MYERS BEACH FL 33931

KOPPING REBECCA +
12310 115TH ST
LEMONT IL 60439

CUMMINGS JOHN L
4 PETERS BROOK DR
HOOKSETT NH 03106

SCHWIRTZ MARK J & SHEILA L
507 ABBEY WAY
MENDOTA HEIGHTS MN 55120

FINLEY TIMOTHY J & BRENDA J TR
553 WYATT DR
SAINT PETERS MO 63376

KOCISKO MAUREEN J TR
4483 WESTERN GAILS CT #405
FORT MYERS FL 33916

SANTINI CROSS CANAL
CURLEW ST
FORT MYERS BEACH FL 33931

SANTINI CROSS CANAL
CURLEW ST
FORT MYERS BEACH FL 33931

BUSDEKER THOMAS R & SHERI M
WESTFIELD GROUPS
PO BOX 93
GIBSONBURG OH 43431

BECHTEL JOSEPH +
E 19885 COUNTY RD ND
AUGUSTA WI 54722

STOUDT BUILDERS INC
1746 SAINT PETERS RD
POTTSTOWN PA 19465

NACCARATO CARMELO & FRANCA
3220 PINE CONE CT
MILFORD MI 48381

JMB REALTY LLC
25335 PINSON DR
BONITA SPRINGS FL 34135

PORCELLI MARK & GINA
8 KALMAN CT
WARREN NJ 07059

PHILLIPS TIMOTHY SCOTT &
120 CURLEW ST
FORT MYERS BEACH FL 33931

HAINBUCHNER ERONIM PATRIK &
200 NEW CT
NOVI MI 48377

YANAKEFF DAVID & ROSEMARY TR
9560 WALDRON RD
JEROME MI 49249

CAVANAUGH JOHN F
415 S WELLS ST UNIT 304
LAKE GENEVA WI 53147

DUNLAP JAMES E & MICHELE L
10087 IDLE PINE LN
ESTERO FL 34135

GAERTNER MARK A +
8276 SOUTHWIND BAY CIR
FORT MYERS FL 33908

HOLLYWOOD LISA G & SHAWN L
18929 CRESCENT RD
ODESSA FL 33556

VANFLEET JOHN L JR
155 EGRET ST
FORT MYERS BEACH FL 33931

KEHOE DONALD B & SHERRI S
8405 EAGLE CREST LN
INDIANAPOLIS IN 46234

PACCHINO CARMINE E &
6733 HARTLAND ST
FORT MYERS FL 33966

JAMES E & CHARLENE M KRATZKE T
180 BROADWAY ST
PRAIRIE DU SAC WI 53578

SANDPIPER UNIT 1 CANAL
IBIS ST
FORT MYERS BEACH FL 33931

AMOS CONSTANCE JANE
150 IBIS ST
FORT MYERS BEACH FL 33931

SCOTT DONALD E & KAREN L
130 IBIS ST
FORT MYERS BEACH FL 33931

ZUBER JOHN J & DANA R
6 WHISPERING WAY
WARREN NJ 07059

PREPHAN RICHARD S
118 W SOUTH BOUNDARY #1
PERRYSBURG OH 43551

BATISTA JOHN & MICHELE
100 IBIS ST
FORT MYERS BEACH FL 33931

ERBECK ANNETTE E TR
5197 OVERLOOK DR
MASON OH 45040

SANDPIPER UNIT 2 CANAL
IBIS ST
FORT MYERS BEACH FL 33931

SMITH CHERYL L
180 EGRET ST
FORT MYERS BEACH FL 33931

KLOSTERMAN TIMOTHY & KAREN
172 EGRET ST
FORT MYERS BEACH FL 33931

SELK ANDREW R & MELISSA R
1006 RIVERVIEW DR
PLYMOUTH WI 53073

GUANCHE MIGUEL & MAYRA
6995 GLENEAGLE DR
MIAMI LAKES FL 33014

ONSAGER FLORIDA LLC +
1096 TAYLOR LN
STOUGHTON WI 53589

BASS THOMAS L & TIFFANY E TR
4091 STALEY RD
FORT MYERS FL 33905

HENDRICKSON SHARON LEE
915 S 28TH ST
SOUTH BEND IN 46615

SEVOYAN STEPAN & YELENA
8976 EDGEWOOD LN
HIGHLANDS RANCH CO 80130

PREPHAN KATHLEEN
118 W SOUTH BOUNDARY ST STE 1
PERRYSBURG OH 43551

YURCIK JOHN JR
139 IBIS ST
FORT MYERS BEACH FL 33931

MANNELLA FRANK
149 IBIS ST
FORT MYERS BEACH FL 33931

BEASLEY R RAY & LANE
159 IBIS ST
FORT MYERS BEACH FL 33931

FERNANDEZ GUILLERMO &
8727 NW 139 TER
MIAMI LAKES FL 33018

181 IBIS LLC
267 BAREFOOT BEACH BLVD #304
BONITA SPRINGS FL 34134

ISLAND WINDS CONDO
6612 ESTERO BLVD
FORT MYERS BEACH FL 33931

SEAWATCH ON THE BEACH
6550 ESTERO BLVD
FORT MYERS BEACH FL 33931

SEAWATCH ON THE BEACH
HILTON GRAND VACATIONS CO
HOA AR DEPT
6355 METRO WEST BLVD #180
ORLANDO FL 32835

RTJP INVESTMENTS INC
17 DORAL CT
MATTOON IL 61938

FELDMANN GARY
2082 CHARLESTON LN
BARTOW FL 33830

LUCAS MORRIS D & MISTY
4124 RAINTREE BLVD
GREENWOOD IN 46143

WIMBERLY & WIMBERLY
PO BOX 694
RICHMOND KY 40476

ALLEN KARLA F TR
1626 BELFIELD ST
INDIANAPOLIS IN 46217

HAWLEY BRUCE &
6500 ESTERO BLVD #A301
FORT MYERS BEACH FL 33931

ROWE DONN A TR
220 LOOP AVE
MANSON WA 98831

BELFORD JAMES R TR
526 PINEHURST LN
SCHERERVILLE IN 46375

LEFRANCE JANICE S TR
PO BOX 23
SOUTHWICK MA 01077

KIENHOLZ ANDREW EDWARD +
2626 PACIFIC DR S #301
FARGO ND 58103

O'CONNELL JOHN & JEAN
27 GREEN BRIAR DRIVE
SUFFIELD CT 06078

RASH BRENDA L TR
5726 E 800 N
SYRACUSE IN 46567

BREDBERG DOUGLAS J &
7785 CLYDESDALE SE
ADA MI 49301

M&D FLORIDA LLC
1687 SUGARMAPLE DR
COLUMBUS OH 43229

WALTMAN MICHAEL & JEAN
6500 ESTERO BLVD #C219
FORT MYERS BEACH FL 33931

TRIPLE CROWN VACATION RENTALS
19377 AQUA SHORE DR
FORT MYERS FL 33913

RUDY MARLENE Y & JOEL
19 ROXBURY DR
ATHENS OH 45701

HOOBLER NEIL E & SHERRY T
231 STECKLER RD
STONEBORO PA 16153

SMITH RICHARD R TR
3420 CTH NN
WEST BEND WI 53095

WILKERSON ALAN R & RHONDA M
4310 N RIVERSIDE DR
COLUMBUS IN 47203

MARTIN JOHN D & MARY A TR
6877 HARDWOOD DR
GALLOWAY OH 43119

JEWETT HAROLD D TR
2530 BRAEMAR DR
FORT WAYNE IN 46814

KIRSCH DIANE S TR
1228 DRAGONFLY WAY
WATKINSVILLE GA 30677

WYSKIEL JEAN & STEPHANIE L/E
608 STANLEY BLVD
BIRMINGHAM MI 48009

KRUSE STACY & NORMAN TR
9351 KIOWA TRAIL
CHANHASSEN MN 55317

OSUCHOWSKI WILLIAM & SHARON
300 EUCLID AVE STE 12
SYRACUSE NY 13210

BARACUTEY LLC
3958 ASHENTREE CT
FORT MYERS FL 33916

CROWE KYLE R & SUZANNE L
16356 VIANSA WAY #101
NAPLES FL 34110

GALLE THOMAS & SARA
1092 HICKORY HILL PKWY W
HUBERTUS WI 53033

SNEDDON JOY B TR
4790 GOEBLE RD
FORT MYERS FL 33905

WIEN DAVID P & JANICE K
708 GREENBANK RD
WILMINGTON DE 19808

HOSKINS BRIAN K & SUSAN B
801 W COLISEUM BLVD
FORT WAYNE IN 46808

HENRY KATHRYN & TED
16176 LAKESIDE AVE SE
PRIOR LAKE MN 55372

3RC BUTTERCUP LLC
404 EAST COLUMBUS ST
CRAWFORDSVILLE IA 52621

GENZINK RETHA
2085 112TH AVE
HOLLAND MI 49424

PELLETIER SCOTT & JUDY TR
11802 FAR EDGE PATH
COLUMBIA MD 21044

BARTLETT ROBERT M & LILA F
5354 26TH ST S #201
FARGO ND 58104

FLORY SUSAN E TR
3751 PATTY CT
BONITA SPRINGS FL 34134

WALLIS LISA S TR
28270 INSULAR WAY
BONITA SPRINGS FL 34135

RICHARDSON JACK D & DONNA L
8303 MERLOT LN
LAUREL MD 20723

SCHMIDT MARTIN S
1307 SHORELINE DRIVE
WAYZATA MN 55391

DELANEY GARY L & KATHRYN TR
112 PRAIRIE DR
MINOOKA IL 60447

ALVES A DACOSTA & SANDRA J
4543 CATALINA LANE
BONITA SPRINGS FL 34134

KNIBBE DAVID J & GAYLE E
2530 W G AVE
KALAMAZOO MI 49009

RUSSELL WILLIAM G IV &
119 COMMERCE ST
CLINTON CT 06413

BROUGHER DOUGLAS E &
1220 HALF MOON LN
CICERO IN 46034

GIERSEWSKI STEPHEN T TR
6500 ESTERO BLVD #H202
FORT MYERS BEACH FL 33931

ZDEB DIANE D TR
1697 WHITCOMB AVE
DES PLAINES IL 60018

GREIG LUCIA
10737 FIRST LINE NASSEGEWAYA
MILTON ON L0P 1J0
CANADA

SUNSET 100 LLC
PO BOX 30
DECATUR IN 46733

MCCARTY RONALD ANDREW TR
15840 COUNTRY CT
FORT MYERS FL 33912

RUSSELL ROBERT M &
3 WYCLIFFE RD
EAST WALPOLE MA 02032

FANCHER SHANE R &
825 BUCCANEER PT
DECATUR IL 62521

STONER JONATHAN & LEESA
3631 SILVER BROOK LN
GAINESVILLE GA 30506

PARRISH GREGG S & KAREN
11809 EAGLE VIEW CT
FORT WAYNE IN 46814

BAKER CARL & NELDA
43440 MARIETTA RD
CALDWELL OH 43724

JOHNSON JAMES N
6754 GRAND OAKS CT
MASON OH 45040

DOWNEN JERRY L & MARY ANNE TR
402 N ALTON ST
FREEBURG IL 62243

CARRICO EMIDIO G &
78 S LAKE SHORE DR
BROOKFIELD CT 06804

SPAKE KAREN J
220 LANE 440 LAKE JAMES
ANGOLA IN 46703

DOUGLAS R DANIEL TRUST +
406 POLK ST
IOWA FALLS IA 50126

BAKER TERRY L & NANCY L
2848 E 550TH N
DECATUR IN 46733

SCHRIER LARRY E &
742 HOMESTEAD WY
BROWNSBURG IN 46112

KLUESNER REAL ESTATE LLC
501 TAHOE CT
FARLEY IA 52046

ROSE TERRY L/E
3631 PUTTER POINT LN
FORT MYERS FL 33919

DAWSON TODD A & JAN
205 EMS T34C LN
LEESBURG IN 46538

RUBLE NICOLAS & NICOLE
11225 NORTH 600 EAST 1
MONROEVILLE IN 46773

WALZ STEPHEN N + CHERYL S
6400 ESTERO BLVD #400
FORT MYERS BEACH FL 33931

REIS THOMAS N & KIMBERLY D
981 BAYLESS AVE #2
SAINT PAUL MN 55114

KOORNNEEF EVELYN A
202 MAIN STREET W
GRIMSBY ON L3M 1S3
CANADA

LORIS RENTAL LLC
LORETTA FREY
77E 550N
CRAWFORDSVILLE IN 47933

CARDWELL DOUGLAS F TR
1015 HIGH VISTA TRAIL W
WEBSTER NY 14580

VIECELI DAVID A & DONNA L
6400 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

RAWAS MAHMOUD & FADIA
4149 OLD MANCHESTER CT
MASON OH 45040

JENNER CAROLINE J
1251 LAKEVUE DR
BUTLER PA 16002

CLAWSON MICHAEL R &
3308 GLENVIEW AVE
AUSTIN TX 78703

HOWARD STACY & RHONDA
1600 SOUTH LEE AVENUE
MORTON IL 61550

HARVEY JANICE L
PO BOX 700
EAST AMHERST NY 14051

DANGELO CRAIG M &
3333 CRAIG DR
NORTH TONAWANDA NY 14120

NIEDOSIK DENNIS L/E
6400 ESTERO BLVD #600
FORT MYERS BEACH FL 33931

FRIEDMAN ABIGAIL TR
4919 S DORCHESTER AVE
CHICAGO IL 60615

HOFMAN KYE P & SHERI L
11497 S 450 E
HAUBSTADT IN 47639

GRAHEK KATHLEEN A TR
2500 SUMMERVILLE DR
VALLEY CITY OH 44280

KIMBERLY A TORTORA TRUST +
39700 FIVE MILE RD
PLYMOUTH MI 48170

GRAFF JOHN F TR
118 SADDLE CLUB RD
KITANNING PA 16201

LARRY J HINTZ TRUST +
43W219 TALL PINES RD
ELGIN IL 60124

MUNTEAN ANTOINETTE A TR
7604 SCENICVIEW DR
INDEPENDENCE OH 44131

MONTGOMERY RICKY G &
3 FIRESIDE CT
FRANKFORT IN 46041

FALK DONALD E & NANCY J
1725 W 4TH ST
RED WING MN 55066

ALI MEDIAN & JNEIDI MUNA
9621 TAI TRCE
DAYTON OH 45458

MUSTO RICHARD W & JOANN G
2050 JAMIESON AVENUE APT 1003
ALEXANDRIA VA 22314

VIECELI DAVID A + DONNA L
6400 ESTERO BLVD # 405
FORT MYERS BEACH FL 33931

JONES DEBRA L TR
P O BOX 2476
FORT MYERS BEACH FL 33932

SUNSET 802 LLC
9200 10TH ST N
LAKE ELMO MN 55042

HICKLING NANCY WHITE
24 LOCHAN LANE BOX 1239
BOBCAYGEON ON K0M 1A0
CANADA

TENNESSEA LLC
655 N EAST END
STRAWBERRY PLAINS TN 37871

MARY ANN MOCKLER FAMILY TRUST
2703 JUNONIA CT
FORT MYERS FL 33908

FANCHER MICHELLE L
825 BUCCANEER PT
DECATUR IL 62521

BUCCELLI PHILIP J &
47 WOOD ST
WOBURN MA 01801

SHORT TINA
16555 N MCCAULEY LN
MOUNT VERNON IL 62864

ISLE PROPERTY INVESTMENTS LLC
1842 TOSSING MANE CT
DAYTON OH 45458

HILTON MARK E & DIANA L
23 AGNELL CT
SACRAMENTO CA 95835

BELLINA SUSAN A TR
1248 MILANO DRIVE
NAPLES FL 34103

FORT MYERS BEACHSIDE LLC
10900 N DANA DR
PEORIA IL 61615

GOLDENBERG ALAN L/E
17167 PLANTATION DR
FORT MYERS FL 33967

POPPALARDO PHYLLIS A +
909 RANDOLPH RD
MIDDLETOWN CT 06457

CHIPS AND QUESO TRUST
9951 WOODLANDS DR
FISHERS IN 46037

LINTON DIANE E & DAVID H TR
110 WHITE TAIL LN
LANCASTER MA 01523

DEME MARIE
111 SOUTHSORE DR UNIT 236
EAST HAVEN CT 06512

TAYLOR LYNNE C
6966 OVERLOOK DR
FORT MYERS FL 33919

SUNSET 1101 LLC
731 NE 7TH AVE
FORT LAUDERDALE FL 33304

BRADY STEVEN A & JULIE A TR
1128 PLUM TREE LN
PALATINE IL 60067

BP SUNSET PROPERTIES LLC
ROSALIE PAUCK
1105 TURFRUNNER CT
FLORISSANT MO 63034

ENGDAHL DIANA M +
50595 WAGONWHEEL W
GRANGER IN 46530

PAYETTE MARY MULCAHY TR
579 HOLLY LN N
OAKDALE MN 55128

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

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DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

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

Yellow Sheet Number: **2025-457**

1. Request:

Meeting Date: June 10, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE APPLICATION VAR20250047 FOR THE PROPERTY AT 6425 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000 IN FORT MYERS BEACH FOR A VARIANCE TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 115 TO 33 PARKING SPACES AND A BICYCLE RACK FOR A RESTAURANT, COCKTAIL BAR AND ENTERTAINMENT AREA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

LPA makes recommendation for variance requests for Town Council's consideration.

What the action accomplishes:

Approval of this request will decrease the number of required parking spaces to 33 parking spaces and a bicycle rack for the proposed bar, restaurant, and outdoor activity, and entertainment area.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The property at 6425 Estero Blvd was previously a movie theater with food service. The applicant is proposing the redevelopment of the property as a restaurant and bar on the first level above flood and a bar with games and entertainment area on the open ground floor, that previously provided under building parking. The second story above flood will be used for storage and office space. No substantive changes are proposed to the parking lot adjacent to the building, which previously contained 34 spaces and will be slightly modified to provide 2 ADA parking spaces and a total of 33 spaces.

The application is proposing several changes to the building exterior. Exterior improvements include: a deck with shade structure for restaurant seating on the first level above flood, that extends toward Estero Blvd approximately 15 feet, a wall along the rear of the building on the first floor to block sounds and light from the bar and entertainment area to the adjacent single-family residential property, a type C buffer with a fence along the property line adjacent to the single family residential property, and landscaping.

Attachments:

1. Final Resolution 25-XX VARIANCE (1)
2. Resolution Exhibit A Findings/Variance Criteria
3. Staff Report
4. Staff Report Exhibit A Site Plan
5. Staff Report Exhibit B Schedule of Uses
6. Postcards

Financial Impact:

Unknown

6. Alternative Action

Approval/ Approve with conditions

7. **Staff Recommendations:**

Denial

8. **Recommended Approval:**

nancy stuparich, Town Attorney

Date: June 04, 2025

Judith Frankel, Principal Planner

Date: June 04, 2025

Georgina Cid, Community Development Manager

Date: June 04, 2025

Frankie Kropacek, Community Development Director

Date: June 04, 2025

Amy Baker, Town Clerk

Date: June 04, 2025

RESOLUTION NUMBER 25-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE APPLICATION VAR20250047 FOR THE PROPERTY AT 6425 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000 IN FORT MYERS BEACH FOR A VARIANCE TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 115 TO 33 PARKING SPACES AND A BICYCLE RACK FOR A RESTAURANT, COCKTAIL BAR AND ENTERTAINMENT AREA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, 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, Applicant, The Neighborhood Company, on behalf of the property owner, 6425 Estero, 4148 LLC, is requesting a variance from Section 34-2020 of the Land Development Code to allow a decrease in the number of parking spaces from 115 to 33 parking spaces plus one bike rack for a restaurant with cocktail bar and entertainment area; and

WHEREAS, the STRAP number for the subject property is 34-46-24-W4-00046.0000; and

WHEREAS, the Property is located in the "Boulevard" category of the Future Land Use Map of the Comprehensive Plan and the "Commercial Boulevard" 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 June 10, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted ___-___, to recommend approval/approval with conditions/denial of the variance; 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 with the Fort Myers Beach Comprehensive Plan and voted ____ to ____ by roll call vote to approve the requested variances with the following conditions:

- 1) The variance does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) The Property owner must ensure that they adhere to the maximum FAR for the Boulevard FLU.

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 June 10, 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 June.

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

ATTACHMENT
Exhibit A – Code Required Criteria and Findings

Exhibit C Code Required Findings

Special Exception for COP: The code requires that all a bar or cocktail lounge use, within 500 feet of residences and outdoor bar or lounge space within 500 feet of residences, receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor bar space would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The COP use will not create noise, vibration, smoke, dust, or lighting glare. The special exception request is required due to the locational standards of not being located within 500 feet of a residence.

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

The proposed COP is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 addition of a solid wall at the rear of the building, adjacent to the residential uses should reduce any impact to nearby residences. The applicant is also abiding by the Type C buffer requirement that includes 15 feet of landscaping and a solid fence.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed COP requires a special exception in the CB zoning district.

Exhibit C Code Required Findings

The Special Exception for a COP outdoors and within 500 feet of residences **does meet** the criteria found in Section 34-88.

