



2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com

September 25, 2009

Mr. Frank Shockey  
Interim Community Development Director  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

Re: Pink Shell Applications Case No. DCI2006-0001 (Bayside); DCI2006-0002  
(Captiva Villas)

Dear Mr. Shockey:

This correspondence amends application DCI2006-0001 (Bayside) and application DCI2006-0002 (Captiva Villas) to reduce the request to the following five (5) minor modifications:

Bayside

- 1) Reflect existing boat ramp on Master Concept Plan (boat ramp-as is)
- 2) Provide additional parking (including continuation of valet parking) on both Bayside parcels
  - a. Deviation from LDC 10-416(c) from a D type buffer for parking adjacent to right of way to buffer as shown on site plan entitled "Parking Plan (gravel/shell parking area to include valet) dated September 24, 2009 enclosed with this correspondence.
- 3) Revise location of solid waste receptacle and trash compactor to replace open dumpster (See same site plan)

Captiva Villas

- 4) Authority to revise Master Concept Plan administratively to relocate walkway easement from one side of Captiva Villas to the other side (hearing to relocate easement would be held by Lee County and by Town separately if this zoning modification is approved).

Pink Shell

5) Add to schedule of uses within Pink Shell – Employee housing

No other modifications are requested and we respectfully submit that these are minor modifications which also provide an improvement to the Town and Pink Shell and are compatible with the neighborhood.

Pink Shell eliminates the following requests:

- Revision to Pink Shell boundaries originally requested due to Town's request for donation by Pink Shell of additional right-of-way to widen Estero Boulevard. This donation would have changed Pink Shell boundaries and triggered need for deviations. Town is no longer requesting right-of-way donation.
- Changes to conditions on advertising and guests
- Unified sign package

Discussion of remaining modifications:

- 1) Boat Ramp. The Boat ramp has been in existence for decades. It is important for the resort's internal use for its water dependent uses that it remain.
- 2) Additional Parking on Pink Shell parcel adjacent to Bowditch Regional Park and on dock master/parking parcel on Bayside. Provision of additional parking is an asset to the Town, the neighborhood as well as Pink Shell. Providing access gates are important to secure that parking is only utilized by Pink Shell. The attached site plan illustrates certain revisions to the design of the parking and location of solid waste compactor.

Currently Vacation Villas has a parking easement that provides for back out parking onto Estero Boulevard. Parking for Vacation Villas was referenced in one of the original Pink Shell zoning resolutions. With this application, Pink Shell offered to provide code compliant parking to Vacation Villas which would have eliminated the back out parking which is not code compliant and the ability to install the buffer along Estero Boulevard.

The current easement document authorizes relocation of the Vacation Villas parking spaces subject to three conditions: two conditions provide the authority to the local government (it states Lee County but we understand that should be interpreted as the Town) to review and approve the relocation where the local government finds the relocation site to be code compliant and the third condition provides that Vacation Villas can review and approve the relocation but that approval cannot be unreasonable withheld. To date staff and the Town Attorney have stated that this relocation of parking is a private matter. Therefore, without the Town's approval of the relocation, Pink Shell has recognized that it should leave the parking "as is". So, Pink Shell has revised the parking plan to leave the Vacation Villas back out parking if that is what the Town prefers. Since

Pink Shell cannot place a buffer which would have been required by the Land Development Code in Vacation Villas parking area, we are requesting a deviation from the buffering requirements along Estero Boulevard and to provide a Type D buffer in those areas that are feasible as depicted on the parking plan site plan enclosed with the correspondence.

In support of this deviation, the parking plan provides the required Type D buffer where feasible and requests relief for the access points and the area of Vacation Villas parking.

This attached plan has eliminated the prior deviation requested for the buffer Type C buffer along the adjacent residential to the southeast. This plan provides for Type C buffer in compliance with the code along the adjacent residential.