Special Exception for outdoor entertainment: The code requires that any new outdoor entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider outdoor entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor entertainment may not be appropriate in this location. If music or

Exhibit C Code Required Findings

amplified entertainment is too loud or at inappropriate times, could cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor entertainment in the CB zoning district **does not meet** the criteria found in Section 34-88. Outdoor entertainment may have nuisance impacts on adjacent properties.

Special Exception for live entertainment: The code requires that any new live entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed live entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider live entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The live entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. Additionally, live entertainment indoors would create very little noise. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

Exhibit C Code Required Findings

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

The proposed live entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed live entertainment, if it is too loud or at inappropriate times, could cause nuisance. If the live entertainment were contained inside the building it would not have a detrimental impact on adjacent uses.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If live entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new live entertainment in the CB zoning district **does meet** the criteria found in Section 34-88. The reason that outdoor entertainment does not meet the criteria and live entertainment does meet the criteria is because live entertainment could be provided indoors and have almost no impact on surrounding properties.

Special Exception for outdoor seating: The code requires that any new outdoor seating that is open after dark in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor seating would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

Exhibit C Code Required Findings

The outdoor seating use will not create excessive noise, or vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor seating is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor seating should not cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor seating after dark were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor seating that is open after dark in the CB zoning district **does meet** the criteria found in Section 34-88.

Variances for Parking: Section 34-2020(b)(2) requires that new uses in a building must provide code required parking, Section 34-2020(d)(2)(h) requires restaurants to provide eight spaces per 1,000 square feet of total floor area plus outdoor seating area, Section 34-2020(d)(2)(h) 2. Requires bars to provide 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, plus outdoor seating area. Staff proposes a single variance from Section 34-2020 to provide 33 automobile parking spaces, 2 bicycle racks, and 4 golf cart parking spaces where the code would require 115 parking spaces.

Section 34-87 required variance findings:

*(1) 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 parking lot adjacent to the building is existing and it would not be possible to add parking spaces to that parking lot without a substantial cost. However, parking places existed under the building previously and that area will be utilized for a bar, seating and entertainment.

*(2) 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;*

Exhibit C Code Required Findings

The building previously had parking spaces on the ground floor. The proposed new use of outdoor entertainment and bar will utilize a portion of the previous parking area.

*(3) That 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 in question to his property;*

The request is the minimum variance necessary to allow the proposed layout of the property.

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

The lack of parking on site may result in people parking where they are not allowed. They may park along Curlew St or Egret St or in the condominium parking lots across Estero Blvd from the proposed use.

*(5) 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.*

Staff recognizes that the parking code is in need of updating. However, the reduction being requested may be more than is appropriate without some mitigation such as valet parking.

The Variance from Section 34-2020 for a reduction in the number of required parking spaces **does not meet** the criteria found in Section 34-87.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Special Exceptions & Variance

CASE NUMBER: SEZ20250046 & VAR20250047

CASE NAME: 6425 Estero Blvd

SEZ: 1) Consumption on Premises (COP) outdoors within 500 feet of dwelling units, and 2) New outdoor entertainment in the Commercial Boulevard (CB) zoning district, and 3) New live entertainment in the CB zoning district, and 4) New outdoor seating that is open after sunset in the CB zoning district.

VAR: 1) Sec. 34-2020(b)(2) from the requirement to provide additional parking spaces that are necessary for a change of use, and 2) Sec. 34-2020(d)(2)(h) from the minimum required parking spaces for a restaurant, and 3) Sec. 34-2020(d)(2)(h)2. from the minimum required parking spaces for a bar.

LPA

HEARING DATE: June 10, 2025 at 9:00 AM

STAFF

RECOMMENDATION: **Approve** Special Exception for COP
Deny Special Exception for new Outdoor Entertainment
Approve Special Exception for new Live Entertainment
Approve Special Exception for Outdoor Seating after dark
Deny Variance for Parking Reduction

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

I. APPLICATION SUMMARY

Applicant/Owner: The Neighborhood Company/Estero 4148 LLC

Request: A special exception to allow a bar within 500 feet of residences, and new outdoor entertainment, new live entertainment, and new outdoor seating past sunset in

the CB zoning district, AND a variance from the parking requirements to provide 33 parking spaces for the new use.

Subject property: See attached site plan

Physical Address: 6425 Estero Blvd.

STRAP #: 34-46-24-W4-00046.0000

FLU: Mixed Residential

Zoning: Commercial Boulevard (CB)

Adjacent zoning and land uses:

North(northwest): Commercial Boulevard (CB)/Boulevard
(previously Charley's Boathouse)

South (southeast): Commercial Resort (CR)/Mixed Residential

East (northeast): Residential Single family (RS)/ Low Density

West (southwest): Residential Multi-family (RM)/ Mixed Residential

II BACKGROUND AND ANALYSIS

Background:

The property at 6425 Estero Blvd was previously a movie theater with food service. The applicant is proposing the redevelopment of the property as a restaurant and bar on the first level above flood and a bar with games and entertainment area on the open ground floor, that previously provided under building parking. The second story above flood will be used for storage and office space. No substantive changes are proposed to the parking lot adjacent to the building, which previously contained 34 spaces and will be slightly modified to provide 2 ADA parking spaces and a total of 33 spaces.

The application is proposing several changes to the building exterior. Exterior improvements include: a deck with shade structure for restaurant seating on the first level above flood, that extends toward Estero Blvd approximately 15 feet, a wall along the rear of the building on the first floor to block sounds and light from the bar and entertainment area to the adjacent single-family residential property, a type C buffer with a fence along the property line adjacent to the single family residential property, and landscaping.

Analysis:

The applicant is requesting a total of four special exceptions for new uses on the property and three variances to allow the proposed uses without meeting the parking requirements found in 34-2020. The building modifications do not require variances or

special exceptions. The building is currently nonconforming for CB zoning district setbacks which require a build-to line of 5-10 feet from Estero Blvd, and a setback from Egret of 10 feet. The proposed deck will decrease the nonconforming Estero Blvd build-to requirement.

Special Exception for COP: The code requires that all a bar or cocktail lounge use, within 500 feet of residences and outdoor bar or lounge space within 500 feet of residences, receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor bar space would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The COP use will not create noise, vibration, smoke, dust, or lighting glare. The special exception request is required due to the locational standards of not being located within 500 feet of a residence.

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

The proposed COP is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 addition of a solid wall at the rear of the building, adjacent to the residential uses should reduce any impact to nearby residences. The applicant is also abiding by the Type C buffer requirement that includes 15 feet of landscaping and a solid fence.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed COP requires a special exception in the CB zoning district.

The Special Exception for a COP outdoors and within 500 feet of residences **does meet** the criteria found in Section 34-88.

Special Exception for outdoor entertainment: The code requires that any new outdoor entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider outdoor entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The outdoor entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor entertainment may not be appropriate in this location. If music or amplified entertainment is too loud or at inappropriate times, could cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor entertainment in the CB zoning district **does not meet** the criteria found in Section 34-88. Outdoor entertainment may have nuisance impacts on adjacent properties.

Special Exception for live entertainment: The code requires that any new live entertainment in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed live entertainment would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 4-A-3 States that the Town should protect residential neighborhoods from intrusive commercial activities. Some would consider live entertainment to be intrusive, although the development is located adjacent to Estero Boulevard, not internal to the residential neighborhood.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

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

The live entertainment use will create noise, but the volume will be required to comply with the Town's noise ordinance. Additionally, live entertainment indoors would create very little noise. The use will not create vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed live entertainment is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed live entertainment, if it is too loud or at inappropriate times, could cause nuisance. If the live entertainment were contained inside the building it would not have a detrimental impact on adjacent uses.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If live entertainment were previously existing on this site, it would not require a special exception.

The Special Exception for new live entertainment in the CB zoning district **does meet** the criteria found in Section 34-88. The reason that outdoor entertainment does not meet the criteria and live entertainment does meet the criteria is because live entertainment could be provided indoors and have almost no impact on surrounding properties.

Special Exception for outdoor seating: The code requires that any new outdoor seating that is open after dark in the Commercial Boulevard (CB) zoning district receive a special exception.

Section 34-88 Special Exception Criteria:

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

Several of the surrounding residences were damaged or destroyed by hurricane Ian. The proposed use does not appear to be the result of storm damage.

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

Policy 4-A-1 Encourages the town's "human scale" in redevelopment. This proposed outdoor seating would create a human use—as opposed to an automobile use—at a human scale in a location that was previously designed for cars.

Policy 1-A-1 Recommends that improvements along Estero Boulevard should make walking more interesting. This proposed development, while set off the road, will add variety to the walk along the Boulevard.

Whether the request meets or exceeds all performance and locational standards set forth

for the proposed use.

The outdoor seating use will not create excessive noise, or vibration, smoke, dust, or lighting glare. The special exception request is required because it is a new use in the CB zoning district, which is a locational standard.

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

The proposed outdoor seating is not within an environmentally critical area. It will be required to meet all turtle lighting requirements.

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 proposed outdoor seating should not cause nuisance.

Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The proposed use requires a special exception in the zoning district. If outdoor seating after dark were previously existing on this site, it would not require a special exception.

The Special Exception for new outdoor seating that is open after dark in the CB zoning district **does meet** the criteria found in Section 34-88.

Variances for Parking: Section 34-2020(b)(2) requires that new uses in a building must provide code required parking, Section 34-2020(d)(2)(h) requires restaurants to provide eight spaces per 1,000 square feet of total floor area plus outdoor seating area, Section 34-2020(d)(2)(h) 2. Requires bars to provide 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, plus outdoor seating area. The Applicant proposes a single variance from Section 34-2020 to provide 33 automobile parking spaces, 2 bicycle racks, and 4 golf cart parking spaces where the code would require 115 parking spaces.

The applicant suggests that due to the previous use of movie theater, the space does not readily calculate to restaurant space and that the large square footage is not commensurate with the code required number of parking spaces. While this seems to be a legitimate argument, staff feels that the proposed number of parking spaces may not be adequate for the number of proposed dining room seats, bar seats, and bar seating and entertainment area on the ground floor. The number of proposed parking spaces equates to a single parking space for each table currently shown on the 2nd floor dining room plan.

Section 34-87 required variance findings:

*(1) 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 parking lot adjacent to the building is existing and it would not be possible to add parking spaces to that parking lot without a substantial cost. However, parking places existed under the building previously and that area will be utilized for a bar, seating and entertainment.

*(2) 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 building previously had parking spaces on the ground floor. The proposed new use of outdoor entertainment and bar will utilize a portion of the previous parking area.

*(3) That 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 in question to his property;*

The request is the minimum variance necessary to allow the proposed layout of the property.

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

The lack of parking on site may result in people parking where they are not allowed. They may park along Curlew St or Egret St or in the condominium parking lots across Estero Blvd from the proposed use.

*(5) 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.*

Staff recognizes that the parking code is in need of updating. However, the reduction being requested may be more than is appropriate without some mitigation such as valet parking.

The three Variances from Section 34-2020 for a reduction in the number of required parking spaces **does not meet** the criteria found in Section 34-87.

II. RECOMMENDATION

Based on the code requirements for Special Exceptions found in Section 34-88, staff recommends:

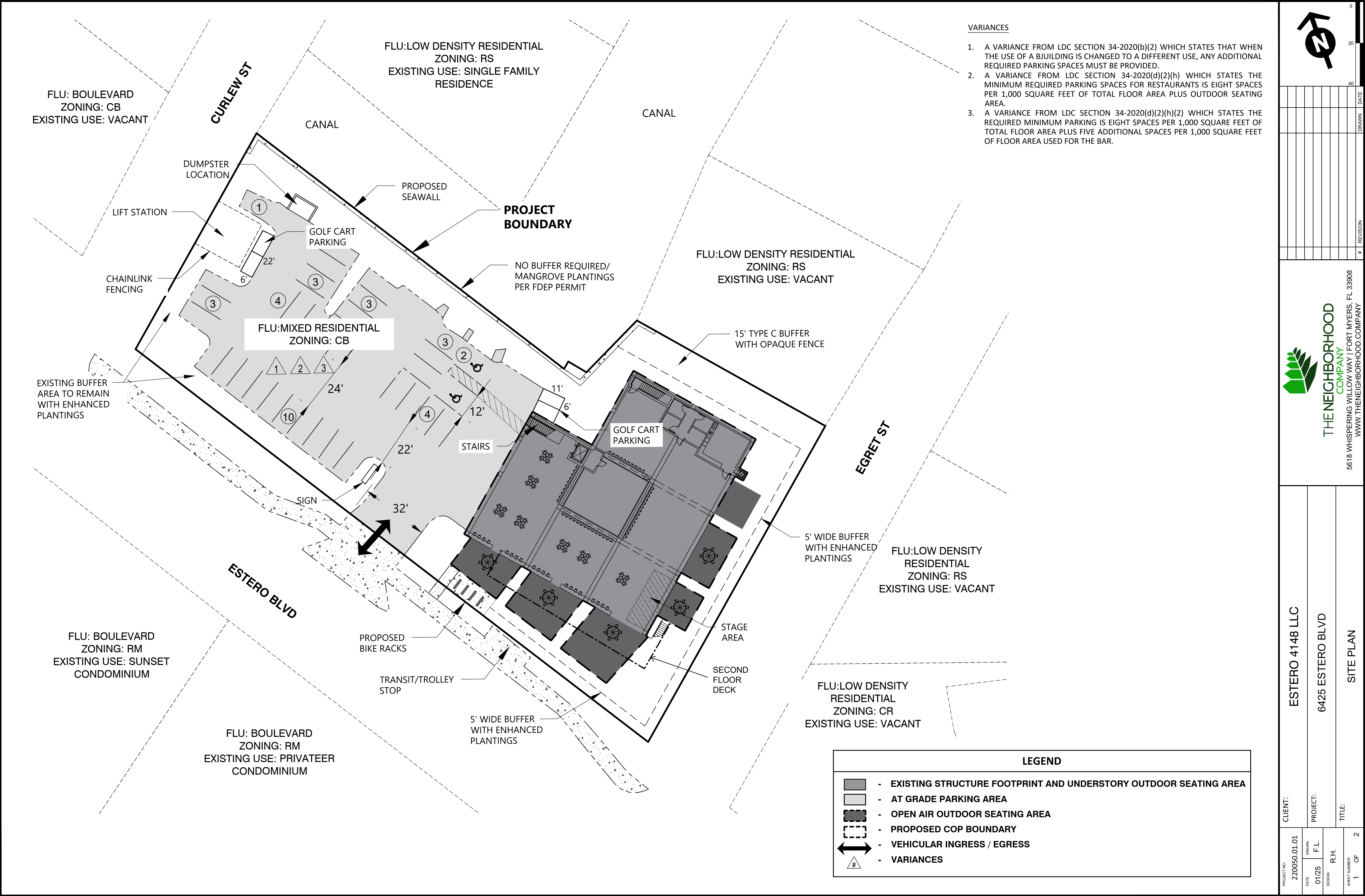
- Approval of the Special Exception for COP,
- Denial of the Special Exception for Outdoor Entertainment,
- Approval of the Special Exception for Live Entertainment, and
- Approval of Special Exception for Outdoor Seating after dark

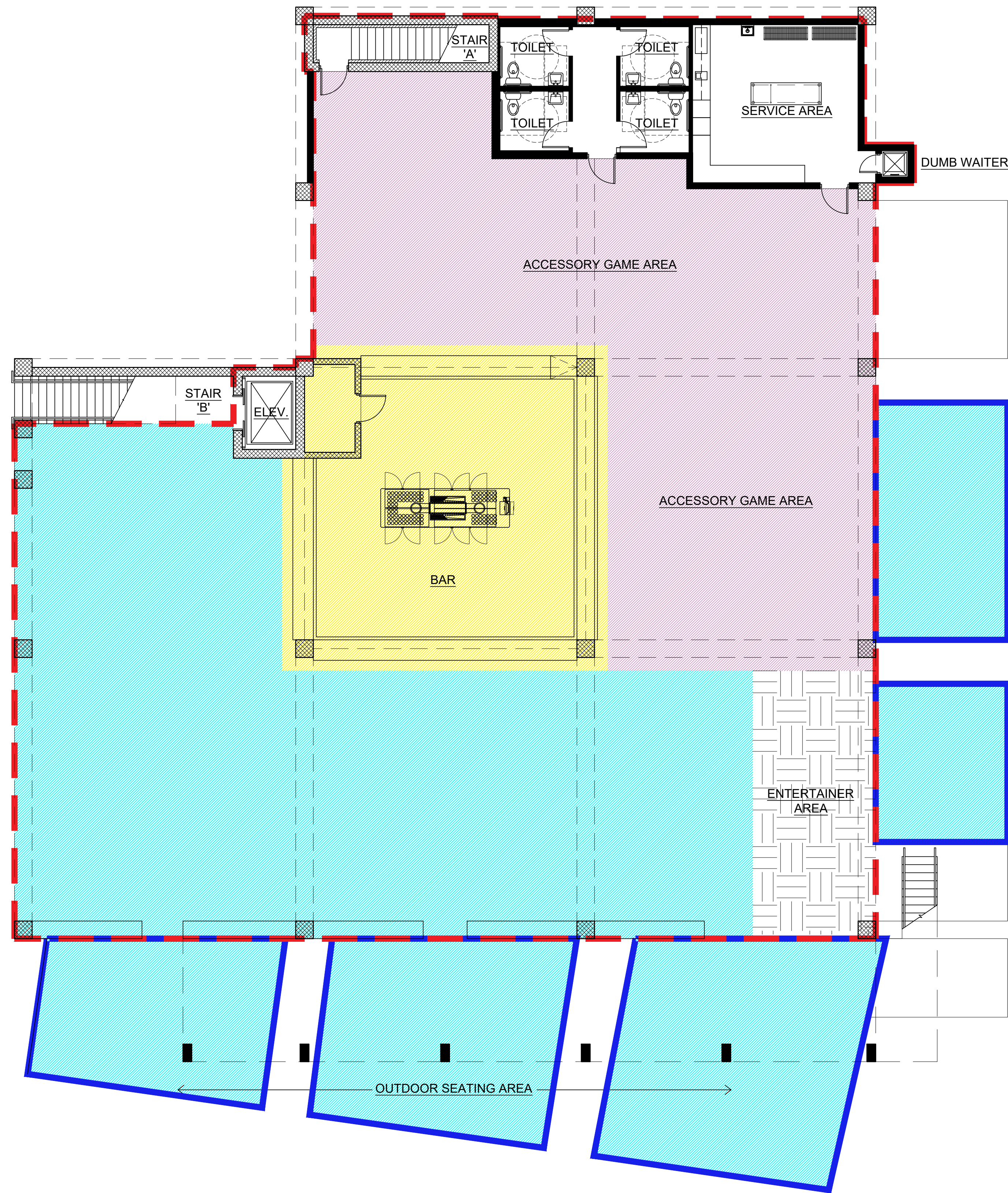
Based on the code requirements for Variances found in Section 34-87, staff recommends:

- Denial of Variance for Parking Reduction

III. CONDITIONS OF APPROVAL

1. All music and entertainment on the property will be in compliance with the Town's noise regulations.
2. Hours of amplified music will be limited from 11 AM to 9 PM on weekdays and from 11 AM to 10 PM on Weekends.
3. No consumption of alcohol shall be permitted outside the entertainment and seating area, as depicted on the plan attached.
4. Games in the entertainment area cannot include loud electronic beeping, ringing, or buzzing.
5. The development must comply with the LDC sea turtle conservation requirements.
6. Redevelopment of the dock must receive an approved LDO or DO as determined by the Community Development Department.
7. The dumpster enclosure shall be refurbished, in coordination with the solid waste carrier, to allow closure of the doors. Solid waste pickup shall be provided six days a week (excluding Sundays).
8. Any violation of the conditions of approval shall render the special exception null and void.





ACCESSORY GAME AREA = 2,613 SQ. FT.

BAR = 1,336 SQ. FT.

RESTAURANT (INDOOR NOT INC. BAR AND STAGE) = 3,395 SQ. FT.

RESTAURANT (OUTSIDE) = 2,496 SQ. FT.

INDICATES GROSS FLOOR AREA = 8,764 SQ. FT.