- 3) This plan also provides for relocation of the proposed solid waste (trash) compactor which is item 3 under Bayside. It also provides for code compliant screening which consists of the wall in the Type C buffer to the southeast, fencing to the east and to the north and an entrance gate along the west side.
- 4) Captiva Villas Relocation of Walkway Easement. There are two types of approvals required to accomplish relocating the existing walkway easement from between Captiva Villas and White Sands to between Captiva Villas and Sanibel View. One approval is the ability to amend the Master Concept Plan to show the relocation which is the request in this application. The second approval is the real estate side where both Lee County and the Town of Fort Myers Beach would have to issue (1) a release of those documents that created the existing easement and (2) acceptance of new easement documents to create the new location. At this time we are merely requesting that as to the Master Concept Plan authorization is given to staff to administratively amend the Master Concept Plan if in the future both Lee County and the Town actually approve the real estate release of the existing walkway and acceptance of the new walkway. If the relocation never happens then the Master Concept Plan also depicts the existing location.
- 5) Employee Housing to be added as permitted use. To the extent employee housing is provided on site, it results in reduced trips.

This completes discussion of our modified application.

In this correspondence we would like to discuss the design of the docks adjacent to the Bayside parcels. Docks and water dependent uses have always been an integral part of Pink Shell. The current zoning scheme for Pink Shell does not regulate and has never regulated the design of the docks. A total of 41 boat slips currently exist. Currently Pink Shell has applications filed with the Army Corps of Engineers (ACOE) and the Florida Department of Environmental Protection (FDEP) for redesign of the docks. Pink Shell recognizes that staff has proposed a condition regarding the docks. We understand and would agree to a condition that

Mr. Frank Shockey  
September 25, 2009  
Page 4

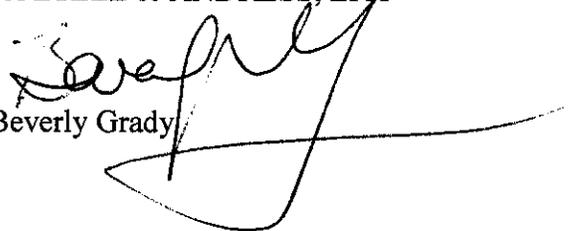
requires a public hearing if Pink Shell proposes to increase the number of slips. In the spirit of cooperation, we would suggest the following condition:

A total of 41 boat slips currently exist. Use of submerged land must comply with all applicable local, state and federal regulations. Any redesign of the docks must receive and comply with ACOE and FDEP permits. Any expansion to the number of slips will require an amendment to this planned development through the public hearing process. Cruise ships are prohibited as provided by LDC Section 34-620(f).

We would respectfully request that the proposed resolution be crafted to respond only to the limited requests within this modified application. We also would look forward to an opportunity to meet with staff to respond to any questions with regard to the modified application. We believe this correspondence is consistent with the meetings held between Bill Waichulis, Pink Shell's representative on September 15<sup>th</sup> and September 22<sup>nd</sup> and you. This correspondence is to memorialize those revisions to the applications.

Very truly yours,

ROETZEL & ANDRESS, LPA

  
Beverly Grady

BG/umr  
Enclosure



# ROETZEL & ADDRESS

A LEGAL PROFESSIONAL ASSOCIATION

2370 FIRST STREET  
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FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
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Oversized tome omitted from electronic file,  
largely superseded by letter of September 25,  
2009; see originals in Town Hall (FcS)

April 30, 2009

TOWN OF  
FORT MYERS BEACH

MAY 1 2009

RECEIVED BY

Mr. Frank Shockey  
Interim Community Development Director  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

Re: Pink Shell Resort, Case No. DCI2006-0001; DCI2006-0002

Dear Mr. Shockey:

Please find enclosed a supplemental information in support of Pink Shell's application. In addition, we have provided a response to the staff report which report added substantive changes to our application by your repeal of prior approvals and deviations. Our attempt is to craft conditions that would only recognize the existing development, consistent with the existing approved Master Concept Plans and then secondly, deal with the specific modifications being requested by the applicant.

One area that we wanted to discuss was the accessory docks. As you know the accessory docks have been in existence for decades and have always been an integral part of the Pink Shell Resort. The actual design of the docks was never regulated in any prior site plan zoning approval. Therefore, Pink Shell firmly believes that it has the ability to redesign the existing accessory docks without a public hearing process. We recognize that this has been mentioned as an issue and wanted to provide to you our proposed realignment of the accessory docks to continue to provide forty-one (41) slips. We do not believe that needs to be part of a public hearing application but since the question has been raised, we wanted to provide that information to you. In addition, should you find it necessary, we have placed it on a page 2 as a separate item so that we can arrive at an acceptable solution to have the ability to revise accessory docks without the public hearing process. We want to work with staff.