A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

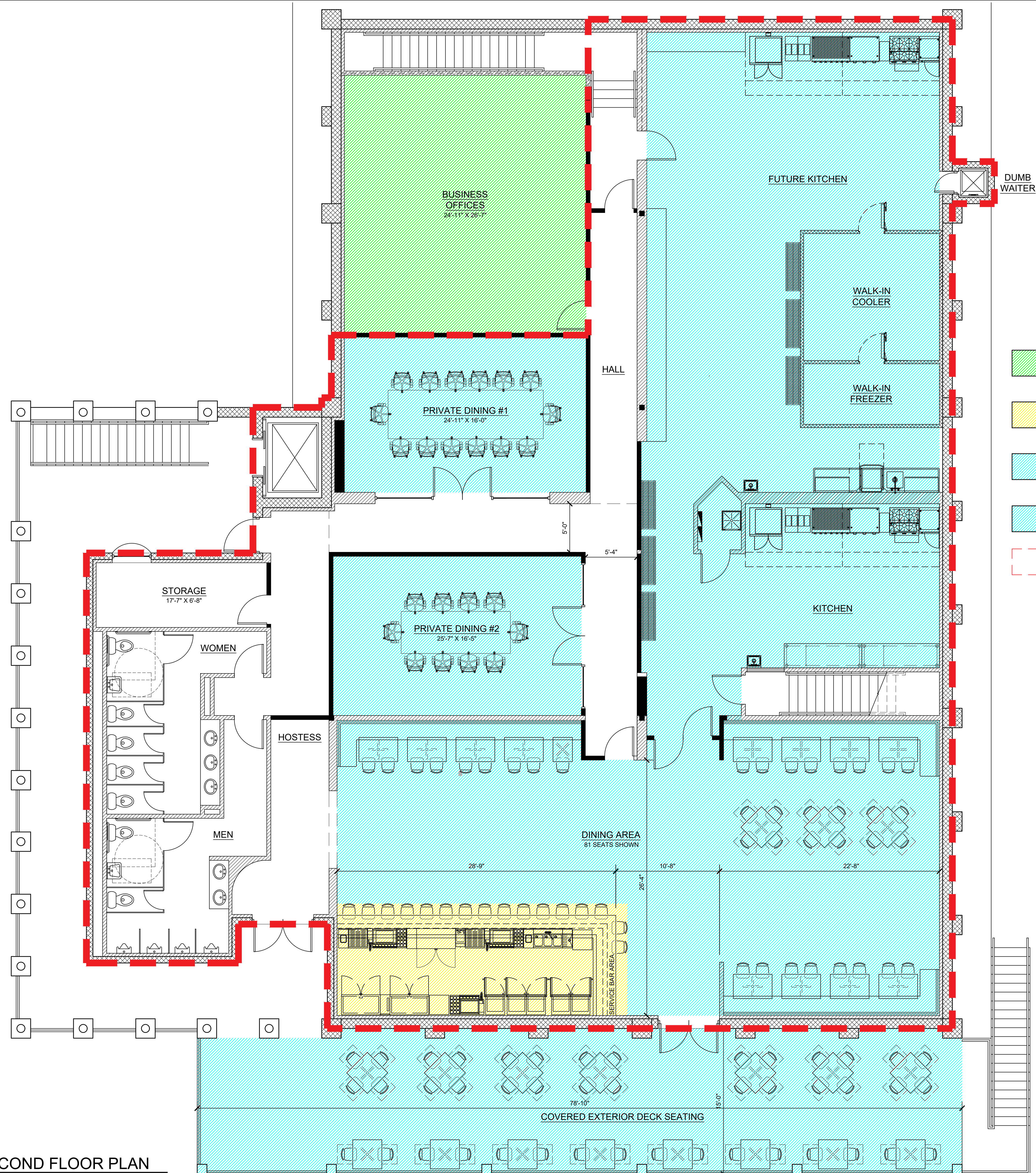
DATE ISSUED: 17 APRIL 2025

REVISIONS:

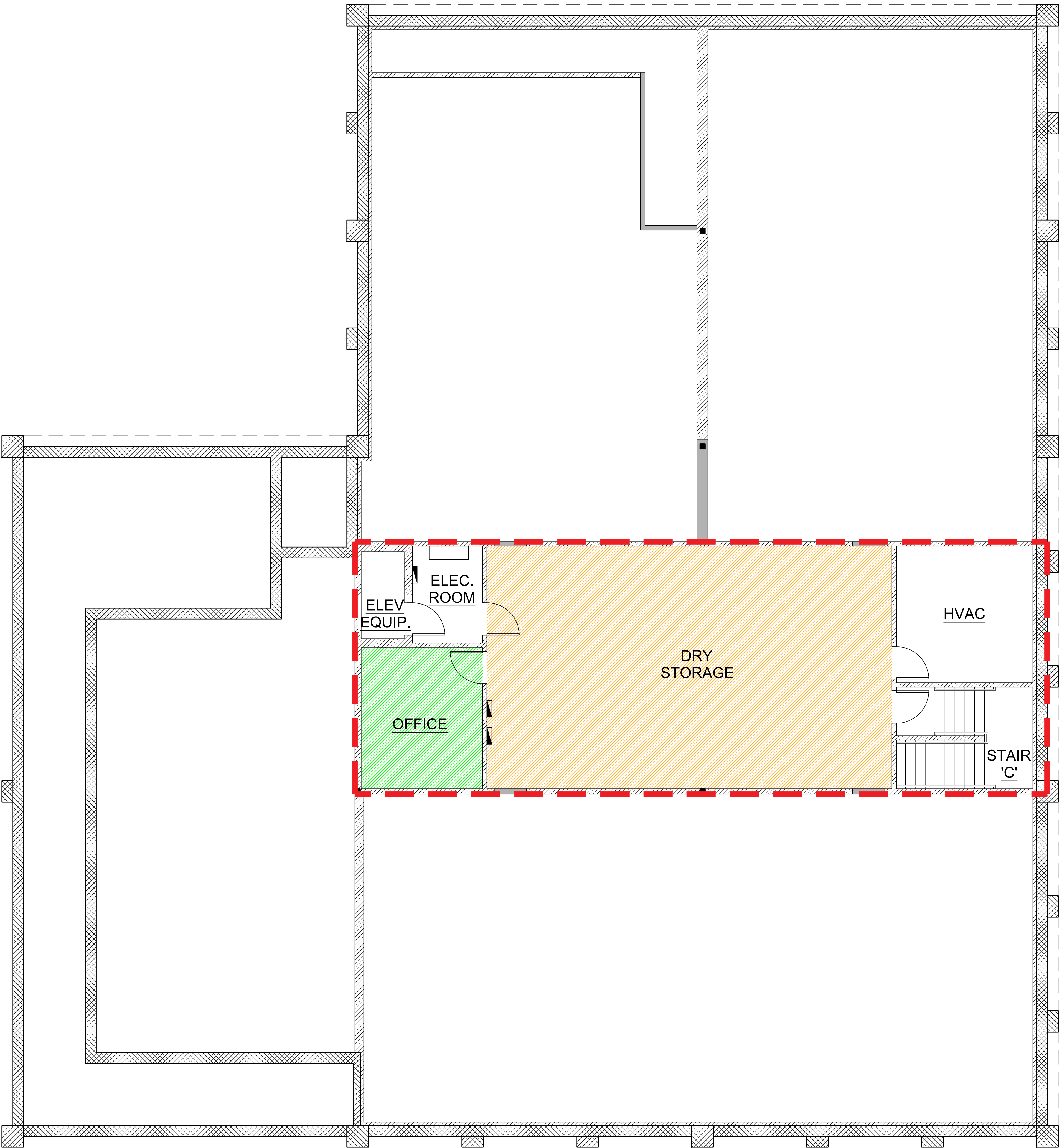
SHEET

D2

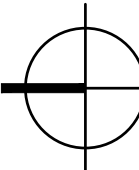
OF 4



NORTH
SCHEMATIC SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



- OFFICE = 147 SQ. FT.
- STORAGE = 846 SQ. FT.
- INDICATES GROSS FLOOR AREA = 1,505 SQ. FT.

NORTH  EXISTING MEZZANINE PLAN

SCALE: 3/16" = 1'-0"

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A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

DATE ISSUED: 17 APRIL 2025

REVISIONS:

SHEET

D3

OF 4



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A SCHEMATIC DESIGN FOR:
6425 ESTERO BLVD

FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

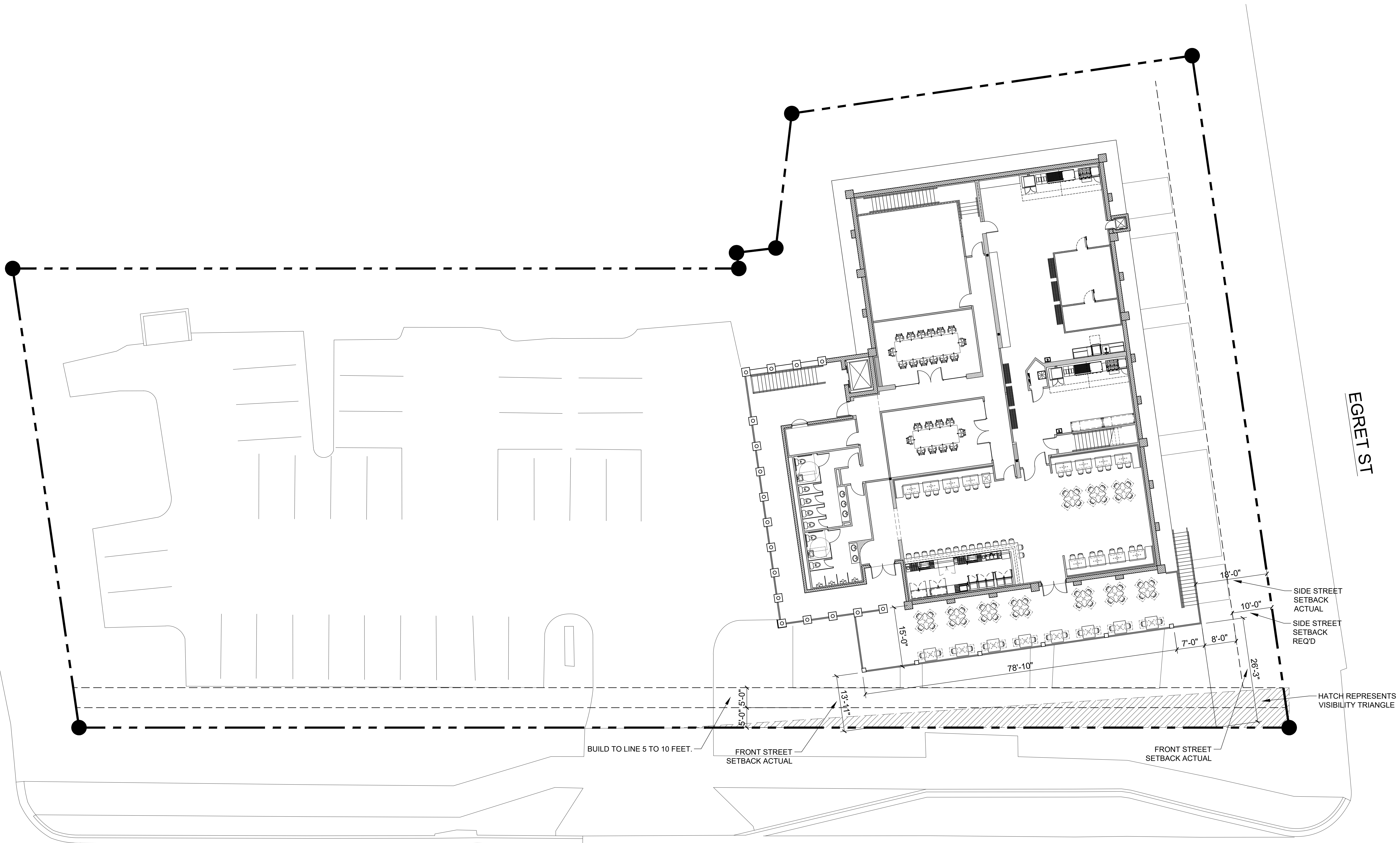
DATE ISSUED: 17 APRIL 2025

REVISIONS:

CURLEW ST

EGRET ST

ESTERO BOULEVARD



From: [Kappes, Kenton](#)
To: [Laura Tefft](#)
Cc: [NickB@stevensbuilds.com](#); [Pat Vanasse](#)
Subject: FW: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance
Date: Wednesday, April 30, 2025 12:39:01 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Laura, below is the response from operations regarding PU of the containers at the theater which would not be an issue with the current layout.

Thanks,

Kenton Kappes

Construction Service Account Manager

Waste Management Inc. of Florida

kkappes@wm.com

Servicing Collier, Lee and Charlotte counties

C: 239-253-6350

Access WM 24/7 with [MyWM](#)

SIGNUP FOR ONLINE ACCOUNT ACCESS see link <https://www.wm.com/us/en/user/register>

*ETA, SCHEDULE, ACCOUNT UPDATES, and more

Learn more about the Greenest Show On Grass at <https://www.wm.com/us/en/inside-wm/phoenix-open/sustainability-report>



From: Arrieta, Roberto <rarriet1@wm.com>

Sent: Wednesday, April 30, 2025 12:26 PM

To: Butler, Isaac <ibutler@wm.com>; Kappes, Kenton <kkappes@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>

Subject: RE: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Hello team,

There are no issues with picking this up as long as the enclosure is not blocked. Thank you.

Roberto Arrieta

Residential Route Manager

Ft Myers Hauling

rarriet1@wm.com

T : 239.253.8873

11990 FL-82

Fort Myers, FL. 33913



From: Butler, Isaac <ibutler@wm.com>

Sent: Friday, April 25, 2025 1:00 PM

To: Kappes, Kenton <kkappes@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>; Arrieta, Roberto <rarriet1@wm.com>

Subject: RE: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

I believe the can sat in that location for all these years. I'll have Roberto look into it and confirm. But we do not have any letter that I know of that would be sent out.

Ron?

Roberto,

See below. Please confirm we had no issues prior to Ian at this location.

Thanks.



ISAAC BUTLER

District Ops Manager

Ft Myers Hauling

ibutler@wm.com

C : 813.451.9221

11990 FL-82

Fort Myers, FL. 33913



From: Kappes, Kenton <kkappes@wm.com>

Sent: Friday, April 25, 2025 12:47 PM

To: Butler, Isaac <ibutler@wm.com>

Cc: Pomerleau, Immon <ipomerle@wm.com>; Clayton, Roland <rclayto1@wm.com>

Subject: FW: 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Afternoon Isacc, do we have letter that we send out confirming that this location is accessible to service by our truck? Looks like we have been servicing this since 2011

W2H-319 BEACH THEATER LLC

6425 ESTERO BLVD

Thanks,

Kenton Kappes

Construction Service Account Manager

Waste Management Inc. of Florida

kkappes@wm.com

Servicing Collier, Lee and Charlotte counties

C: 239-253-6350

Access WM 24/7 with [MyWM](#)

SIGNUP FOR ONLINE ACCOUNT ACCESS see link <https://www.wm.com/us/en/user/register>

*ETA, SCHEDULE, ACCOUNT UPDATES, and more

Learn more about the Greenest Show On Grass at <https://www.wm.com/us/en/inside-wm/phoenix-open/sustainability-report>



From: Laura Tefft <lt@theneighborhood.company>

Sent: Friday, April 25, 2025 12:26 PM

To: Kappes, Kenton <kkappes@wm.com>

Cc: NickB@stevensbuilds.com; Pat Vanasse <pv@theneighborhood.company>

Subject: [EXTERNAL] 6425 Estero Blvd. formerly Fort Myers Beach Theater site redevelopment - Request for assistance

Kenton,

Thank you for taking my call earlier today. As a follow-up to our conversation, I am working with Stevens Construction and the property owners for the project located at 6425 Estero Boulevard. This project is a remodel of the existing Fort Myers Beach Theater. I have enclosed a copy of the site plan and am providing a screen shot of an aerial view of the existing site.



As we are proceeding through the variance request process, we have received the following comment from the public works reviewer, "The dumpster location is positioned so that a garbage truck would not be able to turn around."

The existing location of the dumpster has been in existence and was previously serviced for years by Waste Management when the building was occupied by the theater. The proposed redevelopment of the project does not include alterations to this area of the site. Would it be possible for Waste Management to provide a letter addressing the review's comment? I understand that you may not be the person who could address this issue but if you could be so kind as to forward this email to the correct person or provide their contact information, I would be very grateful. I can be reached at 239-462-3452 should you have any questions. Thank you in advance for your assistance in this matter.

Sincerely,



THE NEIGHBORHOOD
COMPANY

-LAND PLANNING + DESIGN-
LAURA TEFFT, AICP

Land Use Planner
239.462.3452
www.theneighborhood.company

EXHIBIT B: Schedule of Uses

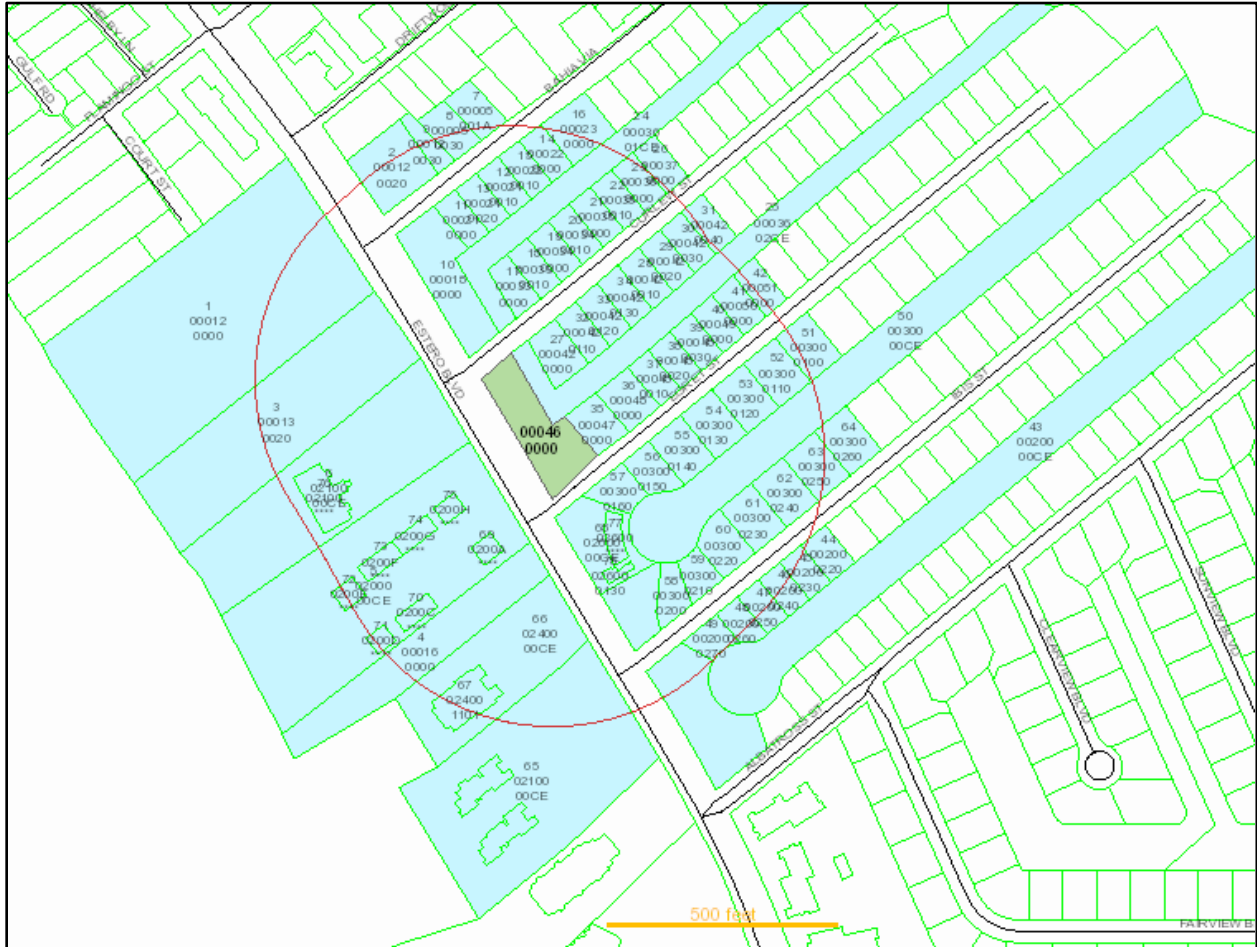
- 1) Consumption on Premises (COP) outdoors within 500 feet of dwelling units,
- 2) New outdoor entertainment in the Commercial Boulevard (CB) zoning district,
- 3) New live entertainment in the CB zoning district
- 4) New outdoor seating that is open after sunset in the CB zoning district