We recognize that as to the modifications requested by Pink Shell we have received a recommendation of "approval" and we are hopeful that we could arrive at language that provides the necessary protection for Pink Shell to be able to rebuild consistent with its Master Concept Plan without having a resolution adopted that could be interpreted to require a public hearing process if Pink Shell is rebuilding to its existing density, intensity and Master Concept Plan.

I also wanted to discuss having the flexibility in the future to dedicate Pink Shell property for an expansion of Estero Boulevard right-of-way without having to pursue a public hearing application for deviations to buffers or other areas that such dedication may affect compliance with the Master Concept Plan or the Land Development Code. It seems that we should be able

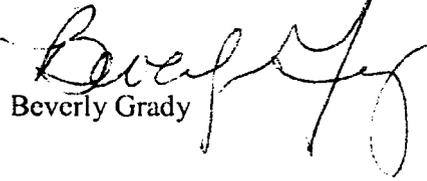
Mr. Frank Shockey  
April 30, 2009  
Page 2

to craft a condition that would not require a dedication but should Pink Shell volunteer to provide a dedication in the future, Pink Shell should not be in the position of being harmed by doing so.

We look forward to the May 12<sup>th</sup> hearing before the Local Planning Agency. Please advise us if you have any questions regarding our submittal. We have included our PowerPoint and supplemental documentation that is in support of our relatively minor modifications to the Resort which we believe will bring improvement to the north end and to the Town of Fort Myers Beach.

Very truly yours,

ROETZEL & ANDRESS, LPA



Beverly Grady

BG/umr  
Enclosures



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February 4, 2009

Mr. Frank Shockey  
Interim Community Development Director  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

Via Electronic Mail and U.S. Mail

Re: FMBDCI2006-00001: Bayside CPD Amendment  
FMBDCI2006-00002: Captiva Villas & White Sands CPD Amendment

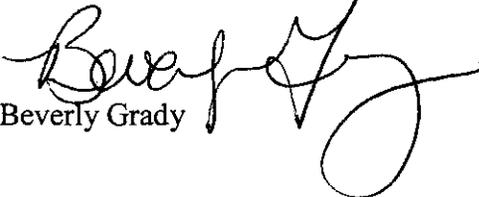
Dear Mr. Shockey:

As discussed at our meeting of January 26<sup>th</sup> with the Town representatives, we are adding a minor amendment to our request which will be to add no more than twenty (20) parking spaces on the Bayside portion of Pink Shell Resort contiguous to the existing parking. Please advise if we could add this request to our Master Concept Plan by a note.

Thank you for your cooperation in this matter.

Very truly yours,

ROETZEL & ADDRESS, LPA

  
Beverly Grady

BG/umr



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March 17, 2008

RECEIVED  
MAR 17 2008

BY:.....

Frank Shockey  
Planning Technician  
Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

Re: FMBDCI2006-00001: Bayside CPD Amendment  
FMBDCI2006-00002: Captiva Villas & White Sands CPD Amendment

Dear Mr. Shockey:

In response to your December 14, 2007 request for additional information, please find enclosed:

(1) A copy of the letter sent to unit owners located within the Captiva Villas Condominiums and White Sands Condominiums notifying them of the Bayside CPD Amendment and Captiva Villas & White Sands CPD Amendment applications and Town requirement that the Condominium Association join the application;

(2) A list of the unit owners located in the Captiva Villas Condominiums and White Sands Condominiums; and

(3) Affidavit from Robert W. Boykin, Managing Member of New Pink Shell, LLC, the Managing Member of Captiva Villas Development, LLC regarding authorization to file FMBDCI2006-00001 and FMBDCI2006-00002.

In addition to the above-submitted additional information, please note that the applicant requests that the Town now refer to FMBDCI2006-00002 as Captiva Villas & White Sands CPD Amendment.

Frank Shockey

Page 2

“Captiva Villas & White Sands CPD Amendment” more accurately reflects the requests being made by the application.