THE NEIGHBORHOOD COMPANY

6425 ESTERO BLVD SPECIAL EXCEPTION

500' PROPERTY OWNER MAP



6200 ESTERO BLVD INVESTMENTS L
2210 VANDERBILT BEACH RD #1300
NAPLES FL 34109

TOWN OF FORT MYERS BEACH
2731 OAK ST
FORT MYERS BEACH FL 33931

CAROUSEL BEACH REDEVELOPMENT L
815 N EAST AVE
OAK PARK IL 60302

ESTERO 4148 LLC
4517 BRYNWOOD DR
NAPLES FL 34119

PRIVATEER OF FT MYERS BEACH
6500 ESTERO BLVD
FORT MYERS BEACH FL 33931

SUNSET CONDO
6400 ESTERO BLVD
FORT MYERS BEACH FL 33931

CHOMEL JEFFREY & CATHY
2201 LINCOLN AVE
CONNERSVILLE IN 47331

HAINBUCHNER ERONIM PATRIK
200 NEW COURT
NOVI MI 48377

BROWN GEORGE KEITH
PO BOX 4
LA CROSSE WI 54602

6200 ESTERO BLVD INVESTMENTS L
2210 VANDERBILT BEACH RD #1300
NAPLES FL 34109

MURPHY TERRANCE P &
110 BAHIA VIA
FORT MYERS BEACH FL 33931

BARTOW MARTIN J &
130 BAHIA VIA
FORT MYERS BEACH FL 33931

BAHIA VIA LLC
4180 BRIGADOON DR
SHOREVIEW MN 55126

DIMURRO JOHN
150 BAHIA VIA
FORT MYERS BEACH FL 33931

MCGRATH PETER J & NICOLE
300 GRAND ST UNIT 412
HOBOKEN NJ 07030

DIMURRO JOHN
160 BAHIA VIA
FORT MYERS BEACH FL 33931

CAMPBELL ROBERT E & PHYLLIS
3627 HUBBARD MIDDLESEX
WEST MIDDLESEX PA 16159

SPRADLING TYLER J &
127 CURLEW ST
FORT MYERS BEACH FL 33931

KOPPING REBECCA +
12310 115TH ST
LEMONT IL 60439

CUMMINGS JOHN L
4 PETERS BROOK DR
HOOKSETT NH 03106

SCHWIRTZ MARK J & SHEILA L
507 ABBEY WAY
MENDOTA HEIGHTS MN 55120

FINLEY TIMOTHY J & BRENDA J TR
553 WYATT DR
SAINT PETERS MO 63376

KOCISKO MAUREEN J TR
4483 WESTERN GAILS CT #405
FORT MYERS FL 33916

SANTINI CROSS CANAL
CURLEW ST
FORT MYERS BEACH FL 33931

SANTINI CROSS CANAL
CURLEW ST
FORT MYERS BEACH FL 33931

BUSDEKER THOMAS R & SHERI M
WESTFIELD GROUPS
PO BOX 93
GIBSONBURG OH 43431

BECHTEL JOSEPH +
E 19885 COUNTY RD ND
AUGUSTA WI 54722

STOUDT BUILDERS INC
1746 SAINT PETERS RD
POTTSTOWN PA 19465

NACCARATO CARMELO & FRANCA
3220 PINE CONE CT
MILFORD MI 48381

JMB REALTY LLC
25335 PINSON DR
BONITA SPRINGS FL 34135

PORCELLI MARK & GINA
8 KALMAN CT
WARREN NJ 07059

PHILLIPS TIMOTHY SCOTT &
120 CURLEW ST
FORT MYERS BEACH FL 33931

HAINBUCHNER ERONIM PATRIK &
200 NEW CT
NOVI MI 48377

YANAKEFF DAVID & ROSEMARY TR
9560 WALDRON RD
JEROME MI 49249

CAVANAUGH JOHN F
415 S WELLS ST UNIT 304
LAKE GENEVA WI 53147

DUNLAP JAMES E & MICHELE L
10087 IDLE PINE LN
ESTERO FL 34135

GAERTNER MARK A +
8276 SOUTHWIND BAY CIR
FORT MYERS FL 33908

HOLLYWOOD LISA G & SHAWN L
18929 CRESCENT RD
ODESSA FL 33556

VANFLEET JOHN L JR
155 EGRET ST
FORT MYERS BEACH FL 33931

KEHOE DONALD B & SHERRI S
8405 EAGLE CREST LN
INDIANAPOLIS IN 46234

PACCHINO CARMINE E &
6733 HARTLAND ST
FORT MYERS FL 33966

JAMES E & CHARLENE M KRATZKE T
180 BROADWAY ST
PRAIRIE DU SAC WI 53578

SANDPIPER UNIT 1 CANAL
IBIS ST
FORT MYERS BEACH FL 33931

AMOS CONSTANCE JANE
150 IBIS ST
FORT MYERS BEACH FL 33931

SCOTT DONALD E & KAREN L
130 IBIS ST
FORT MYERS BEACH FL 33931

ZUBER JOHN J & DANA R
6 WHISPERING WAY
WARREN NJ 07059

PREPHAN RICHARD S
118 W SOUTH BOUNDARY #1
PERRYSBURG OH 43551

BATISTA JOHN & MICHELE
100 IBIS ST
FORT MYERS BEACH FL 33931

ERBECK ANNETTE E TR
5197 OVERLOOK DR
MASON OH 45040

SANDPIPER UNIT 2 CANAL
IBIS ST
FORT MYERS BEACH FL 33931

SMITH CHERYL L
180 EGRET ST
FORT MYERS BEACH FL 33931

KLOSTERMAN TIMOTHY & KAREN
172 EGRET ST
FORT MYERS BEACH FL 33931

SELK ANDREW R & MELISSA R
1006 RIVERVIEW DR
PLYMOUTH WI 53073

GUANCHE MIGUEL & MAYRA
6995 GLENEAGLE DR
MIAMI LAKES FL 33014

ONSAGER FLORIDA LLC +
1096 TAYLOR LN
STOUGHTON WI 53589

BASS THOMAS L & TIFFANY E TR
4091 STALEY RD
FORT MYERS FL 33905

HENDRICKSON SHARON LEE
915 S 28TH ST
SOUTH BEND IN 46615

SEVOYAN STEPAN & YELENA
8976 EDGEWOOD LN
HIGHLANDS RANCH CO 80130

PREPHAN KATHLEEN
118 W SOUTH BOUNDARY ST STE 1
PERRYSBURG OH 43551

YURCIK JOHN JR
139 IBIS ST
FORT MYERS BEACH FL 33931

MANNELLA FRANK
149 IBIS ST
FORT MYERS BEACH FL 33931

BEASLEY R RAY & LANE
159 IBIS ST
FORT MYERS BEACH FL 33931

FERNANDEZ GUILLERMO &
8727 NW 139 TER
MIAMI LAKES FL 33018

181 IBIS LLC
267 BAREFOOT BEACH BLVD #304
BONITA SPRINGS FL 34134

ISLAND WINDS CONDO
6612 ESTERO BLVD
FORT MYERS BEACH FL 33931

SEAWATCH ON THE BEACH
6550 ESTERO BLVD
FORT MYERS BEACH FL 33931

SEAWATCH ON THE BEACH
HILTON GRAND VACATIONS CO
HOA AR DEPT
6355 METRO WEST BLVD #180
ORLANDO FL 32835

RTJP INVESTMENTS INC
17 DORAL CT
MATTOON IL 61938

FELDMANN GARY
2082 CHARLESTON LN
BARTOW FL 33830

LUCAS MORRIS D & MISTY
4124 RAINTREE BLVD
GREENWOOD IN 46143

WIMBERLY & WIMBERLY
PO BOX 694
RICHMOND KY 40476

ALLEN KARLA F TR
1626 BELFIELD ST
INDIANAPOLIS IN 46217

HAWLEY BRUCE &
6500 ESTERO BLVD #A301
FORT MYERS BEACH FL 33931

ROWE DONN A TR
220 LOOP AVE
MANSON WA 98831

BELFORD JAMES R TR
526 PINEHURST LN
SCHERERVILLE IN 46375

LEFRANCE JANICE S TR
PO BOX 23
SOUTHWICK MA 01077

KIENHOLZ ANDREW EDWARD +
2626 PACIFIC DR S #301
FARGO ND 58103

O'CONNELL JOHN & JEAN
27 GREEN BRIAR DRIVE
SUFFIELD CT 06078

RASH BRENDA L TR
5726 E 800 N
SYRACUSE IN 46567

BREDBERG DOUGLAS J &
7785 CLYDESDALE SE
ADA MI 49301

M&D FLORIDA LLC
1687 SUGARMAPLE DR
COLUMBUS OH 43229

WALTMAN MICHAEL & JEAN
6500 ESTERO BLVD #C219
FORT MYERS BEACH FL 33931

TRIPLE CROWN VACATION RENTALS
19377 AQUA SHORE DR
FORT MYERS FL 33913

RUDY MARLENE Y & JOEL
19 ROXBURY DR
ATHENS OH 45701

HOOBLER NEIL E & SHERRY T
231 STECKLER RD
STONEBORO PA 16153

SMITH RICHARD R TR
3420 CTH NN
WEST BEND WI 53095

WILKERSON ALAN R & RHONDA M
4310 N RIVERSIDE DR
COLUMBUS IN 47203

MARTIN JOHN D & MARY A TR
6877 HARDWOOD DR
GALLOWAY OH 43119

JEWETT HAROLD D TR
2530 BRAEMAR DR
FORT WAYNE IN 46814

KIRSCH DIANE S TR
1228 DRAGONFLY WAY
WATKINSVILLE GA 30677

WYSKIEL JEAN & STEPHANIE L/E
608 STANLEY BLVD
BIRMINGHAM MI 48009

KRUSE STACY & NORMAN TR
9351 KIOWA TRAIL
CHANHASSEN MN 55317

OSUCHOWSKI WILLIAM & SHARON
300 EUCLID AVE STE 12
SYRACUSE NY 13210

BARACUTEY LLC
3958 ASHENTREE CT
FORT MYERS FL 33916

CROWE KYLE R & SUZANNE L
16356 VIANSA WAY #101
NAPLES FL 34110

GALLE THOMAS & SARA
1092 HICKORY HILL PKWY W
HUBERTUS WI 53033

SNEDDON JOY B TR
4790 GOEBLE RD
FORT MYERS FL 33905

WIEN DAVID P & JANICE K
708 GREENBANK RD
WILMINGTON DE 19808

HOSKINS BRIAN K & SUSAN B
801 W COLISEUM BLVD
FORT WAYNE IN 46808

HENRY KATHRYN & TED
16176 LAKESIDE AVE SE
PRIOR LAKE MN 55372

3RC BUTTERCUP LLC
404 EAST COLUMBUS ST
CRAWFORDSVILLE IA 52621

GENZINK RETHA
2085 112TH AVE
HOLLAND MI 49424

PELLETIER SCOTT & JUDY TR
11802 FAR EDGE PATH
COLUMBIA MD 21044

BARTLETT ROBERT M & LILA F
5354 26TH ST S #201
FARGO ND 58104

FLORY SUSAN E TR
3751 PATTY CT
BONITA SPRINGS FL 34134

WALLIS LISA S TR
28270 INSULAR WAY
BONITA SPRINGS FL 34135

RICHARDSON JACK D & DONNA L
8303 MERLOT LN
LAUREL MD 20723

SCHMIDT MARTIN S
1307 SHORELINE DRIVE
WAYZATA MN 55391

DELANEY GARY L & KATHRYN TR
112 PRAIRIE DR
MINOOKA IL 60447

ALVES A DACOSTA & SANDRA J
4543 CATALINA LANE
BONITA SPRINGS FL 34134

KNIBBE DAVID J & GAYLE E
2530 W G AVE
KALAMAZOO MI 49009

RUSSELL WILLIAM G IV &
119 COMMERCE ST
CLINTON CT 06413

BROUGHER DOUGLAS E &
1220 HALF MOON LN
CICERO IN 46034

GIERSEWSKI STEPHEN T TR
6500 ESTERO BLVD #H202
FORT MYERS BEACH FL 33931

ZDEB DIANE D TR
1697 WHITCOMB AVE
DES PLAINES IL 60018

GREIG LUCIA
10737 FIRST LINE NASSEGEWAYA
MILTON ON L0P 1J0
CANADA

SUNSET 100 LLC
PO BOX 30
DECATUR IN 46733

MCCARTY RONALD ANDREW TR
15840 COUNTRY CT
FORT MYERS FL 33912

RUSSELL ROBERT M &
3 WYCLIFFE RD
EAST WALPOLE MA 02032

FANCHER SHANE R &
825 BUCCANEER PT
DECATUR IL 62521

STONER JONATHAN & LEESA
3631 SILVER BROOK LN
GAINESVILLE GA 30506

PARRISH GREGG S & KAREN
11809 EAGLE VIEW CT
FORT WAYNE IN 46814

BAKER CARL & NELDA
43440 MARIETTA RD
CALDWELL OH 43724

JOHNSON JAMES N
6754 GRAND OAKS CT
MASON OH 45040

DOWNEN JERRY L & MARY ANNE TR
402 N ALTON ST
FREEBURG IL 62243

CARRICO EMIDIO G &
78 S LAKE SHORE DR
BROOKFIELD CT 06804

SPAKE KAREN J
220 LANE 440 LAKE JAMES
ANGOLA IN 46703

DOUGLAS R DANIEL TRUST +
406 POLK ST
IOWA FALLS IA 50126

BAKER TERRY L & NANCY L
2848 E 550TH N
DECATUR IN 46733

SCHRIER LARRY E &
742 HOMESTEAD WY
BROWNSBURG IN 46112

KLUESNER REAL ESTATE LLC
501 TAHOE CT
FARLEY IA 52046

ROSE TERRY L/E
3631 PUTTER POINT LN
FORT MYERS FL 33919

DAWSON TODD A & JAN
205 EMS T34C LN
LEESBURG IN 46538

RUBLE NICOLAS & NICOLE
11225 NORTH 600 EAST 1
MONROEVILLE IN 46773

WALZ STEPHEN N + CHERYL S
6400 ESTERO BLVD #400
FORT MYERS BEACH FL 33931

REIS THOMAS N & KIMBERLY D
981 BAYLESS AVE #2
SAINT PAUL MN 55114

KOORNNEEF EVELYN A
202 MAIN STREET W
GRIMSBY ON L3M 1S3
CANADA

LORIS RENTAL LLC
LORETTA FREY
77E 550N
CRAWFORDSVILLE IN 47933

CARDWELL DOUGLAS F TR
1015 HIGH VISTA TRAIL W
WEBSTER NY 14580

VIECELI DAVID A & DONNA L
6400 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

RAWAS MAHMOUD & FADIA
4149 OLD MANCHESTER CT
MASON OH 45040

JENNER CAROLINE J
1251 LAKEVUE DR
BUTLER PA 16002

CLAWSON MICHAEL R &
3308 GLENVIEW AVE
AUSTIN TX 78703

HOWARD STACY & RHONDA
1600 SOUTH LEE AVENUE
MORTON IL 61550

HARVEY JANICE L
PO BOX 700
EAST AMHERST NY 14051

DANGELO CRAIG M &
3333 CRAIG DR
NORTH TONAWANDA NY 14120

NIEDOSIK DENNIS L/E
6400 ESTERO BLVD #600
FORT MYERS BEACH FL 33931

FRIEDMAN ABIGAIL TR
4919 S DORCHESTER AVE
CHICAGO IL 60615

HOFMAN KYE P & SHERI L
11497 S 450 E
HAUBSTADT IN 47639

GRAHEK KATHLEEN A TR
2500 SUMMERVILLE DR
VALLEY CITY OH 44280

KIMBERLY A TORTORA TRUST +
39700 FIVE MILE RD
PLYMOUTH MI 48170

GRAFF JOHN F TR
118 SADDLE CLUB RD
KITANNING PA 16201

LARRY J HINTZ TRUST +
43W219 TALL PINES RD
ELGIN IL 60124

MUNTEAN ANTOINETTE A TR
7604 SCENICVIEW DR
INDEPENDENCE OH 44131

MONTGOMERY RICKY G &
3 FIRESIDE CT
FRANKFORT IN 46041

FALK DONALD E & NANCY J
1725 W 4TH ST
RED WING MN 55066

ALI MEDIAN & JNEIDI MUNA
9621 TAI TRCE
DAYTON OH 45458

MUSTO RICHARD W & JOANN G
2050 JAMIESON AVENUE APT 1003
ALEXANDRIA VA 22314

VIECELI DAVID A + DONNA L
6400 ESTERO BLVD # 405
FORT MYERS BEACH FL 33931

JONES DEBRA L TR
P O BOX 2476
FORT MYERS BEACH FL 33932

SUNSET 802 LLC
9200 10TH ST N
LAKE ELMO MN 55042

HICKLING NANCY WHITE
24 LOCHAN LANE BOX 1239
BOBCAYGEON ON K0M 1A0
CANADA

TENNESSEA LLC
655 N EAST END
STRAWBERRY PLAINS TN 37871

MARY ANN MOCKLER FAMILY TRUST
2703 JUNONIA CT
FORT MYERS FL 33908

FANCHER MICHELLE L
825 BUCCANEER PT
DECATUR IL 62521

BUCCELLI PHILIP J &
47 WOOD ST
WOBURN MA 01801

SHORT TINA
16555 N MCCAULEY LN
MOUNT VERNON IL 62864

ISLE PROPERTY INVESTMENTS LLC
1842 TOSSING MANE CT
DAYTON OH 45458

HILTON MARK E & DIANA L
23 AGNELL CT
SACRAMENTO CA 95835

BELLINA SUSAN A TR
1248 MILANO DRIVE
NAPLES FL 34103

FORT MYERS BEACHSIDE LLC
10900 N DANA DR
PEORIA IL 61615

GOLDENBERG ALAN L/E
17167 PLANTATION DR
FORT MYERS FL 33967

POPPALARDO PHYLLIS A +
909 RANDOLPH RD
MIDDLETOWN CT 06457

CHIPS AND QUESO TRUST
9951 WOODLANDS DR
FISHERS IN 46037

LINTON DIANE E & DAVID H TR
110 WHITE TAIL LN
LANCASTER MA 01523

DEME MARIE
111 SOUTHSORE DR UNIT 236
EAST HAVEN CT 06512

TAYLOR LYNNE C
6966 OVERLOOK DR
FORT MYERS FL 33919

SUNSET 1101 LLC
731 NE 7TH AVE
FORT LAUDERDALE FL 33304

BRADY STEVEN A & JULIE A TR
1128 PLUM TREE LN
PALATINE IL 60067

BP SUNSET PROPERTIES LLC
ROSALIE PAUCK
1105 TURFRUNNER CT
FLORISSANT MO 63034

ENGDAHL DIANA M +
50595 WAGONWHEEL W
GRANGER IN 46530

PAYETTE MARY MULCAHY TR
579 HOLLY LN N
OAKDALE MN 55128

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

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DSSBB LLC
120 S CENTRAL AVE STE 1800
SAINT LOUIS MO 63105

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

Yellow Sheet Number: **2025-459**

1. Request:

Meeting Date: June 10, 2025

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING AN AMENDMENT AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; 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 existing CPD and MCP need clarification and the addition of one new deviation. This may only be accomplished through an ordinance.

What the action accomplishes:

Allows the continued use of the marina and associated retail/office/restaurant uses.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The applicant is requesting an amendment of Res. Z-94-013 to revise the Master Concept Plan (MCP), locations of previously approved buildings, develop a modern bathroom and boat club office, reduce the setbacks of the existing restaurant and deck to 0-feet adjacent to the leased boat basin area and clarify that all phases mentioned in the previous MCP amendment have been completed.

Attachments:

1. ORDINANCE 25-14 with Exhibit A
2. EXHIBIT B: REVISED MASTER CONCEPT PLAN
3. LPA STAFF REPORT
4. EXHIBIT C: SCHEDULE OF USES AND TABLES
5. APPLICANT RESPONSES TO CONDITIONS OF APPROVAL
6. HISTORICAL CPD: Z-88-268 FISH TALE MARINA CPD REZONING
7. HISTORICAL CPD-AMENDMENT: Z-94-013 FISH TALE MARINA CPD AMENDMENT
8. HANDOUT at meeting - Applicant - Public Hearing C 6.10.25

Financial Impact:

N/A

6. Alternative Action

Adopt with Conditions

7. Staff Recommendations:

N/A

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: June 03, 2025

Georgina Cid, Community Development Manager

Date: June 03, 2025

Frankie Kropacek, Community Development Director

Date: June 03, 2025

nancy stuparich, Town Attorney

Date: June 03, 2025

Amy Baker, Town Clerk

Date: June 04, 2025

ORDINANCE 25-14

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING AN AMENDMENT AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, MHC Fish Tale, LLC., the owner, and Edgewater Group, as agents for the property located at 7225, 7291 Estero Boulevard, Ft Myers Beach, FL 33931, parcels generally identified as STRAP numbers 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 and 03-47-24-W1-00011.003B in the Town of Fort Myers Beach, filed an application to amend the Master Concept Plan (MCP) adopted in Resolution Z-94-013, which rezoned the property to Commercial Planned Development with deviations, to allow for the redevelopment of a commercial marina; and

WHEREAS, the property is a combination of three parcels located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on June 10, 2025, at which time the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted __ to __ to recommend approval/approval with conditions/denial to the request and found it consistent with the Comprehensive Plan, and

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

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

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

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

WHEREAS, a Business Impact Estimate has been prepared and is 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 conditions of approval to be used during the permitting process; and

WHEREAS, Exhibit B provides a revision to the Master Concept Plan and the schedule of uses for this CPD to be used during the permitting process; and

WHEREAS, a deviation is needed from Section 34-638 (f), of the Land Development Code (“LDC”) regarding the minimum building setback to allow a setback of 0 feet for structures adjacent to the submerged land lease basin and a 20-foot setback for the portion of the site adjacent to the state-owned canal; and

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

- a. The rezoning, as amended and restated, 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, as amended and restated, 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, as amended and restated, 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, as amended and restated, would protect, conserve, or preserve environmentally critical areas and natural resources.

- g. The rezoning, as amended and restated, would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- h. The rezoning, as amended and restated, 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, as amended and restated, and 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 Section 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.

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

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

Section 2. The Town Council finds that the amendment and restatement of CPD zoning with deviations as provided herein is **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and **APPROVES/APPROVES WITH CONDITIONS/DENIES** the requested application.