Very truly yours,

ROETZEL & ANDRESS, LPA

*K'Shana J. Haynie*  
Signed electronically to expedite

K'Shana J. Haynie

KJH

Attachments/

PINK SHELL

275 Estero Boulevard  
Fort Myers Beach  
Florida 33931

March 13, 2008

CERTIFIED MAIL

-----  
----- Unit #  
-----

Re: Pink Shell Application to Amend Master Concept Plan to  
Town of Fort Myers Beach  
**Response and Signature Requested**

OWNER  
ADDRESS  
CITY, STATE ZIP CODE

Dear OWNER:

This is an opportunity for implementation of improvements to Pink Shell Resort that we believe will be a benefit to every unit owner and guest of Pink Shell.

The Town of Ft. Myers Beach has asked the landowners, Captiva Villas, LLC and JABO, LLC, of the Pink Shell to assist with the severe drainage issues that persist on Estero Boulevard by donating land to the Town for a drainage and right-of-way widening project. Pink Shell, in an effort to assist the Town with its widening project in front of a portion of the Pink Shell where Estero Boulevard narrows to 50 feet, is willing to donate five feet (in width) to be added to the Town's right-of-way on both the Bay-side of Estero Blvd. and the Gulf-side of Estero Blvd. (along Captiva Villas). A site plan is attached that depicts the five feet on either side of Estero Boulevard that Pink Shell is willing to donate (none of this real estate is within any ownership of the condominium).

The donation of the land to be utilized for drainage and right-of-way purposes to the +Town causes a revision the overall site plan/master concept plan. While the donation of the right-of-way does not affect the condominium unit owners or the common elements of the condominium, the Town has requested that the unit owners and the condominium association join in the application to the Town for amending the master concept plan (the site plan).

In addition to the donation of land to the Town for right-of-way and drainage improvement, this provides a great opportunity for improvements that would be beneficial to the land owners, condominium unit owners and guests of Pink Shell to be included in the application at no cost to the unit owner or condominium association. The beneficial improvements that are included in the application are:

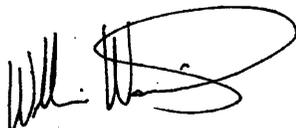
tel: 239-463-6181  
fax: 239-463-1229

- Relocation of the existing public walkway-beach access easement from the south side of Captiva Villas to the north side as a part of the cities road improvement project. [Note: the relocation of the public walkway beach access easement will move the public walkway that is currently in the middle of the pool amenities. This will permit occupants of Captiva Villas and White Sands to go from one pool amenity to the other without going through fences.
- Provide additional parking in the existing location of the tennis courts (Bayside)
- Approval of permanent identification signs for the entire Pink Shell which provides a consistent signage theme for Pink Shell Resort
- Allow independent advertising of the restaurant located within Captiva Villas and the restaurant and spa located within White Sands
- Approval of a new Landscape Plan recognizing there will be some removal or relocation of existing vegetation and landscaping based upon the donation of land for right-of-way and drainage purposes to the Town of Ft. Myers Beach
- Allow the existing cottages to be used for employee housing (maximum of 20 employees)
- Donate 5 feet of land for right-of-way and drainage purposes on the Gulf-side along Captiva Villas and donate 5 feet of right-of-way and an easement for drainage purposes on the Bay-side resulting in an amendment to the boundary of the Pink Shell master concept plan to reflect the donations  
Because your condominium unit is located within the Pink Shell Master Concept Plan, the Town is requesting that unit owners join the application.

These improvements will be implemented at no cost to the units or to your Association. Therefore, we believe these improvements would be beneficial to each of us and requests that you execute the attached consent for the request outlined in this letter. Please fill out and execute the attached document and return it in the self-addressed stamped envelope.

If you should have any questions or concerns, please do not hesitate to call me @ 23-463-8601.

Very truly yours,



Bill Waichulis,  
General Manager



**Pink Shell Amendment to Commercial Planned Development  
and  
Master Concept Plan By  
Condominium Unit Owner Authorization**

I, \_\_\_\_\_ swear or affirm and acknowledge that I am the owner of Unit \_\_\_\_\_, located in the \_\_\_\_\_ Condominium, which is located at \_\_\_\_\_ Estero Blvd., Ft. Myers Beach, FL 33931 and that:

1. I authorize Captiva Villas, LLC and/or JABO, LLC to be the applicant to pursue an amendment to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

1. Relocation of existing public walkway beach access easement from between Captiva Villa and White Sands to the north side of Captiva Villas.
2. Provide additional parking in existing location of tennis courts (on Bay side).
3. Allow advertising of the restaurant located within Captiva Villas and the restaurant and spa located within White Sands
4. Approval of a permanent sign theme for Pink Shell
5. Approval of a landscape plan for the right-of-way along Captiva Villas
6. Approval of existing cottages (two structures) to be used for employee housing
7. Donation of 5 feet of right-of-way from the gulf side of Estero Boulevard and amending the boundary of Pink Shell Commercial Planned Development and Master Concept Plan. (Captiva Villas)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

tel: 239-463-6181  
fax: 239-463-1229

Unit #	Owner	Salutation	Address	City	State	Zip
	White Sand Villa					
101	Ernest Crea	Ernie	4401 N. Washington Blvd	Indianapolis	IN	46205
102	Ronald & Nancy Panetta	Ronald & Nancy	26445 Doxatur	Dearborne Hgts	MI	48127
105	James Rutherford	James	126 South 7th Street	Miamisburg	OH	45342
106	David and Kim Schaefer	David and Kim	5742 Tuscany Lane	Wauakee	WI	53597
201	Roxanna L. Smith	Roxie	21521 Madera	Ft. Myers Beach	FL	33931
202	Kenneth & Eileen Midavaine	Kenneth & Eileen	34 Towpath Trail	Fairport	NY	14450
203	Marisa Halpren	Marisa & Ed	13891 Blenheim Trail	Ft. Myers	FL	33908
204	Christian Loffreno	Chris	18120 San Carlos Blvd #704	Ft. Myers Beach	FL	33931
205	Kris and Monica Kelley	Kris and Monica	26608 Greenville Drive	Perrysburg	OH	43351
206	David D. Schmit	David	713 Nebraska Street Suite 202	Sioux City	IA	51101
207	Kenneth Kareta	Kenneth	4138 Rich Drive	Wareford	MI	48329
208	Ralph DiSilvestro	Ralph	8649 West Stotling Road	Nile	IL	60714
301	Lisa O'Connor	Lisa	720 Harper Road	Mason	MI	48854