Section 3. Ordinance 25-14 is adopted and approved to amend and restate Resolution 94-013 as provided in the Conditions of Approval for the Property's CPD as set forth in Exhibit A, the revised Master Concept Plan in Exhibit B and the Schedule of Uses in Exhibit C, all of which are 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 _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

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

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

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

Exhibits:

A- Conditions of Approval

B - Master Concept Plan (MCP)

C – Schedule of Uses

Exhibit A: Conditions of Approval

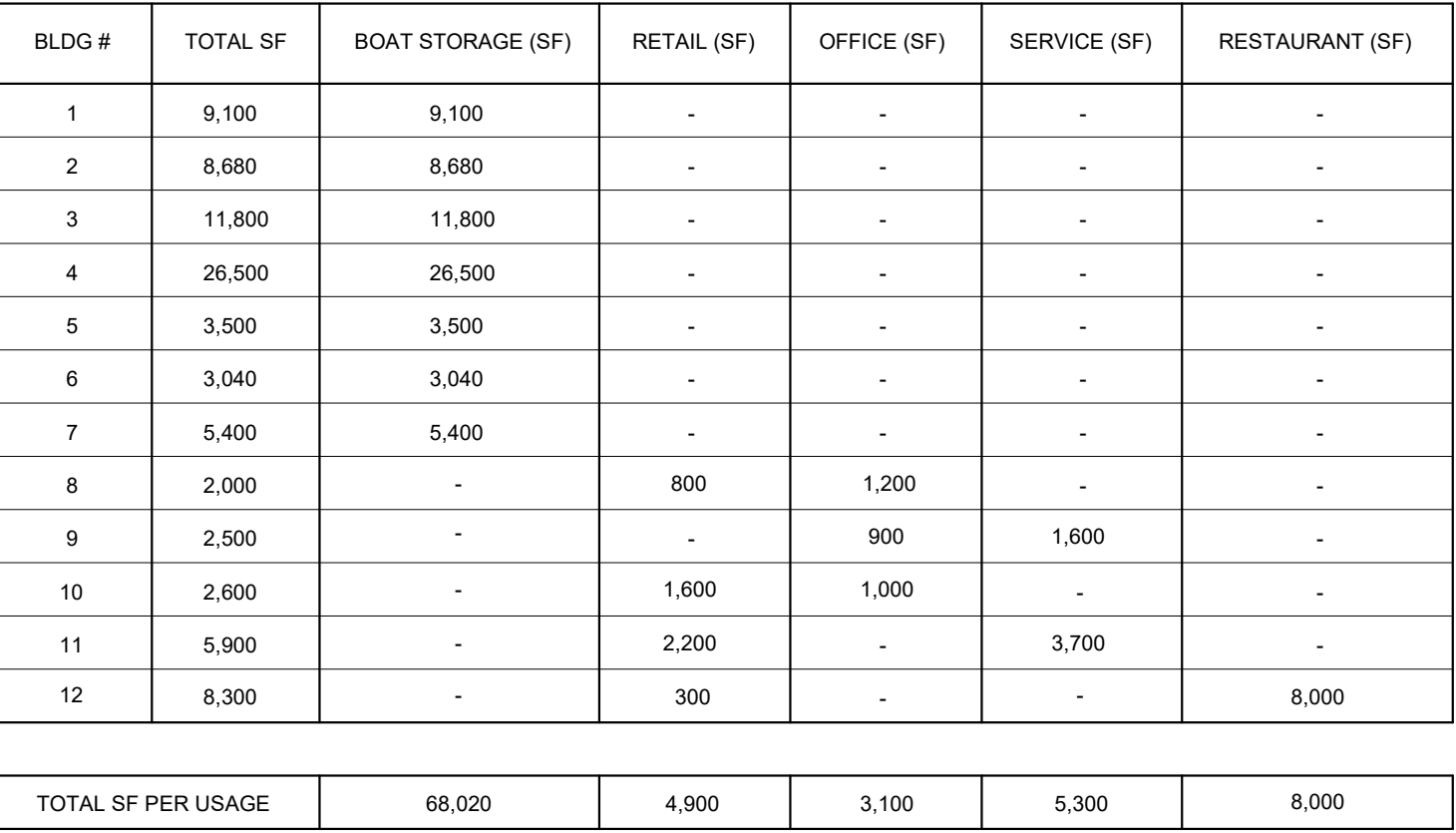
Exhibit A: Conditions of Approval

Continuation of Existing approvals from CPD 1994 MCP (Resolution Z-94-013) as amended from Resolution Z-88-268

- a. Minimum building setback approximately 0-feet for structures adjacent to the submerged land leased basin, and 20-feet for structures adjacent to the state-owned canal.
- b. Minimum setback for parking or interval roads or drives in the southwest corner of the property (as shown on MCP) is the width of Type C buffer with a wall constructed between the property and the Santa Maria Condominiums.
- c. The proposed dry storage building is limited to 55 feet in height and shall be constructed to withstand winds of 140 mph; all other uses are limited to 35 feet in height.
- d. A 5-foot-wide buffer with Type D plantings shall be provided at location along marina accessory use as shown on the Master Concept Plan to match the existing.
- e. A 5-foot-wide buffer with Type D plantings shall be provided at location along marina accessory use as shown on the Master Concept Plan
- f. An intertidal, littoral shelf of minimum 5 foot wide between the existing seawall and the docks shall be created. Please refer to Resolution Z-94-013, conditions #6.
- g. Residential development within Phase II shall comply with the buffers given on MCP with Type B buffer along the local street easement south of Villa Santini Plaza.
- h. Dry storage building is limited to 55 feet in height and all other uses are limited to 35 feet in height above grade level.
- i. No more than 30,000 sq. ft. of retail development on the subject property out of which Phase II is limited to a maximum of 20,000 sq. ft. of commercial building floor area.
- j. The project shall comply with the density requirements of the Lee Plan. If only Phase II (2+ acres) is redeveloped for residential uses (2+ acres x 6 maximum allowable density), the site is limited to twelve dwelling units at six units per acre. Residential uses are permitted only in conjunction with at least 50,000 square feet of commercial or industrial uses.
- k. A 10-foot-wide pedestrian easement between the Santa Maria Condominium and the boat docks owned by Santa Maria.
- l. The owner/developer shall post manatee awareness and idle speed /no wake signs along the canals from the subject property to Ostego Bay.
- m. The owner/ developer shall post "no parking-fire lane" signs along the length of the access road that runs between the subject property and Villa Santini Plaza. The applicant and the owner of Villa Santini Plaza shall construct three-sided barriers around the dumpsters located in the access road for the purpose of keeping the dumpsters flush against the buildings and out of the fire lane.
- n. Open space shall be provided in accordance with the Master Concept Plan with exceptions as given under resolution.
- o. Any change of the marina use would require a public hearing as per Policy 98.2.1.
- p. Parking shall be in accordance with the Lee County regulations, with the exception of marina parking (Deviation (12) of Resolution Z-88-268). The MCP increases the existing number of parking spaces from 145 to 155 with no increase in boat density.
- q. If the property is subdivided for commercial uses, there shall be compliance with the property development regulations of the CC zoning district (Zon Ord Table 450.A, LDC

Section 34-843). The property development regulations of the RM-6 zoning district shall be complied with for multi-family or townhouse development (Zon Ord Table 422.B, LDC Section 34-715). Subdividing shall be in compliance with the Development Standards Regulations.

- r. New commercial development shall not exceed 35 feet above current flood elevation except for the proposed dry boat storage per Development Order 5-21-89). The proposed dry storage building is limited to 55 feet in height.
- s. If residential development occurs, the buildings shall not exceed 35 feet above grade, except as provided for in Zon Ord Section 202.18.A.4 Land Development Code Section 34-2174.
- t. Open space shall be provided in accordance with the Master Concept Plan, with one exception: open space which is located within a road right-of-way or road easement may not be used for credit towards Fish Tale Marina's open space requirement.
- u. This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Regulations or other Town of Fort Myers Beach regulations.
- v. The existing development within Phase II (miniature golf course and ancillary restaurant) shall comply with the following conditions:
 - i. All exterior lighting on the property shall be low intensity and directed away from the adjacent residential uses.
 - ii. Structures shall be limited to a maximum of 15 feet above current flood elevation except for one lighthouse-like structure which shall be a maximum of 25 feet above finished grade.
 - iii. The miniature golf course and ancillary restaurant (including outdoor seating) shall be operated only between the hours of 10:00 A.M. and 10:00 P.M. from May 1st through October 31st of each year and between the hours of 10:00 A.M. and 11:00 P.M. from November 1st through April 30th of each year. If the miniature golf course is abandoned, the restaurant shall be allowed as permitted in Condition 22.
 - w. The owner/developer shall ensure twenty percent of total wet slips are useable for sailboats. These slips may be used for other vessels as demand requires.
 - x. The following setbacks shall apply:
 - i. Setback A: from State-owned canal: 20 ft.
 - ii. Setback B: from Submerged Land Leased Basin: 0 ft.
 - y. The owner/developer shall provide and maintain at the cost of \$2,750.00 per year dry, covered storage for one boat and provide one outdoor storage space for the use of the Town of Fort Myers Beach.
 - z. The proposed buildings on the site plan, identified as a marina accessory use building in Development Order 5-21-89, shall be used for marina uses.
 - aa. Square Footage of Uses and Slip #s shall comply with Table provided in Exhibit C of this ordinance



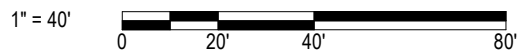
STORMWATER:

P: 850 220 5518
edgewater.pro

PROJECT TITLE:

ISSUED FOR:

DATE:	
03/06/25	
PROJ NO.:	



REVIEWED BY: RES

SHEET NUMBER:

C0.3



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: CPD AMENDMENT

CASE NUMBER: CPD20250008

CASE NAME: 7225 Estero Blvd., A request to amend an existing Commercial Planned Development to clarify previously approved deviations, conditions of approval, incorporate an existing outparcel, a deviation to reduce building setbacks to the leased portion of the boat basin, develop a new restroom, boat club office and retail space.

LPA

HEARING DATE: June 10th, 2025, at 9 AM

STAFF

RECOMMENDATION: APPROVAL WITH CONDITIONS

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

I. APPLICATION SUMMARY

Applicant/Owner: MHC Fish Tale LCC c/o Equity Lifestyle Partners

Request: The applicant is requesting an amendment of Res. Z-94-013 to revise the Master Concept Plan (MCP), locations of previously approved buildings, develop a modern bathroom and boat club office, reduce the setbacks of the existing restaurant and deck to 0-feet adjacent to the leased boat basin area and clarify that all phases mentioned in the previous MCP amendment have been completed.

Subject property: See attached Master Concept Plan

Physical Address: 7225 Estero Blvd. and 7295 Estero Blvd.

STRAP #: 03-47-24-W1-00011.0010; 03-47-24-W1-00011.0020;
03-47-24-W1-00011.003B

FLU: Pedestrian Commercial

Zoning: Commercial Planned Development (CPD)

Adjacent zoning and land uses:

North: COMMERCIAL PLANNED DEVELOPMENT (CPD)
Retail

South: Commercial Resort
Residential/ Condominium

East: Bay Beach
Residential/ Condominium

West: Santini
Commercial

II. BACKGROUND AND ANALYSIS

Background:

Original CPD Approval: October 24th, 1988 (Res. Z-88-268)

- 18 Conditions of Approval
- 12 Deviations of Lee County Standards

Amendment to CPD: May 16th, 1994 (Res. Z-94-013)

- Amendment to allow additional commercial uses, removed 4 conditions of approval and modified another 4 conditions. Added 2 conditions of approval, clarifying previous conditions and updating the title and date of revised Master Concept Plan (MCP).

Analysis:

Existing Conditions and Deviations: The existing conditions of approval and deviations have been in effect since the approval of the 1994 CPD-amendment. The applicant has submitted a list of those conditions and deviations with their accounting of what needs to be remediated. The applicant has stated in their submissions that their intent is to bring the marina back into full functionality, reconfigure building locations, construct ADA-compliant bathrooms and offices to

serve boat club functions (building 9), repair and reopen the on-site restaurant and fully utilize the outparcel where boat sales and service is proposed.

The applicant is not requesting additional floor area, height or intensification of uses beyond what had already been approved through the two previous CPDs. In-fact the applicant is proposing to increase the number of available parking spaces to adequately accommodate the expected volume of visitors and customers while reducing the total number of dry-slips to accommodate fewer, but larger vessels. The request largely recognizes that the site is useable, but that some development such as the restaurant and deck were developed closer to the boat basin than would be allowed under current codes, the orientation of some of the previously approved marina buildings is no longer conducive to safe and efficient movement of vessels to and from the water and constructing a new building which will provide offices for staff and ADA restrooms for visitors. All of the proposed additions would be allowable under the existing, approved CPD maximum areas.

Lastly, the applicant has requested to remove references to a phased-build in the CPD language, the areas which were slated for 'Phase-II' activities were already constructed and both staff and the developer agree that this language may be confusing for future reviewers, the site layout proposed in the attached, amended MCP (Exhibit-B) shall become the new record of building location, providing needed context and the actual footprint of buildings, docks and parking spaces.

Deviation #1: The applicant is requesting relief from LDC Sec. 34-638(f) and proposing minimum building setback of 0 feet for structures adjacent to the submerged land lease basin and 20-foot setbacks for the portion of the site adjacent to the state-owned canal.

This request would allow for the existing restaurant and deck adjacent to the marina's leased boat basin area (Building 12 on revised MCP) to be made compliant with the current code. Based on available permitting records it is unclear how or when the existing restaurant deck area was constructed with effectively zero setbacks to the water.

While it is in the best interest of the applicant that they have access to the seawall under the deck, the continued use of the restaurant and deck is an approved use and there is community interest in having additional dining options on the south of the island. Keeping the structure where it was located prior to the storm does not—in the opinion of staff—present a hazard or nuisance to the wider neighborhood and furthers the community interest in the marina continuing its full use

III. CONDITIONS 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. A Development Order will be required to be completed prior to the issuance of Certificates of Completion where turtle protection codes, site-lighting, landscape species and revised stormwater design will be reviewed.

IV. STAFF RECOMMENDATIONS

Staff has reviewed the site plans, Master Concept Plan (MCP) and deviations for the redevelopment of Fish Tale Marina CPD

Staff recommends **APPROVAL WITH CONDITIONS** of Ord. 25-14 with the single (1) deviation contained therein.

IV. EXHIBITS

- A. Exhibit A: Amended Conditions of Approval
- B. Exhibit B: Amended Master Concept Plan
- C. Exhibit C: Schedule of Uses

Exhibit C: Schedule of Uses as defined in Resolution number Z-94-013

- Administrative Offices
- ATM – Automated Teller Machine
- Retail
 - Bait and Tackle Shop
 - Boat Parts Store
 - Boat Sales
 - Food Store
 - Gift and Souvenir Shop
 - Hobbie, Toy, Game Shop
 - Special retail shops
- Bank and Financial Establishment
- Bar or Cocktail Lounge
- Business Office
- Business Services
- Clubs – including membership organizations
- Consumption on Premises – as associated with a restaurant
 - Including COP for Outdoor Seating in conjunction with a restaurant
- Day Care Center (child or adult)
- Marina and Marina accessory uses
 - Docking and Mooring facilities
 - Dry Boat Storage
 - Sale of Fuel and Lubricants
 - Live Aboards
 - Sanitary Facilities
 - Restrooms and showers for transient persons
 - Pump out facilities for onboard sanitation
 - Wastewater holding pretreatment or treatment
- Drive-Thru Facility – only in conjunction with a bank
- Drug Store or Pharmacy
- Dwelling Units – in compliance with zoned density
 - Townhouse
 - Multi-family Building
- Entrance Gates and Gatehouses
- Essential Services
- Food and Beverage Service
- Hotel/Motel
 - Efficiency Motel permitted
 - Convention of transient Hotel/motel prohibited
- Insurance Company
- Laundromat
- Laundry or Dry-cleaning

- Personal Services
- Pet Services
- Recreation, Commercial
 - Excludes waterslides
- Rental or Leasing Establishments
- Restaurants, standard
- Schools, commercial
- Signs – in accordance with LDC regulations
- Storage
 - Indoor – limited to boats and associated equipment, but not including commercial mini-warehouses or garages
 - Open
- Temporary Uses – limited to construction trailer and construction equipment
- Transportation Services
- Vehicle and Equipment Dealers

The 1992 Master Concept Plan with a 20,000 SF Commercial strip mall is replaced with the following structures:

Bldg #	Total SF	Boat Storage (SF)	Retail (SF)	Office (SF)	Service (SF)	Restaurant (SF)
1	9,100	9,100	-	-	-	-
2	8,680	8,680	-	-	-	-
3	11,800	11,800	-	-	-	-
4	26,500	26,500	-	-	-	-
5	3,500	3,500	-	-	-	-
6	3,040	3,040	-	-	-	-
7	5,400	5,400	-	-	-	-
8	2,000	-	800	1,200	-	-
9	2,500	-	-	900	1,600	-
10	2,600	-	1,600	1,000	-	-
11	5,900	-	2,200	-	3,700	-
12	8,300	-	300	-	-	8,000
Total SF per usage						
		68,020	4,900	3,100	5,300	8,000

- Building 4 is not to exceed 27,000 SF
- Building 7 is not to exceed 6,000SF

The proposed development is not to exceed the quantity of boats listed below:

EXISTING WETSLIP MIX			
Dock	Slip Style	Slip Length (ft)	Slip Count
Seasonal Slips			
A	Broadside	30	7
	Slip	30	16
	Slip	40	2
	Slip	50	1
	Dock A Total:		26
B	Slip	30	12
	Dock B Total:		12
C	Broadside	30	1
	Broadside	40	16
	Slip	30	8
	Slip	40	12
	Dock C Total:		37
D	Slip	20	8
	Slip	30	8
	Slip	40	1
	Dry Dock	40	3
	Dock D Total:		20
Total Marina Slips			95
Transient Slips			
Dock D Broadside		-	3
Queueing Slips			18
Fuel Dock Slips			4
Total Slips			120

PROPOSED WETSLIP MIX			
Dock	Slip Style	Slip Length (ft)	Slip Count
Seasonal Slips			
A	Slip	30	8
	Slip	40	11
	Dock A Total:		19
B	Slip	40	10
	Dock B Total:		10
C	Broadside	30	1
	Slip	40	9
	Dock C Total:		10
D	Broadside	30	1
	Broadside	40	17
	Slip	40	20
	Dock D Total:		38
Total Marina Slips			77
Transient Slips			
Dock A Broadside		30	4
Queueing Slips			16
Fuel Dock Slips			2
Total Slips			99

EXISTING DRYSTACK SLIP MIX				
Building	Level	Slip Size (ft)	Slip Count	Total Slip Count
1	1	25	22	66
	2	25	22	
	3	30	22	
2	1	25	22	66
	2	25	22	
	3	20	22	
3	1	25	28	84
	2	25	28	
	3	20	28	
4	1	25	36	60
	2	30	24	
5	1	30	9	27
	2	30	9	
	3	30	9	
6	1	35	6	18
	2	35	6	
	3	35	6	
Drystack Subtotal			321	
Existing Wetslip Plan			120	
Total Slips:			441	

Proposed Drystack Slip Mix				
Building	Level	Slip Size (ft)	Slip Count	Total Slip Count
1, 2, 3 footprint	1	35	39	134
	2	35	39	
	3	30	39	
	4	30	17	
4	1	45	24	120
	2	40	24	
	3	30	36	
	4	30	36	
5	1	30	9	27
	2	30	9	
	3	30	9	
6	1	35	6	18
	2	35	6	
	3	35	6	
7	1	45	12	36
	2	40	12	
	3	30	12	
Drystack Subtotal			335	
Proposed Wetslip Plan			99	
Total Slips:			434	

January 27, 2025

Revised: March 5, 2025

Zoning Department | Town of Fort Myers Beach
2731 Oak St.
Fort Myers Beach, Florida 33931

Via email: Zoningpermits@fmbgov.com
CC: jsmalley@fmbgov.com

Re: MCP Modification Request for Fish Tale Marina – 7225 Estero Blvd. Fort Myers Beach, FL

To whom it may concern,

Fish Tale Marina suffered severe damage during Hurricane Ian on September 28th, 2022. The owner, Equity Lifestyle Properties (ELS) would like to rebuild the marina to modern day standards. The marina includes wet and drystack slips, boat service building, boat rentals, fueling dock, ship store, restaurant and other marina related amenities and infrastructure. The goal is to keep the marina a commercial marina open to the public. In order to complete all the long-term improvements a new master plan was created.

A MCP was approved in 1988 and amended again in 1994 for the property. The 1994 MCP contemplated a large commercial strip mall on the property. We would like to return the site to a Commercial Marina open to the public.