303	Terry Schad	Terry	4361 Bay Beach Lane #221	Ft. Myers Beach	FL	33931
304	Randy and Terry Lewis	Randy and Terry	3221 Linden Circle	Prior Lake	MN	55372
305	Frank and Loreta Richter and Jeffrey Richter	Mr. & Ms. Frank Richter and Mr. Jeffrey Rict	647 Signal Hill Road	N. Barrington	IL	60010
306	Robert & Susan Beley	Bob & Susan	P. O. Box 1327	Tomball	TX	77377
307	Kenneth & Judy Betz	Kenneth & Judy	3860 Rector Ave. N.E.	Rockford	MI	49341
308	Dan & Ann McMilln	Dan & Ann	226 Portman Lane	Bridgville	PA	15017
404	Edwin and Shirley Schmidt	Ed and Shirley	15028 Williston Lane	Minnertonka	MN	55345
405	Dan & Kelly-Schneck	Dan & Kelly	6105 N. Berkeley Blvd.	Milwaukee	WI	53219
408	Michael and Patri Cusack	Mike and Patri	19 Meadowview Lane	Ipswich	MA	01938
409	Clarence Kaechle	Clarence	32178 Spruce Lane	Beverly Hills	MI	48025
410	Douglas & Janie Savage	Doug and Janie	46925 Sunny Brook Lane	Novi	MI	48374
502	Bobbie Radcliff	Bobbie and David	760 Sextant Dr. #321	Santel	FL	33957
503	Mark Grosskopf	Mark	1000 N. Water Street #950	Milwaukee	WI	53202
504	Tom and Suzanne Hansbauer	Tom and Suzanne	2680 Millville Shandon Road	Hamilton	OH	45013
505	Robert Riddle	Robert & Patricia	501 Quincy Shores Drive	Quincy	MA	02171
506	James and Jodi Bahineau	Jim and Jodi	665 Pine Circle	Rice Lake	WI	54868
508	Duane Borkowski	Duane	9395 Arbor Court	Plymouth	MI	48170
510	Robert Charles and Margaret Ann Mueller	Bob and Peg	516 Hawthorn Avenue	Bartlett	IL	60103
601	Kenneth P. Kievit	Ken	70 Rosalie Avenue	Clifton	NJ	07011
602	James R. Schane	James	8538 Washington Street	Downers Grove	IL	60516
603	Robert Boykin	Bob	8015 W. Kenton Circle #220	Huntersville	NC	28078
604	K&B Construction Co., LLC	Ben	4118 Deckard Drive	Bloomington	IN	47408
605	Eulalie Nohrden	Eulalie	4687 Mulberrywoods Circle	Ann Arbor	MI	48105
606	Charles Keith Hoskins	Keith	801 W. Coliseum Blvd	Ft. Wayne	IN	46808
607	Vincenzo and Concetta Liotta	Mr. & Mrs. Liotta	1000 Merry Lane	Oakbrook	IL	60523
608	Dexter and Janis Benecke	Dexter and Janis	P. O. Box 25	Ridgeville Corners	OH	43355
609	Salvatore and Norma Chiarelli	Sal and Norma	907 Luerne Pkwy	Cape Coral	FL	33904
610	James and Julia DeVries	Jim and Julia	3775 Timberline Drive	West Des Moines	IA	50265
701	Kenneth and Sue Backstrand	Ken and Sue	24 Winewood Ct.	Ft. Myers	FL	33919
702	RHL Accurate Management Co.	Randy	11680 Hampton Greens Drive	Ft. Myers	FL	33913

703 Investment Brokers of SW, Florida	Kerry and Nancy	3624 Delprado Blvd.	Cape Coral	FL	33904
704 George and Deborah Holder	George and Deborah Roy	783 Cypress Knoll Drive 15120 Westbay Street	O'Fallon Grand Haven	MO MI	63366 49417
705 Roy Holmes	Tony and Amy	760 Timber Lane	Independence	KY	41051
706 Anthony and Amy Zimmerman	Bill and Tracy	9312 Deer Path Court	Powell	OH	43065
707 William and Tracy Teusch	Ed and Jody	P.O. Box 560	Luck	WI	54853
708 Edward and Jody Seck	Bob and Lesa	1089 Lake Ridge Drive	Dandridge	TN	37725
709 Robert and Lesa Baker	Bob and Lesa Steve	2623 Harrison Woods Road	Terra Haute	IN	47805
710 Cuatro Amigos Properties LLC / c/o Steven M. Pilipovi	Don	39036 Lake Shore Drive	Harrison Twp	MI	48045
801 Don Daly	Farrell & Michele	P.O. Box 100181	Cape Coral	FL	33910
802 Farrell Tyson	Randy	0 S 850 Spring Green Way	Baravia	IL	60510
803 Randall Deusch	Juliette	1400 Lancaster St. #704	Baltimore	MD	21231
804 Juliette Richter	Ken	4830 West Gate Road	Minnetonka	MN	55345
805 Kenneth Durr	Pam and Joe	2848 Ashton Terrace	Oviedo	FL	32765
806 Pamela Smart and Joseph Zornik	Gary	12207 Illinos Road	Fort Wayne	IN	46814
807 Gary Probst Foundation Realty Trust	Adam and Jeanine	141 Placid Ave.	Glendale Heights	IL	60139
808 Adam and Jeanine Vena	Mr. Caven	201 15th Avenue NE	Aberdeen	SD	57401
809 KGN&M Partnership	Doug	P.O. Box 1317	Beloit	WI	53512
810 Douglas A. Cash	Mark and Sheryl	5994 N. Pike Lake Road	Duluth	MN	55811
811 Mark and Sheryl Vieau	Mark	7371 Haverhill Ln.	Canton	MI	48187
812 Forza Properties, LLC	John	8939 Banyan Cove Circle	Ft. Myers	FL	33919
901 John Murnane	Dennis	105 Maple Lane	Winona	MN	55987
902 Tri Boelter Properties	Victoria	PO Box 538	Sanibel	FL	33957
903 Victoria M. Ashton	Sheila	12601 Mastique Beh. Blvd #80	Ft. Myers	FL	33908
904 Sheila Finn-Bouchard	Roger	2022 Georgian Lane	Morgantown	WV	26508
905 Dr. Roger E. King	Catherine	2219 Fairview Avenue E #4	Seattle	WA	98102
906 Catherine Roth	Jacque and Donna	5225 E 225th Street	Noblesville	IN	46060
907 Jacque and Donna Sue Bryant	Scoop and Brenda	3829 SE 21st Place	Cape Coral	FL	33904
908 Harley J. and Brenda V. Cole	Mike	PO Box 385	Mr. Pleasant	MI	48804
909 MD Investments Land Management LLC	Scott	8651 Kilkenny Ct	Ft. Myers	FL	33912
911 Laden Enterprises, Inc.	Joseph & Sharon	PO Box 1668	Lake Ozark	MO	65049
913 Joseph & Sharon Knollhoff	Kerry	8777 Banyan Cove	Ft. Myers	FL	33919
914 Kerry Cameron	Craig and Beth	28623 Via D Arezzo	Bonita Springs	FL	34135
103,104 Craig and Beth Stark	Tom and Willa	4918 Demison Avenue	Cleveland	OH	44102
107,108 Thomas and Willa Cook	Mark	780 Hawkmoore Drive	Clarkston	MI	48348
310,401 Mark Seiler	Harvey	1001 Isla Verde Square	Vero Beach	FL	32963
402,403 Harvey Sheren	Stan and Louise	326 Northview Road	Dayton	OH	45419
406,407 Charles and Louise Maher	Dr. Nag	13332 Marquette Blvd	East Ft. Myers	FL	33905
501,507 Dr. S. V. and Mrs. Chithra Nagarathinim	Dennis and Robin	P.O. Box 2273	Brighton	MI	48116
302,309,505 Dennis and Robin Cregar	Alan & Karen	1010 Sheridan Road	Glencoe	IN	60022
910, 912 Alan & Karen Swift					