The following items describe the existing 1994 MCP addenda that will NOT be modified, and we have identified proposed deviations for the new attached MCP to return the project to a commercial marina:

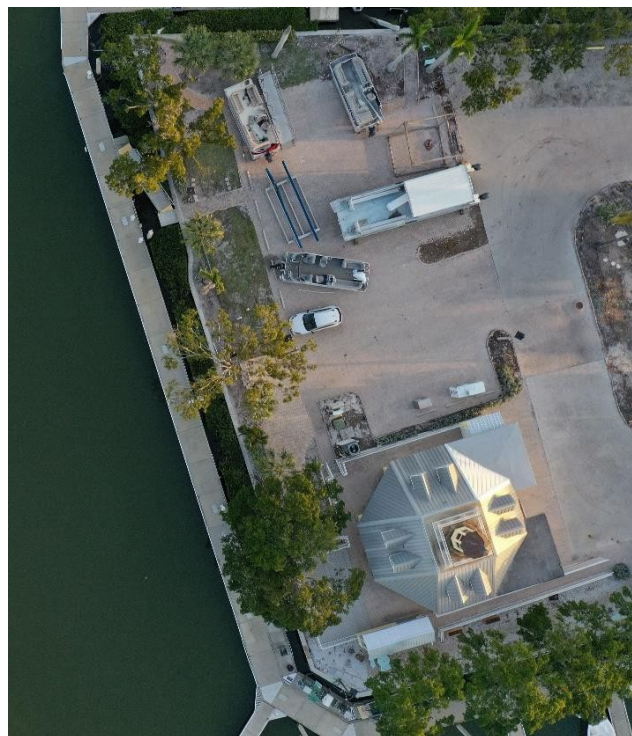
- I. Existing addenda to remain from the 1994 MCP (we are planning to retain the right to these items without necessarily implementing them to the current MCP modification request):
 - A) Minimum building setback approximately 1 foot for existing and dry boat storage buildings provided 20 foot wide access is provided around all the buildings to allow fire department access.
 - B) Minimum setback for parking or interval roads or drives in the southwest corner of the property (as shown on MCP) is width of Type C buffer with a wall constructed between the property and the Santa Maria Condominiums.
 - C) The proposed dry' storage building is limited to 55 feet in height and shall be constructed to withstand winds of 140 mph; all other uses are limited to 35 feet in height.

- D) A Type C buffer with 6 foot high wall along south side of the subject property where it abuts Santa Maria Condominium. (We plan to replace the damaged buffers and meet existing requirements)



(6' High Wall – pre-hurricane)

- E) A 5-foot-wide buffer with Type D plantings shall be provided at location along marina accessory use as shown on the Master Concept Plan (We plan to match the existing)



(Aerial image of 5ft wide buffer)

- F) An intertidal, littoral shelf of minimum 5 foot wide between the existing seawall and the docks shall be created. Please refer to Resolution for details. (We plan to match the existing)



(Existing Mangrove Buffer)

- G) Residential development within Phase II shall comply with the buffers given on MCP with Type B buffer along the local street easement south of Villa Santini Plaza. (We plan to retain this right, however we are not proposing any residential developments at this time)
- H) Dry storage building is limited to 55 feet in height and all other uses are limited to 35 feet in height above grade level. (We plan to meet these limits)

- I) No more than 30,000 sq. ft. of retail development on the subject property out of which Phase II is limited to a maximum of 20,000 sq. ft. of commercial building floor area. (We plan to include 6,400 sq. ft. of retail in Phase I as follows:

Bldg #	Total SF	Boat Storage (SF)	Retail (SF)	Office (SF)	Service (SF)	Restaurant (SF)
1	9,100	9,100	-	-	-	-
2	8,680	8,680	-	-	-	-
3	11,800	11,800	-	-	-	-
4	26,500	26,500	-	-	-	-
5	3,500	3,500	-	-	-	-
6	3,040	3,040	-	-	-	-
7	5,400	5,400	-	-	-	-
8	2,000	-	800	1,200	-	-
9	2,500	-	-	900	1,600	-
10	2,600	-	1,600	1,000	-	-
11	5,900	-	2,200	-	3,700	-
12	8,300	-	300	-	-	8,000
Total SF per usage		68,020	4,900	3,100	5,300	8,000

- J) The project shall comply with the density requirements of the Lee Plan. If only Phase II (2+ acres) is redeveloped for residential uses (2+ acres x 6 maximum allowable density), the site is limited to twelve dwelling units at six units per acre. Residential uses are permitted only in conjunction with at least 50,000 square feet of commercial or industrial uses (Table 480.A).3



- K) A 10-foot-wide pedestrian easement between the Santa Maria Condominium and the boat docks owned by Santa Maria. (We plan to match the existing)
- L) The owner/developer shall post manatee awareness and idle speed /no wake signs along the canals from the subject property to Ostego Bay. (Will be completed).
- M) The owner/ developer shall post “no parking-fire lane” signs along the length of the access road that runs between the subject property and Villa Santini Plaza. The applicant and the owner of Villa Santini Plaza shall construct three-sided barriers around the dumpsters located in the access road for the purpose of keeping the dumpsters flush against the buildings and out of the fire lane. (We plan to match the existing)
- N) Open space shall be provided in accordance with the Master Concept Plan with exceptions as given under resolution.
- O) Any change of the marina use would require a public hearing as per Policy 98.2.1.
(Note: We are not changing the Marina use).
- P) Parking shall be in accordance with the Lee County regulations, with the exception of marina parking (Deviation (12) of Resolution Z-88-268).
(Note: We are increasing the existing number of parking spaces from 145 to 155 with no increase in boat density).
- Q) If the property is subdivided for commercial uses, there shall be compliance with the property development regulations of the CC zoning district (Zon Ord Table 450.A, LDC Section 34-843). The property development regulations of the RM-6 zoning district shall be complied with for multi-family or townhouse development (Zon Ord Table 422.B, LDC Section 34-715). Subdividing shall be in compliance with the Development Standards Regulations.
- R) New commercial development shall not exceed 35 feet above current flood elevation (except for the proposed dry boat storage, Development Order 5-21-89).
- S) If residential development occurs, the buildings shall not exceed 35 feet above grade, except as provided for in Zon Ord Section 202.18.A.4 Land Development Code Section 34- 2174.
- T) Open space shall be provided in accordance with the Master Concept Plan, with one exception: open space which is located within a road right-of-way or road easement may not be used for credit towards Fish Tale Marina's open space requirement.

- U) This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Regulations or other Lee County Regulations.
- V) The existing development within Phase II (miniature golf course and ancillary restaurant) shall comply with the following conditions:
- All exterior lighting on the property shall be low intensity and directed away from the adjacent residential uses.
 - Structures shall be limited to a maximum of 15 feet above current flood elevation except for one lighthouse like structure which shall be a maximum of 25 feet above finished grade.
 - The miniature golf course and ancillary restaurant (including outdoor seating) shall be operated only between the hours of 10:00 A.M. and 10:00 P.M. from May 1st through October 31st of each year and between the hours of 10:00 A.M. and 11:00 P.M. from November 1st through April 30th of each year. If the miniature golf course is abandoned, the restaurant shall be allowed as permitted in Condition 22. (We plan to retain this right, however we are not proposing any mini golf developments at this time. Existing restaurant is planned for renovations)



II. Deviations:

- A) The owner/developer shall reserve twenty percent of the total wet slips for sailboats.
(We historically do not have many sailboats. We will make slips available for sailboats but will use slips for power boats until the sailboat demand increases).
- B) The following setbacks shall apply:
- Setback A: from **State-owned canal**: 20 ft.
 - Setback B: from **Submerged Land Leased Basin**: 0 ft.
- C) The owner/developer shall provide and maintain at the cost of \$2,750.00 per year dry, covered storage for one boat and provide one outdoor storage space for the use of either county or state agencies. (The Town of Fort Myers Beach will be the agency to procure these spaces).
- D) The proposed buildings on the site plan, identified as a marina accessory use building, Development Order 5-21-89, shall be used for marina uses. (Has already been built with a different configuration and smaller building footprint).
- E) New building adjacent to existing marina accessory building:
- New, modern ADA accessible restroom building and boat club office. This Building is labeled as number 9 on the proposed site plan and it has a total of 2,400 sf. 840 sf of office space and 1,560 sf for restrooms.
- F) (1994 MCP - 20,000 SF Strip mall / plaza is to be replaced with):

Bldg #	Total SF	Boat Storage (SF)	Retail (SF)	Office (SF)	Service (SF)	Restaurant (SF)
1	9,100	9,100	-	-	-	-
2	8,680	8,680	-	-	-	-
3	11,800	11,800	-	-	-	-
4	26,500	26,500	-	-	-	-
5	3,500	3,500	-	-	-	-
6	3,040	3,040	-	-	-	-
7	5,400	5,400	-	-	-	-
8	2,000	-	800	1,200	-	-
9	2,500	-	-	900	1,600	-
10	2,600	-	1,600	1,000	-	-
11	5,900	-	2,200	-	3,700	-
12	8,300	-	300	-	-	8,000
Total SF per usage		68,020	4,900	3,100	5,300	8,000

- G) Building 4 not to exceed 27,000 SF
- H) Building 7 not to exceed 6,000 SF
- I) Additional stormwater retention underneath the buildings similar to the existing drystack retention areas as building 5 & 6 will be built.

- J) In the future, the plan will be to rebuild buildings 1, 2, 3. As a result of that work, the quantity of boat slips may decrease with a smaller number of larger boats. In either event we will not exceed the quantity of boats in the proposed slip mix chart as shown below;

The number of existing and proposed boat slips are as follows:

EXISTING WETSLIP MIX			
Dock	Slip Style	Slip Length (ft)	Slip Count
Seasonal Slips			
A	Broadside	30	7
	Slip	30	16
	Slip	40	2
	Slip	50	1
	Dock A Total:		26
B	Slip	30	12
	Dock B Total:		12
C	Broadside	30	1
	Broadside	40	16
	Slip	30	8
	Slip	40	12
	Dock C Total:		37
D	Slip	20	8
	Slip	30	8
	Slip	40	1
	Dry Dock	40	3
	Dock D Total:		20
Total Marina Slips			95
Transient Slips			
Dock D Broadside		-	3
Queueing Slips			18
Fuel Dock Slips			4
Total Slips			120

PROPOSED WETSLIP MIX			
Dock	Slip Style	Slip Length (ft)	Slip Count
Seasonal Slips			
A	Slip	30	8
	Slip	40	11
	Dock A Total:		19
B	Slip	40	10
	Dock B Total:		10
C	Broadside	30	1
	Slip	40	9
	Dock C Total:		10
D	Broadside	30	1
	Broadside	40	17
	Slip	40	20
	Dock D Total:		38
Total Marina Slips			77
Transient Slips			
Dock A Broadside		30	4
Queueing Slips			16
Fuel Dock Slips			2
Total Slips			99

EXISTING DRYSTACK SLIP MIX				
Building	Level	Slip Size (ft)	Slip Count	Total Slip Count
1	1	25	22	66
	2	25	22	
	3	30	22	
2	1	25	22	66
	2	25	22	
	3	20	22	
3	1	25	28	84
	2	25	28	
	3	20	28	
4	1	25	36	60
	2	30	24	
5	1	30	9	27
	2	30	9	
	3	30	9	
6	1	35	6	18
	2	35	6	
	3	35	6	
Drystack Subtotal				321
Existing Wetslip Plan				120
Total Slips:				441

Proposed Drystack Slip Mix				
Building	Level	Slip Size (ft)	Slip Count	Total Slip Count
1, 2, 3 footprint	1	35	39	134
	2	35	39	
	3	30	39	
	4	30	17	
4	1	45	24	120
	2	40	24	
	3	30	36	
	4	30	36	
5	1	30	9	27
	2	30	9	
	3	30	9	
6	1	35	6	18
	2	35	6	
	3	35	6	
7	1	45	12	36
	2	40	12	
	3	30	12	
Drystack Subtotal				335
Proposed Wetslip Plan				99
Total Slips:				434



III. Summary

Attached are drawings identifying existing conditions of previous 1994 MCP and proposed 2024 Master Concept Plan (MCP). Additionally, we provided plans for the new structures proposed. We also have identified transient slips including a proposed water taxi boat stop for public benefit at the restaurant.

We look forward to your review of this application as soon as possible.

Ronald E. Schults, P.E. Principal |
CEO

CC: Jim Murray | Sr. Director, Land Development – ELS
Mike Flanigan | Senior Regional Manager – ELS
Andy Flamengo | Senior Project Manager – NV5
Erik Schults, EIT | Vice President – Edgewater
Brock Petrak, EIT | Engineer – Edgewater

Attachments:

1. Existing Survey
2. Existing Site Plan
3. Proposed 2024 MCP
4. 2020 Verification Letter & 1994 MCP
5. Drawings of proposed building #4 & #7
6. Drawings of proposed Restroom/office building (9) & Boat Service building (11)
7. Site Photometry Plan
8. Map of surrounding properties within 500 feet
9. List of surrounding properties within 500 feet

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BILLED.

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RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Stardial Investment Company, Bunche Beach Land Trust, & Fish Tale Marina, Inc. has properly filed an application for a rezoning from C-1 and CT to Commercial Planned Development, to permit the expansion of an existing marina not to exceed 55 feet above average grade, on 7.9± total acres of land. The proposed development will also include a maximum of 428 wet and dry slips, as well as accessory uses, and other commercial uses including retail and restaurant use.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Zoning: (461.C.2.A.1) to change minimum building setback from 15 feet to approximately one foot for existing and proposed dry boat storage buildings, and to the width of the minimum buffer for pavement.
- (2) Zoning: (461.C.2.A.2) to change minimum setback for parking or internal roads or drives from 25 feet to the width of the minimum buffer.
- (3) Zoning: (461.C.4.c.) to eliminate requirement that artificial bodies of water may not exceed 25% of the minimum required open space.
- (4) Zoning: (202.10.E) to eliminate requirement for eight-foot high visual screen where abutting uses are separated from the proposed development by a navigable waterway.
- (5) Zoning: (202.13.G) to change requirement for paved parking areas to allow alternate surfaces for improved, all weather parking.
- (6) Zoning: (202.13.J.1.) to allow in accordance with 202.B.H. joint use of parking so that up to one half of the spaces required for the marina may be used to offset the required parking spaces for a standard restaurant.
- (7) Zoning: (202.15.A.4) to eliminate the requirement for increased setback for buildings exceeding 35 feet on Estero Island.
- (8) Development Standards Ordinance: (C.3.h.) to reduce minimum intersection separation from 660 feet to approximately 125 feet.
- (9) Development Standards Ordinance: (C.6.c.(3)(e)) to change the provision that existing bodies of water may be used to offset up to a maximum of 25 percent of the required open space area to 50 percent.
- (10) Development Standards Ordinance: (C.5.d. Table C-3, Note 3) to delete the requirement for eight foot high visual screen and six foot high concrete block wall where abutting residential development is separated from subject development by navigable waterway.

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(11) Development Standards Ordinance: (C.5.D. Table C-4) to permit proposed development without minimum required buffers along navigable seawalled waterways.

(12) Zoning: 202.13.J.1.) & 3.) to reduce the amount of marina parking required from two spaces per three boat slips and one space per four dry storage unit stalls to one space per four wet or dry slips.

WHEREAS, the subject property is located at 7105 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 47 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Government Lot 2, Section 03, Township 47 South, Range 24 East, Estero Island, Lee County Florida, which tract or parcel is described as follows:

PARCEL "A"

From the concrete post marking the intersection of the Easterly line, forty feet from the centerline of Estero Boulevard, State Road No. S-865, and the North line of the South sixty feet of Government Lot 1 of said Section 03, run S.18°34'20"E. along said Easterly line for 863.31 feet to a concrete monument; THENCE run N.71°11'00"E. along the Southeasterly line of a roadway easement (60 feet wide) for 287.54 feet to a concrete monument and the POINT OF BEGINNING of the herein described parcel.

From said POINT OF BEGINNING run N.18°34'20"W. along the Northeasterly end of said roadway easement for 60 feet; THENCE run S.71°11'00"W. along the Northwesterly line of said roadway easement for 50.93 feet to a concrete monument; THENCE run N.00°49'00"W. perpendicular to the North line of said Government Lot 2 for 426.92 feet to a concrete monument marking the Northwesterly corner of lands conveyed by deed recorded in Official Record Book 561 at page 777 of the Public Records of Lee County; THENCE run N.89°11'00"E. parallel with said North line for 10 feet to the Southwesterly corner of lands conveyed by deed recorded in Official Record Book 808 at page 357 of said Public Records; THENCE run N.00°49'00"W. along the Westerly boundary of said lands for 65 feet to the Northwesterly corner of said lands; THENCE run S.85°25'40"E. along the Northerly boundary of said lands for 213 feet more or less to the waters of a boat canal and Easterly face of an existing seawall; THENCE run Southwesterly, Southerly, and Southeasterly along the easterly face of said seawall and along the waters of said boat canal to an intersection with a line bearing N.89°11'00"E. parallel with the North line of said Lot 2 passing through the POINT OF BEGINNING; THENCE run S.89°11'00"W. along said line for 200 feet more or less to the POINT OF BEGINNING.

TOGETHER WITH the hereinabove described roadway easement 60 feet wide and the roadway easement 10 feet wide as described in said deed recorded in Official Record Book 808 at page 357.

PARCEL "B"

A tract or parcel of land lying in Government Lot 2 in Section 03, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, more particularly described as follows:

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From the intersection of the South line of said Government Lot 2 and the Easterly right-of-way line of State Road 865, Estero Boulevard; THENCE run N.18°34'20"W. for 210.00 feet to the POINT OF BEGINNING; THENCE run N.89°11'00"E. for 69.12 feet; THENCE run N.00°49'00"W. for 327.22 feet; THENCE run N.89°11'00"E. for 460.00 feet; THENCE run N.20°08'40"W. for 160.00 feet; THENCE run S.72°52'10"W for 123.63 feet; THENCE run S.89°11'00"W. for 197.60 feet; THENCE run S.71°11'00"W. for 287.54 feet to the Easterly line of State Road #S-865; THENCE run S.18°34'20"E. along said Easterly line for 372.36 feet to the POINT OF BEGINNING.

PARCEL "C"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Government Lot 2, Section 03, Township 47 South, Range 24 East, and further bounded and described as follows:

Starting at the intersection of the South line of said Government Lot 2 and the Easterly right-of-way line of Estero Boulevard (State Road S-865); THENCE N.89°11'00"E. for 730.82 feet; THENCE N.20°08'40"W. for 478.99 feet to the POINT OF BEGINNING of the herein described parcel; THENCE S.87°03'44"W. for 330.72 feet; THENCE S.00°49'00"E. for 239.75 feet; THENCE S.89°11'00"W. for 236.72 feet; THENCE N.00°49'00"W. for 327.22 feet; THENCE N.89°11'00"E. for 460.00 feet; THENCE N.20°08'40"W. for 160.00 feet; THENCE N.72°52'10"E. for 76.38 feet; THENCE S.20°08'40"E. for 262.45 feet to the POINT OF BEGINNING.

Said parcel contains 116,420 square feet, more or less.

Said parcel subject to all easements, rights-of-way and restrictions of record.

Bearings are based on the Easterly right-of-way line of State Road S-865 as bearing S.18°34'20"W.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 03-47-24-00-00011.0010;
03-47-24-00-00011.003B;
03-47-24-00-00011.0030; and

WHEREAS, proper authorization has been given to Spectrum Engineering, Inc., by Michael F. Johnson, Vice President of Stardial Investment Company; Helen Medwid, Trustee for Bunche Beach Land Trust; and Al Durrett of Fish Tale Marina owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on September 6, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from C-1 and CT to Commercial Planned Development, to permit the expansion of an existing marina not to exceed 55 feet above average grade, on 7.9± total acres of land. The proposed development will also include a maximum of 428 wet and dry slips, as well as accessory uses, and other commercial uses including retail and restaurant use with the following conditions:

1. The Master Concept Plan is a one page plan titled "Fish-Tale Marina, Inc., Master Concept Plan" prepared by Spectrum Engineering, Job No. 21-01, dated March, 1988, and stamped received August 25, 1988, except as modified herein. Approval of this request does not exempt the applicant from compliance with all other zoning and development regulations.
2. The schedule of uses is limited to those indicated on the attachment to the Master Concept Plan (see Attachment D) except as noted below and as further modified by the conditions herein:

- a. Consumption on premises/bar or cocktail lounge is limited to use in conjunction with a restaurant, (Group III, Standard)

- b. The following uses are prohibited:

Business Services - Group II
Cultural Facilities
Essential Service Facilities - Group II
Household/Office Furnishings - Group III
Offices, Medical
Package Store
Personal Services - Groups II and III
Recreational facilities, public and private
Restaurants, Standard - Group IV
Specialty Retail Shops - Group IV
Towers, Communication

- c. The following uses are approved as limited below:

Drive-thru facility-limited to a branch bank only
Marina, Class II - the number of live-aboard boats is limited to 20 wet slips; pump out facilities must be provided prior to any live-aboard being allowed.
Recreation, Commercial - limited to miniature golf course only
Schools, commercial - limited to sailing and marine oriented outdoor life style; e.g., a water skiing school or learn-to-sail school
Signs - in compliance with the Lee County Sign Ordinance
Storage, indoor, enclosed - limited to boats and associated equipment, but not including commercial mini-warehouses or garages
Storage, outdoor - limited to boats
Temporary uses; limited to construction trailer and construction equipment

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3. The maximum square feet of total floor area for retail and/or restaurant use is limited to 15,000 square feet in addition to the existing (approximately 8,700 square feet) commercial uses.
4. The new dry storage building shall be constructed to allow 20-foot-wide access on at least three sides, and the boat storage building shall be sprinklered.
5. Per Lee County DOT&E, the proposed access point onto Estero Boulevard (southwest corner of the subject property) shall not be allowed. The Master Concept Plan shall be revised, prior to final plan approval, deleting the proposed access.
6. The owner/developer shall create an intertidal, littoral shelf between the existing seawall and the proposed docks. The shelf shall be a minimum of five feet wide, and red mangroves (Rhizophora mangle) and white mangroves (Laguncularia racemosa) shall be planted on three foot staggered centers (3'O.C.). The applicant shall apply for permission in advance to prune the littoral shelf mangroves once a year in accordance with applicable DER and Lee County ordinances. Smooth cord grass (Spartina Alternafolia) shall also be planted throughout the shelf. The applicant shall submit a three year, 80% survivability maintenance plan. The plan for the littoral shelf shall be submitted on an amended plan prior to final development order issuance and shall be subject to review and approval by the Department of Community Development. The shelf shall be constructed concurrent with the docks.
7. Prior to the issuance of a final development order, the applicants shall submit a spill containment plan and flushing study to the Lee County, Department of Community Development, Department of Public Safety, Department of Environmental Regulation and Department of Natural Resources. Construction shall not begin until the plan has been reviewed and approved. The applicant shall obtain a letter from the review agencies as proof of review and approval.
8. Major maintenance (anti-fouling painting, engine overhauling, fiberglass repair, etc.) is limited to the type of maintenance currently in use. Touch up painting, varnishing, soap and water cleaning, and other minor maintenance is allowed. The applicant shall sign a contract with a hazardous waste hauler prior to final development order approval.
9. The owner/developer shall provide a type C buffer with a six foot high wall along the south side of the subject property where it abutts Santa Maria Condominium. The remainder of the property, where it abuts residential uses shall provide an eight foot, visually opaque screen.
10. The normal hours of operation for the marina shall be limited to dawn through dusk.
11. Prior to leasing any new slips, the owner/developer shall provide, (subject to review and approval by the Lee County Department of Public Safety) a hurricane preparedness plan, including wet slip evacuation procedures. All boat owners shall be made aware of the requirements of the plan.
12. The owner/developer shall provide a 10-foot-wide pedestrian easement between the Santa Maria Condominium and the boat docks owned by Santa Maria.
13. The owner/developer shall reserve twenty percent of the total wet slips for sailboats.

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14. The owner/developer shall post manatee awareness and idle speed/no wake signs along the canals from the subject property to Ostego Bay.
15. The proposed dry storage building is limited to 55 feet in height and shall be constructed to withstand winds of 140 mph; all other uses are limited to 35 feet in height.
16. The owner/developer shall provide and maintain at the cost of \$2,750.00 per year dry, covered storage for one boat and provide one outdoor storage space for the use of either county or state agencies.
17. The owner/developer shall post "no parking-fire lane" signs along the length of the access road that runs between the subject property and Villa Santini Plaza. The applicant and the owner of Villa Santini Plaza shall construct three-sided barriers around the dumpsters located in the access road for the purpose of keeping the dumpsters flush against the buildings and out of the fire lane.
19. Deviations (1), (2), (3), (4), (5), (7), (9), (10), (11) and (12) are hereby APPROVED as conditioned below; Deviations (6) and (8) have been deleted by the applicant from its request and, therefore, are neither approved nor denied.

Deviation (1) approval is for the existing dry boat storage buildings, provided 20-foot-wide access is provided around all the buildings (to allow fire department access); and

Deviation (2) approval applies only to the southwest corner of the property as shown on the site plan and a type C buffer with a wall is constructed between the property and the Santa Maria Condominiums; and

Deviations (3) and (9) approval is subject to the mitigation provided in condition 6; the open space requirement shall then be considered to have been met; and

Deviations (4), (10), and (11) approval is subject to the condition that plantings (per DSO) are provided; minimum buffer width (per DSO) shall not be required except in areas abutting residential uses where a minimum 5 foot buffer shall be required; and

Deviation (5) approval is subject to review and approval of the alternative materials by Lee County Department of Transportation and Engineering. Also, prior to issuance of a final development order, the applicant shall execute hold harmless and maintenance agreements; and

Deviation (7) is for the new dry storage building which would be 55 feet high, the same as the other dry storage buildings.

Site Plan 88-268 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- a. All recommended conditions are reasonably related to the impacts on the public's interest created by, or expected from, the proposed development;
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted;

d. The deviations recommended for approval as conditioned, will enhance the development and will not negatively affect the public health, safety, and welfare; and

e. The proposed uses are, as limited by the conditions herein, appropriate at the subject location.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner Donald D. Slisher and, upon being put to a vote, the result was as follows:

John E. Manning	ABSENT
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 24th day of October, A.D., 1988.

ATTEST:
CHARDIE GREEN, CLERK

BY: Clare J. U. Tarnack
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

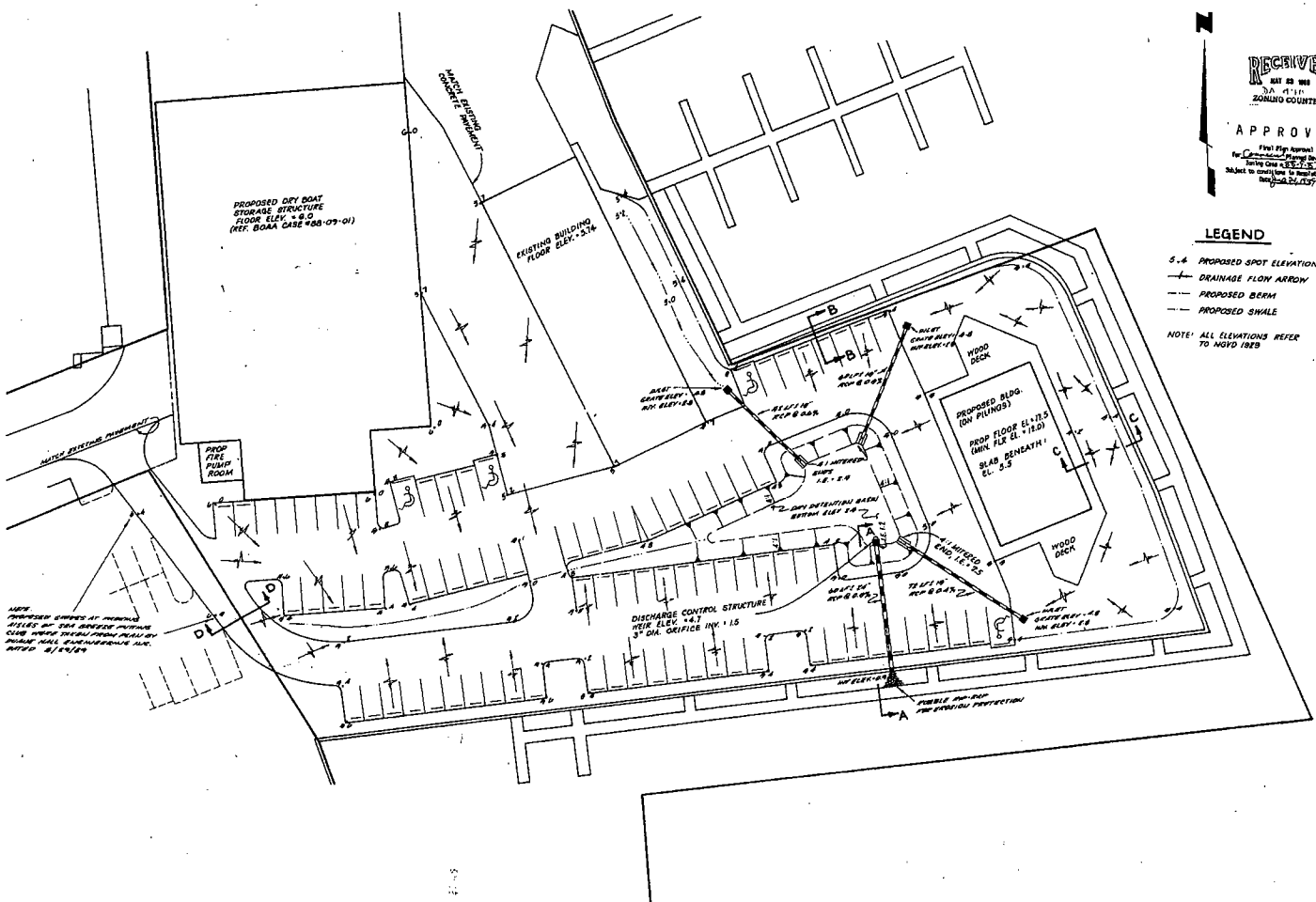
Approved as to form by:

[Signature]
County Attorney's Office

FILED
NOV 1 0. 88
CLERK CIRCUIT COURT
BY [Signature] D.C.

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RECEIVED
MAY 28 1989
ZONING COUNCIL

APPROVED
First City Council
For the City of Miami
Subject to conditions to be met in accordance with
Ordinance 24,757

- LEGEND**
- S.S. PROPOSED SPOT ELEVATION
 - DRAINAGE FLOW ARROW
 - PROPOSED BERM
 - PROPOSED SHALE
- NOTE: ALL ELEVATIONS REFER TO NGVD 1985

SPECTRUM

FISH-TALE MARINA, INC.
GRADING AND DRAINAGE PLAN
FISH-TALE MARINA, INC.
10000 SW 15th Ave.
FT. MYERS BEACH, FL 33931-4789

JOB NO. 201
DATE MAY 1989
SCALE: 1"=40'
D.D. INC.

SHEET 2 OF 6

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Alva E. Durrett, Jr. in reference to Fish Tale Marina, has properly filed an application for an amendment to the Commercial Planned Development to allow additional commercial uses to be developed on site; and

WHEREAS, the subject property is located at 7105 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 47 South, Range 24 East, Lee County, Florida:

Parcel "A"

A tract or parcel of land lying in Government Lot 2, Section 03, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, which tract or parcel is described as follows:

From the concrete post marking the intersection of the Easterly line, forty feet from the centerline of Estero Boulevard, State Road No. S-865, and the North line of the South sixty feet of Government Lot 1 of said Section 03, run S18°34'20"E along said Easterly line for 863.31 feet to a concrete monument;
THENCE run N71°11'00"E along the Southeasterly line of a roadway easement (60 feet wide) for 287.54 feet to a concrete monument and the POINT OF BEGINNING of the herein described parcel.

From said POINT OF BEGINNING run N18°34'20"W along the Northeasterly end of said roadway easement for 60 feet;
THENCE run S71°11'00"W along the Northwesterly line of said roadway easement for 50.93 feet to a concrete monument;
THENCE run N00°49'00"W perpendicular to the North line of said Government Lot 2 for 426.92 feet to a concrete monument marking the Northwesterly corner of lands conveyed by deed recorded in Official Record Book 561 at Page 777 of the Public Records of Lee County;
THENCE run N89°11'00"E parallel with said North line for 10 feet to the Southwesterly corner of lands conveyed by deed recorded in Official Record Book 808 at Page 357 of said Public Records;
THENCE N00°49'00"W along the Westerly boundary of said lands for 65 feet to the Northwesterly corner of said lands;
THENCE run S85°25'40"E along the Northerly boundary of said lands for 213 feet more or less to the waters of a boat canal and Easterly face of an existing seawall;
THENCE run Southwesterly, Southerly and Southeasterly along the Easterly face of said seawall and along the waters of said boat canal to an intersection with a line bearing N89°11'00"E parallel with the North line of said Lot 2 passing through the POINT OF BEGINNING;
THENCE run S89°11'00"W along said line for 200 feet more or less to the POINT OF BEGINNING.

Together with the hereinabove described roadway easement 60 feet wide and the roadway easement 10 feet wide as described in said deed recorded in Official Record Book 808 at Page 357.

Parcel "B"

A tract or parcel of land lying in Government Lot 2, in Section 03, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, more particularly described as follows:

From the intersection of the South line of said Government Lot 2 and the Easterly right-of-way line of State Road No. S-865, Estero Boulevard;
THENCE run N18°34'20"W for 210.00 feet to the POINT OF BEGINNING;
THENCE run N89°11'00"E for 69.12 feet;

continued...

THENCE run N00°49'00"W for 327.22 feet;
THENCE run N89°11'00"E for 460.00 feet;
THENCE run N20°08'40"W for 160.00 feet;
THENCE run S72°52'10"W for 123.63 feet;
THENCE run S89°11'00"W for 197.60 feet;
THENCE run S71°11'00"W for 287.54 feet to the Easterly line of
State Road No. S-865;
THENCE run S18°34'20"E along said Easterly line for 372.36 feet to
the POINT OF BEGINNING.

Parcel "C"

A tract or parcel of land situated in the State of Florida, County
of Lee, being a part of Government Lot 2, Section 03, Township 47
South, Range 24 East, and further bounded and described as follows:

Starting at the intersection of the South line of said Government
Lot 2 and the Easterly right-of-way line of Estero Boulevard
(State Road No. S-865);
THENCE N89°11'00"E for 730.82 feet;
THENCE N20°08'40"W for 478.99 feet to the POINT OF BEGINNING of the
herein described parcel;
THENCE S87°03'44"W for 330.72 feet;
THENCE S00°49'00"E for 239.75 feet;
THENCE S89°11'00"W for 236.72 feet;
THENCE N00°49'00"W for 327.22 feet;
THENCE N89°11'00"E for 460.00 feet;
THENCE N20°08'40"W for 160.00 feet;
THENCE N72°52'10"E for 76.38 feet;
THENCE S20°08'40"E for 262.45 feet to the POINT OF BEGINNING.

Said parcel contains 116,420 square feet, more or less.
Said parcel subject to all easements, rights-of-way and restrictions
of record.

WHEREAS, the applicant has indicated the property's current STRAP numbers
are 03-47-24-00-00011.003B and 03-47-24-00-00011.0010; and

WHEREAS, proper authorization has been given to Spectrum Engineering,
Inc., by Alva E. Durrett, Jr., the fee simple owner of the subject parcel, to
act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held
before the Lee County Hearing Examiner, with full consideration of all the
evidence available; and the Lee County Hearing Examiner fully reviewed the
matter in a public hearing held on April 5, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held
before the Lee County Board of County Commissioners; and the Lee County Board
of County Commissioners gave full and complete consideration to the recommen-
dations of the staff, the Hearing Examiner, the documents on file with the
county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that
the Board of County Commissioners does hereby APPROVE the request for an
amendment to the Commercial Planned Development to allow additional
commercial uses to be developed on site. A maximum of 20,000 square feet of
commercial uses could be developed within Phase II of the development.

The rezoning and Master Concept Plan, which deviate from certain
Lee County Standards, are subject to the following conditions and deviations:

CONDITIONS:

The following conditions of Resolution Z-88-268 are in full force and effect,
except as deleted or modified hereinbelow:

1. DELETED
2. DELETED

3. DELETED
4. MODIFIED: The new dry storage building shall be constructed to allow 20-foot-wide access on at least three sides, and the boat storage building shall be sprinklered, if necessary.
5. DELETED
6. MODIFIED: The developer shall create an intertidal, littoral shelf between the existing seawall and the proposed docks. The shelf shall be a minimum of five feet wide, and must be planted with suitable native indigenous aquatic plants with three-foot staggered centers (3' O.C.). The developer must submit a three year, 80 percent survivability maintenance plan. This planting plan and maintenance plan shall be subject to the review and approval of the Division of Natural Resources Management and must be shown on a development order plan. The shelf must be constructed and the plants must be installed concurrent with the docks.
7. REMAINS THE SAME
8. REMAINS THE SAME
9. MODIFIED: The developer shall provide a type C buffer with a six foot high wall along the south side of the subject property where it abuts Santa Maria Condominium (see Conditions 18 and 23 for other buffer requirements).
10. REMAINS THE SAME
11. REMAINS THE SAME
12. REMAINS THE SAME
13. REMAINS THE SAME
14. REMAINS THE SAME
15. REMAINS THE SAME
16. MODIFIED: The developer shall provide as volunteered, a tie-up space for one boat for use of either county or state agencies for marine law enforcement use (as amended in Resolution Z-88-268A).
17. REMAINS THE SAME
18. Deviations (1), (2), (3), (4), (5), (7), (9), (10), (11) and (12) were previously APPROVED in Resolution Z-88-268 and remain the same, except as modified or conditioned hereinbelow. Deviations (6) and (8) have been deleted by the developer from the request and, therefore, are neither approved nor denied.

Additional or New Conditions:

19. The following are no longer in effect:
 - a) Resolution Number Z-89-043, in reference to Seabreeze Putting Club, an amendment to CPD to allow joint parking agreement with Fish Tale Marina;
 - b) Administrative Amendment PD-90-011, an amendment changing the course layout, retention area location and building layout; and
 - c) The Special Permit for outdoor seating (93-12-09-SP-05) Sandra L. Chettle, in reference to The Tommy O Tourist Trap; however, the use granted by Special Permit 93-12-09-SP-05 is incorporated herein and is in no way diminished.
20. Development of the property shall be in accordance with the one-page Master Concept Plan entitled "Updated Master Concept Plan, Fish Tale Marina, Inc.," dated May 1993, revised January 26, 1994, and received

January 28, 1994, prepared by Spectrum Engineering, Inc., except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the zoning regulations and all other state, regional and county development regulations except for those specifically modified as part of the development.

21. The project shall comply with the density requirements of the Lee Plan. If only Phase II (2+ acres) is redeveloped for residential uses (2+ acres x 6 maximum allowable density), the site is limited to twelve dwelling units at six units per acre. Residential uses are permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses (Table 480.A).
22. The following uses are permitted, as conditioned below:

- Administrative Office (df)
- ATM - Automatic Teller Machine (df)
- Bait and Tackle Shop
- Banks and Financial Establishments - Groups I and II
(Zon Ord Section 1001.03) LDC Section 34-622(c)(3)
- Bar or Cocktail Lounge (df) - only in conjunction with a
Restaurant - Group III or IV
- Boat Parts Store (df)
- Boat Repair and Service (df) - limited to within Phase I area only
(Zon Ord Sections 507 and 527) LDC Sections 34-1352 and 34-3001
- Boat Rental
- Boat Sales
- Business Office (df)
- Business Services - Groups I and II
(Zon Ord Section 1001.05) LDC Section 34-622(c)(5)
- Clubs
 - Country (df)
 - Fraternal (df)
 - Private (df)
- Consumption on Premises - only in conjunction with a Restaurant -
Group III or IV
(Zon Ord Section 202.03) LDC Section 34-1262
- Consumption on Premises for Outdoor Seating - only in conjunction
with a Restaurant - Group III or IV
- Day Care Center, Child (df), Adult (df)
(Zon Ord Section 506) LDC Section 34-1412
- Marina and Accessory Uses (df)
 - Docking and Mooring Facilities
(Zon Ord Section 202.10) LDC Section 34-1863
 - Dry Boat Storage -- exceeding two tiers or ten
(10) feet above natural grade
 - Sale of Fuel and Lubricants
 - Live Aboards - (Zon Ord Section 202.05) LDC Section 34-1861
 - Sanitary Facilities -
 - restrooms and showers for transient persons;
 - pump out facilities for onboard sanitation;
 - wastewater holding pretreatment or treatment.
- Drive-Thru Facility (df) - (only in conjunction with a bank)
- Drug Store (df), Pharmacy (df)
- Dwelling Units -
 - Townhouse (df)
 - Multiple Family Building (df)
- Entrance Gates and Gatehouses (df)
- Essential Service Facilities - Group I
(Zon Ord Section 1001.13) LDC Section 34-622(c)(13)
- Food and Beverage Service, Limited (df)
- Food Store - Group I
(Zon Ord Section 1001.16) LDC Section 34-622(c)(16)
- Gift, and Souvenir Shops (df)
- Hobby, Toy, Game Shops
(Zon Ord Section 1001.21) LDC Section 34-622(c)(21)
- Hotels/Motels (Zon Ord Section 514) LDC Section 34-1801
 - Efficiency Motel (df)
 - No Convention (df) or Transient Hotel/Motel
- Household/Office Furnishings - Groups I and II

(Zon Ord Section 1001.22) LDC Section 34-622(c)(22)
Insurance Companies
(Zon Ord Section 1001.23) LDC Section 34-622(c)(23)
Laundromat (df)
Laundry or Dry Cleaning - Group I
(Zon Ord Section 1001.24) LDC Section 34-622(c)(24)
Personal Services - Groups I, II and III
(Zon Ord Section 1001.33) LDC Section 34-622(c)(34)
Pet Services (df)
Recreation, Commercial - Groups I, II, III and IV,
excluding waterslides
(Zon Ord Section 1001.38) LDC Section 34-622(c)(38)
Rental or Leasing Establishments
(Zon Ord Section 1001.39) LDC Section 34-622(c)(39)
Restaurants, Standard - Groups I, II, III and IV
(Zon Ord Section 1001.44) LDC Section 34-622(c)(44)
Schools, Commercial
(Zon Ord Section 1001.45) LDC Section 34-622(c)(45)
Signs - in accordance with sign regulations LDC
Special Retail Shops - all Groups
(Zon Ord Section 1001.47) LDC Section 34-622(c)(47)
Storage, Indoor (df) - limited to boats and associated equipment,
but not including commercial mini-warehouses or garages
Storage, Open (df)
Temporary Uses - limited to construction trailer and
construction equipment
(Zon Ord Section 529) LDC Section 34-3041
Transportation Services - Groups I and II
(Zon Ord Section 1001.53) LDC Section 34-622(c)(53)
Vehicle and Equipment Dealers - Groups I, II and III
(Zon Ord Section 1001.55) LDC Section 34-622(c)(55)

23. Buffers

a) Commercial

If commercial is developed within Phase II, buffers on the north and west property lines shall be in accordance with the Development Standards Regulations (see Conditions 9 and 18 for other buffer requirements).

b) Residential

If residences are developed within Phase I, buffers shall be in accordance with the Development Standards Regulations. Buffers within Phase II shall be in compliance with the buffer table shown on the master concept plan, with the following exception: a Type "B" buffer shall be provided along the local street easement south of Villa Santini Plaza (incorrectly shown as Type "A" on the Concept Plan).

24. No more than 30,000 square feet of retail shall be developed on the subject property (Phase I and II, Standard 13.1.2, Minor Commercial site location standards of the Lee Plan). Phase II is limited to a maximum of 20,000 square feet of commercial building floor area. Marina Development shall not exceed the values for the parameters listed as existing or permitted in the MARINA FACILITIES table on the Updated Master Concept Plan without first modifying all appropriate local, district, regional, state and federal permits or obtaining new permits as applicable.
25. The project is limited to an efficiency hotel/motel (no transient or convention hotel) and shall comply with the requirements of Zoning Ordinance Section 514, LDC Section 34-1801. The Development Order plan shall show the appropriate number of rental units to meet the density standards of the Zoning Regulations.
26. Approval of this amendment does nothing more than amend the zoning district wherein the subject property lies and does not grant or vest in the developer any present or future development right that may exceed any Lee Plan restrictions as set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

27. The proposed building on the site plan, identified as a marina accessory use building, Development Order 5-21-89, shall be used for marina uses. Any change of the marina use would require a public hearing as per Policy 98.2.1.
28. Parking shall be in accordance with the Lee County regulations, with the exception of marina parking (Deviation (12) of Resolution Z-88-268).
29. If the property is subdivided for commercial uses, there shall be compliance with the property development regulations of the CC zoning district (Zon Ord Table 450.A, LDC Section 34-843). The property development regulations of the RM-6 zoning district shall be complied with for multi-family or townhouse development (Zon Ord Table 422.B, LDC Section 34-715). Subdividing shall be in compliance with the Development Standards Regulations.
30. New commercial development shall not exceed 35 feet above average grade (except for the proposed dry boat storage, Development Order 5-21-89). If residential development occurs, the buildings shall not exceed 35 feet above grade, except as provided for in Zon Ord Section 202.18.A.4 Land Development Code Section 34-2174.
31. Open space shall be provided in accordance with the Master Concept Plan, with one exception: open space which is located within a road right-of-way or road easement may not be used for credit towards Fish Tale Marina's open space requirement.
32. This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Regulations or other Lee County Regulations.
33. Deviation (13) is hereby approved.
34. The existing development within Phase II (miniature golf course and ancillary restaurant) shall comply with the following conditions:
 - a) All exterior lighting on the property shall be low intensity and directed away from the adjacent residential uses.
 - b) Structures shall be limited to a maximum of 15 feet above finished grade except for one lighthouse like structure which shall be a maximum of 25 feet above finished grade.
 - c) The miniature golf course and ancillary restaurant (including outdoor seating) shall be operated only between the hours of 10:00 A.M. and 10:00 P.M. from May 1st through October 31st of each year and between the hours of 10:00 A.M. and 11:00 P.M. from November 1st through April 30th of each year. If the miniature golf course is abandoned, the restaurant shall be allowed as permitted in Condition 22.

B. DEVIATIONS:

Twelve deviations were previously approved by the Board of County Commissioners, per Resolution Z-88-268:

REMAIN THE SAME: Deviations (1), (2), (3), (5), (7), (9), and (12) were previously APPROVED in Resolution Z-88-268.

MODIFIED: Deviations (4), (10) and (11) are approved subject to the requirement of Condition 9 and additionally, a minimum 5-foot-wide buffer with Type "D" plantings shall be provided at the location shown on the Master Concept Plan (stamped Received January 28, 1994) and in accordance with the plans approved by existing Development Order 5-21-89.

DELETED: Deviations (6) and (8).

As part of the amendment, an additional deviation is being requested, which is as follows:

Deviation (13) is a request to deviate from the requirement of a 25-foot minimum setback of a building or structure from a canal (Zon Ord Section 202.18.B.4.b, LDC Section 34-2192(b)(4)b), to allow 20 feet. Deviation (13) is hereby APPROVED.

Site Plan 94-013 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval:

- A. That the predominant uses of the surrounding property makes approval of the amended CPD, as conditioned, appropriate.
- B. That the amended CPD, as conditioned, will not have an adverse impact on the intent of the Zoning Regulations.
- C. That the CPD, as conditioned, is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.
- D. That the CPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the CPD, as conditioned, will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations.
- F. That the CPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- G. That the CPD, as conditioned, will 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.
- H. That the commercial uses, as conditioned in this recommendation, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Regulations.
- I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.
- J. That the conditions are reasonably related to the impacts expected from or created by the proposed development.
- K. That the conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.
- L. That the deviation, as conditioned, enhances the achievement of the objectives of the CPD and preserves and promotes the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
Franklin B. Mann	<u>AYE</u>
John E. Albion	<u>ABSENT</u>

DULY PASSED AND ADOPTED this 16th day of May, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lisa L. Lince
Deputy Clerk

BY: Ray Judah
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

MAY 23 1994

CLERK CIRCUIT COURT
BY lp D.C.

Page 145 of 154



6425 ESTERO BOULEVARD

Special Exception

NARRATIVE STATEMENTS

REQUEST

The Neighborhood Company, on behalf of Estero 4148 LLC, is submitting this request for special exceptions for a new restaurant venue to be located within the former Beach Theater property, to include outdoor entertainment, live entertainment, outdoor seating that is open past sunset, and consumption on premises. The property has a Future Land Use (FLUM) Map Designation of Mixed Residential and is within the Commercial Boulevard Zoning District.

The subject property located at 6425 Estero Boulevard, Fort Myers Beach, FL is comprised of one parcel which is 0.70 +/- acres (30,405 SF) (See Figure 1) and identified as STRAP #34-46-24-W4-00046.0000.

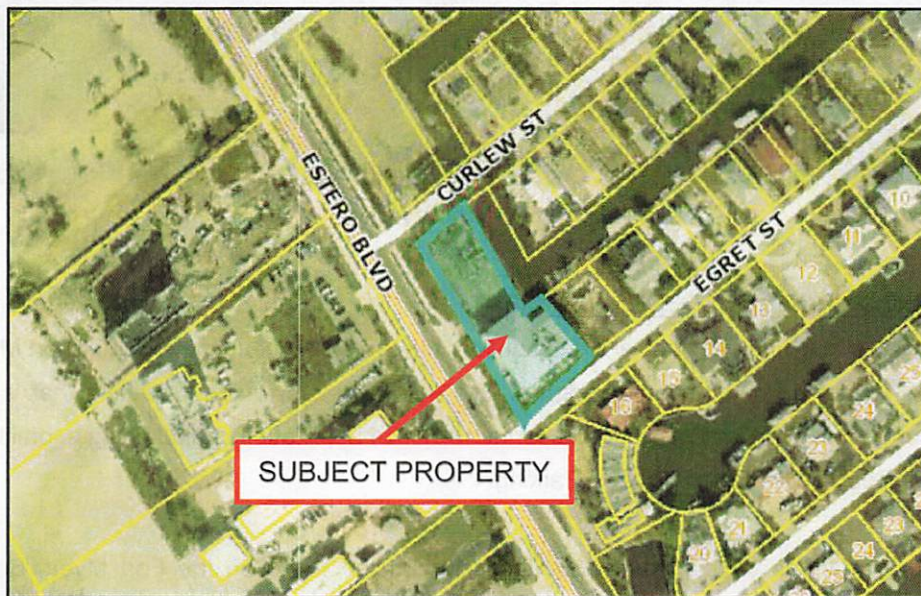


Figure 1. Location Map



Figure 2. Vicinity Map

BACKGROUND & PROPOSED REDEVELOPMENT

The applicant is requesting these special exceptions for the redevelopment of the former Fort Myers Beach Movie Theater to include outdoor entertainment, live entertainment, outdoor seating that is open past sunset, and consumption on premises. A companion variance application is also being submitted seeking relief from LDC Section 34-2020: Required Parking.

The subject property was developed in 1999 and constructed to house the Fort Myers Beach Movie Theater. The Fort Myers Beach Movie Theater was originally a four-screen theater which provided food service and was granted a special permit (Resolution #99-46) for Consumption on Premises (a 2COP license) by the Fort Myers Beach Town Council on December 13, 1999, allowing beer and wine service for theater patrons. The current owners acquired the vacant building and property in May of 2022. Prior to Hurricane Ian, the movie theater was an integral part of the island life, providing an alternative to outdoor activities for residents and visitors.



The owners are proposing to re-purpose the property through the renovation of the existing theater building. This renovation will create an upscale steakhouse restaurant with a bar on the 2nd floor, and a more casual outdoor dining area with bar, and game/entertainment area on the ground floor. Limited office space will also be provided on the 2nd floor, and the 3rd floor will be converted into an ancillary storage area and office for the restaurant. The outdoor seating, bar and game/entertainment areas beneath the existing structure will provide a place where patrons can enjoy food, beverages, games and entertainment while being protected from both the sun and rain.

The applicant is requesting special exceptions for outdoor entertainment, live entertainment, and outdoor seating that is open past sunset as well as Consumption on Premises for both interior and outdoor seating areas. The special exception for COP is being requested prior to applying to the State to obtain a 4COP license.

The existing structure was constructed in 1999 in an AE flood zone under permit COM199904122. The redevelopment of the site is intended to be in compliance with the Fort Myers Beach Post-Disaster Buildback policy. The scope of the project will be valued at less than 50% of the building's value. Compliance with FEMA regulations as well as state and local development requirements will be demonstrated at the time of Development Order and Building Permit.

LOCATION, SITE DESIGN & COMPATIBILITY

Location

The subject property is located approximately 2 miles north of the Big Carlos Pass Bridge (See Figure 2) on the south end of the island. The properties in this area, between the beach and Estero Boulevard are developed with mostly condominiums and hotels, while the bay side of Estero Boulevard contains more commercial and single-family residential uses. Prior to Hurricane Ian, there were commercial uses in this area which peacefully coexisted with surrounding uses and were deemed compatible with the condominiums, hotels, and residential uses. These included Charley's Boat House Grill, professional office space, personal services, and the movie theater. Many of the properties along this portion of Estero Boulevard are within the Commercial Boulevard (CB) Zoning District. The Town of Fort Myers Beach has recently updated their CB regulations to allow a variety of commercial uses, such as restaurants, "by right". They have also updated the regulations to allow outdoor entertainment and operating hours past sunset through the special exception process.

Site Design

It is anticipated that the customer base for this project will be mostly from the surrounding area since the surrounding condominiums and residential neighborhoods provide a significant population and the site will



be easily accessible for motorists, pedestrians and cyclists. Additionally, the site is located next to a transit stop and will be providing bicycle and golf cart parking, and limited boat access. The site will have a pedestrian connection from Estero Boulevard. Bicycle racks will be located near the pedestrian connection. Vehicular access to the site will be from the existing driveway on Estero Boulevard. Other than the elimination of parking spaces under the building, the parking lot will remain as-is with the addition of 2 ADA parking spaces to be located near the building entrance. The parking lot is bound by Estero Boulevard, Curlew Street, the canal and the existing building, leaving no room for expansion. The dumpster's location will remain within the parking lot, in the same enclosure as it previously was for the theater.

The ground floor outdoor seating, bar and game/entertainment area lends itself to a more casual atmosphere where customers can enjoy their food and beverages while participating in games such as cornhole and billiards. The ground floor bar will be centrally located. There will be an outdoor stage area at the front of the building and a wall will be added at the rear of the building as well as enhanced vegetation to buffer the adjoining properties. Amplified music or entertainment will only be permitted until 10 pm and will be oriented away from residential uses. Food service for the ground floor will be provided through a dumb waiter located at the northeast corner of the structure. The 2nd floor restaurant and bar will provide a more upscale steakhouse dining experience. Ancillary kitchen, restrooms and office space will also be located on that floor. The projection room located on the 3rd floor will be renovated to provide storage and office space for the restaurant use.

Outdoor Seating

The proposed outdoor seating encompasses the entire area under the building as well as the existing concrete pads adjacent to Egret Street and Estero Boulevard (previously used for parking) which extend beyond the building footprint. The majority of the outdoor seating and game/entertainment area will be covered by the building to protect patrons from the elements, while providing an open-air recreational atmosphere. The back portion of that area (abutting residential uses) will contain a solid concrete block wall as well as restrooms and a kitchen service area to provide buffering and shielding. This solid wall will provide sound and light attenuation for abutting residential properties to the northeast. The game area located to the rear of the building will contain games such as billiards, cornhole, and oversized Jenga. The outdoor bar area will be in the center of the building. Food service for the ground level will be provided through the use of the service area and dumbwaiter at the rear of the building. The entertainment/stage area will be located near the front of the building, oriented towards the parking lot and Estero Boulevard as shown on the enclosed site plan. Additional outdoor seating is proposed on the second floor through the construction of an exterior deck fronting Estero Boulevard. Shading for this deck area will be provided through overhead louvers. The second-floor outdoor seating will be accessible through the interior dining area and will have a secondary egress via an exterior stairway.



A pedestrian connection will extend from the building to the sidewalk along Estero Boulevard and provide ease of access to the venue. The addition of the outdoor seating area will create activity and visual interest along the roadway and will enhance the pedestrian experience along Estero Boulevard.

Hours of Operation and Live Entertainment

The proposed hours of operation will be from 7 am to 12 midnight, seven days a week for the steakhouse restaurant and 7am to 10 pm for the ground floor casual restaurant and bar. Live music for the ground floor restaurant/outdoor dining area will be limited to the stage near the front of the building as shown on the enclosed site plan. Amplified sound will be oriented away from the residential properties and will be limited to the hours of 10 am – 10 pm. All sound will abide by the Town's noise ordinance.

Buffers and Screening

The recent hurricanes have destroyed much of the previously planted landscaping and buffers. Following Hurricane Ian, existing mangroves along the canal were inadvertently removed. This issue was quickly addressed with state agencies and rectified through an Environmental Resource Permit (ERP) from Florida DEP. Additionally, the property owner has received a Limited Development Order (LDO 20240209) to construct a docking facility along the canal which includes dredging, RCP mangrove planters and a new seawall.

The proposed redevelopment will exceed today's buffering and screening regulations in all areas of the site except for the buffers adjacent to the parking lot along Estero Boulevard and Curlew Street rights-of-way. The existing parking lot is configured in such a way that does not allow for the required 15' Type D buffer. However, the applicant will exceed the required buffer plantings, albeit within the existing buffer strip which is approximately 10' in width.

In order to enhance the public realm and compatibility with adjacent uses, the applicant is proposing to include landscaping along Egret Street and Estero Boulevard where the existing building abuts right-of-way as shown on the site plan. Although buffers are not required when a commercial use abuts a right-of-way, a 5' buffer with enhanced plantings will be provided.

A Type C buffer is proposed along the northeast property line adjacent to the residential property. This buffer will be a minimum of 15 feet in width and will include a 6' opaque fence with enhanced plantings on the residential side of the fence. The Type C buffer will terminate at the canal seawall and dock.



Surrounding Uses

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

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USES
NORTH	BOULEVARD	RESIDENTIAL SINGLE-FAMILY & COMMERCIAL BOULEVARD	VACANT COMMERCIAL, RESIDENTIAL AND CANAL
SOUTH	MIXED RESIDENTIAL	RESIDENTIAL MULTI-FAMILY & COMMERCIAL RESORT	EGRET STREET ROW & RESIDENTIAL CONDO
EAST	BOULEVARD	RESIDENTIAL SINGLE-FAMILY	SINGLE FAMILY RESIDENTIAL AND EGRET STREET ROW
WEST	MIXED RESIDENTIAL	RESIDENTIAL MULTI-FAMILY & COMMERCIAL RESORT	ESTERO BLVD. ROW, CONDOMINIUMS

Compatibility

The existing Fort Myers Beach Theater building has been vacant for over two years. The proposed redevelopment of the site to a restaurant venue with bar, outdoor seating and game/entertainment area will provide a much-needed dining and entertainment amenity to this area of the island. Prior to Hurricane Ian, this area contained commercial uses and intensities similar to what is being proposed for the subject property. These uses, including the Beach Theater, Charlie's Boathouse and the Munch Box restaurant, were long-standing restaurants and entertainment venues that were considered compatible with the surrounding area.

The proposed buffers and landscaping will enhance the public realm along Estero Boulevard. In addition to the 15-foot buffer along the northeastern portion of the property, the single-family residential properties additional shielding will be provided by incorporating dry-flood proofed restrooms and "service area" room at the ground floor rear of the building. The proposed consumption-on premise area will be to the interior of the back wall and carefully delineated and cordoned off on all other sides by ropes or fencing in accordance with LDC requirements. The updated seawall and dock with mangrove plantings will improve the appearance and natural aesthetic of the canal while providing additional mobility options for nearby Fort Myers Beach residents.

The proposed redevelopment of the subject property into an upscale steakhouse restaurant with a casual outdoor restaurant with a game/entertainment area gives residents and visitors the opportunity to stay on the south end of the island and enjoy dining and entertainment options.



Considerations

1. The property qualifies for a Special Exception:

The subject property qualifies for a Special Exception for a new restaurant venue to be located within the former Beach Theater property, to include outdoor entertainment, live entertainment, outdoor seating that is open past sunset, and for consumption on premises as the conditions on Fort Myers Beach have changed since the building was first constructed. The impact of COVID 19 and Hurricanes such as Ian, Milton and Helene have shown the need for redevelopment with resilient construction and uses, such as outdoor venues, which will be attractive to residents and tourists alike. This redevelopment will provide an opportunity for both upscale and casual dining experiences. The ground floor restaurant inclusive of the outdoor seating, bar, and auxiliary game/entertainment area will be constructed in compliance with Fort Myers Beach and FEMA codes.

2. Granting the requested Special Exception could impact surrounding properties as follows:

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

Fort Myers Beach was severely impacted by Hurricane Ian in September 2022, as such the conditions of the island and the subject property are not the same as they were in May of 2022 when the current owners purchased the property. The current owners feel that the site would better serve the residents and visitors of the island as a restaurant venue, with bar, outdoor seating, auxiliary game and entertainment areas and office space.

(2) The testimony of any applicant.

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

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

The petition will be reviewed by the Town Staff and expert testimony will be provided during the public hearing process before the Local Planning Agency (LPA). The LPA will provide a recommendation to the Town Council.

(4) The testimony of the public.

The public will be afforded an opportunity to testify before the LPA and Town Council during public input portion of the public hearings. Testimony given will be evaluated as applicable and appropriate for the LPA's recommendation and the Town Council's decision.

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



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

The redevelopment of the subject property will create an attractive, human-scale development which will engage the public realm along Estero Boulevard. The building with outdoor seating will help “frame” the Boulevard, will create visual interest and will promote walkability in the surrounding area. The proposed landscaping will enhance aesthetics along Estero Boulevard. These improvements are consistent with the goals, objectives, policies and intent of Policy 1-A-1 as they will create more of a Boulevard feel to this section of Estero Boulevard.

Policy 4-B-4 Commercial uses within the “Mixed Residential” FLU category are limited to lower-impact uses and must be sensitive to nearby residential uses, contributed to the public realm as described in this comprehensive plan.

The site is located within the “Mixed Residential” FLU category and was previously an established movie theater which provided food and beverage service to its patrons. The proposed redevelopment will contribute to the public realm through attractive landscaping and design features. This redevelopment will be sensitive to nearby residential uses by limiting hours of operation and outdoor entertainment, adding a fully opaque concrete block wall along the northeaster façade of the building, providing enhanced buffering and improving current site conditions. These improvements and measures will provide shielding, sound and light attenuation and improved aesthetics which will ensure compatibility with surrounding properties.

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

The restaurant use is allowed within the Commercial Boulevard district, and the proposed design and voluntary restrictions meet or exceed performance and locational standards. The building placement, size and height are not being changed through this redevelopment. The addition of the deck on the second floor fronting Estero Boulevard will provide a building which is closer to the boulevard thus creating a more compliant site pursuant to the goal of having buildings closer to the boulevard to activate the area. The building previously met or exceeded performance and locational standards for a restaurant use constructed in 1999.

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

The site was previously developed as the Fort Myers Beach Theater and has been subsequently cleared of all existing natural vegetation. A LDO has been approved by the Town of Fort Myers Beach for the construction of a docking facility which will include dredging, planting of mangroves



and a seawall. This construction is to replace the existing damaged sea wall and dock, and to increase the natural mangrove vegetation.

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

Based on the layout and design elements the request will be compatible with existing and proposed uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. Historically the site was developed as a popular movie theater which served food, beer and wine. The previous use was compatible with the neighborhood and the use of the property as a restaurant, bar with outdoor seating will be as well. Appropriate shielding, buffering and operational restrictions are proposed to ensure compatibility.

(9) Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

This requested restaurant use is to include outdoor entertainment, live entertainment, outdoor seating that is open past sunset, outdoor dining and consumption on premises is allowed within the Commercial Boulevard zoning district. This special exception request complies with the applicable general zoning provisions and supplement regulations pertaining to the use as set forth within the CB Zoning District as demonstrated in the narrative above and as evidenced in the concurrent application to request a variance from LDC Section 34-2020 Required Parking Spaces.