## CAPTIVA VILLAS OWNERS

UNIT	OWNER NAME	SALUTATION	ADDRESS	CITY	STATE	ZIP CODE
3107	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3201	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3202	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3203	Matt & Cheri Russ	Matt & Cheri	3534 Heritage Lane	Ft. Myers	FL	33908
3204	Rick & Cynthia Lorenzoni	Rick & Cynthia	21493 Sheridan Run	Estero	FL	33928
3205	Ronald & Sandra Ambrosia	Ron & Sandra	9161 Bayberry Bend	Ft. Myers	FL	33908
3206	Richard & Mary Ann Crain	Richard & Ann	9000 Oakley Avenue	Chicago	IL	60620
3207	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3301	Glenn & Amy Hoyt	Glenn & Amy	7671 County Road # 78	Labelle	FL	33935
	Angela Landau	Angela	2020 SE 27th Terrace	Cape Coral	FL	33904
	Werner Kuhn	Werner	2020 SE 27th Terrace	Cape Coral	FL	33904
3303	Robert & Susan Beeley	Robert & Susan	P. O. Box 1327	Tomball	TX	77377
3304	Kathy Balota	Kathy	S97W23965 Par Avenue	Big Bend	WI	53103
3305	John & Mary Gail Naylor	John & Mary Gail	1672 Whiskey Creek Drive	Ft. Myers	FL	33919
3306	Chris & Sue Chartrand	Chris & Sue	109 Lambeth Court	Lynchburg	VA	24503
	Don Daly	Don	39036 Lake Shore Drive	Harrison TWP	MI	48045
	Steve Brunette	Steve	39036 Lake Shore Drive	Harrison TWP	MI	48045
3401	Timothy & Dorothy Gillian	Tim & Dorothy	512 Marengo Ave.	Forest Park	IL	60130
3402	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3403	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3404	Phil & Marie Pisto	Phil & Marie	4188 Lon Lynn Lane	Whitmore Lake	MI	48189
3405	Angela & David Stone	Angela & David	8135 Cherry Laurel Drive	Liberty Township	OH	45044
3406	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3407	Sawyer Family Ltd. PTNP.	Lee Sawyer	169 Matthews Road # B	Youngstown	OH	44512
3501	Karen Knorr	Karen	45 Bed Minister Road	Randolph	NJ	07869
3502	Angela Landau	Angela	2020 SE 27th Terrace	Cape Coral	FL	33904
3503	William & Valetta Schraus	William & Valetta	412-5A Lee Street.	Durand	WI	54736
3504	Fred D. Castelvetere	Fred	1146 Autumnview Drive	Rochester	MI	48307
3505	Dennis Balota	Dennis	S97W23965 Par Avenue	Big Bend	WI	53103
3506	DAN-CO Properties, LLC	Robert & Laura	25543 Ranch Wood	Farmington	MI	48335
3507	Pamela & Joseph Smart	Pamela & Joe	2848 Ashton Terrace	Oviedo	FL	32765
3601	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3602	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3603	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3604	Bill & Debbie Byrne	Bill & Debbie	10250 W 144th Place	Orland Park	IL	60462
3605	Michael & Patti Cusack	Michael & Patti	19 Meadowview Lane	Ipswich	MA	01938
3606	DAN-CO Properties, LLC	Robert & Laura	25543 Ranch Wood	Farmington Hills	MI	48335
3607	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3701	Kenneth P. & Ann Kievit	Kenneth & Ann	70 Rosalie Avenue	Clifton	NJ	7011
3702	New Pink Shell		8015 W Kenton Circle #220	Huntersville	NC	28078
3703	Foundation Realty Trust	Gary	12277 Illinois Road	Fort Wayne	IN	46814
3704	Peter & Gina Angelopoulos	Peter & Gina	PO Box 245	St. James	NY	11780
3705	Kenneth & Francis Wood	Kenneth & Francis	3005 Twilight Drive	Cincinnati	OH	45241
3706	Richard & Mary Ann Crain	Richard & Mary Ann	9000 Oakley Ave	Chicago	IL	60620
3707	George & Esther Gotschall	George & Esther	394 Beechnut Hill Drive	Akron	OH	44333

Own more than one unit  
Developer



A LEGAL PROFESSIONAL ASSOCIATION

850 PARK SHORE DRIVE  
SUITE 300  
NAPLES, FL 34103  
239.649.2718 DIRECT  
239.649.6200 MAIN  
239.261.3659 FAX  
sfalk@ralaw.com

March 11, 2008

RECEIVED BY  
Frank Shockey  
Planning Technician  
Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

Re: FMBDCI2006-00001: Bayside CPD Amendment  
FMBDCI2006-00002: Captiva Villas & White Sands CPD Amendment

Dear Mr. Shockey:

K'Shana Haynie of our Ft. Myers office asked that I send you the enclosed Affidavit in connection with the above-referenced matter.

Very truly yours,

ROETZEL & ADDRESS, LPA

Steven M. Falk

SMF

Enclosure

cc: Beverly Grady, Esq. (via email w/enclosure)  
K'Shana Haynie, Esq. (via email w/enclosure)

**AFFIDAVIT**

STATE OF FLORIDA        )  
COUNTY OF COLLIER    )

BEFORE ME, this day appeared STEVEN M. FALK, who, being first duly sworn and deposed says:

1.       He is a member in good standing of the Florida Bar.
  
2.       He has examined the Declaration of Condominium and its exhibits, including the By-Laws for Captiva Villas, a Condominium, as recorded at Instrument #2006000478367 and the Declaration of Condominium and its exhibits, including the By-Laws for White Sand Villas, a Condominium, as recorded in O.R. Book 4203 at Page 2100, both of the Public Records of Lee County, Florida (the “Condominium Documents”) and concludes that the act of applying for the Bayside CPD Amendment (FMBDCI2006-00001) and the Captiva Villas and White Sands CPD Amendment (FMBDCI2006-00002) does not violate any of the provisions contained in the Condominium Documents or the rights contained therein of the owners who did not vote in favor of filing the applications.
  
3.       He has further concluded that the approval of the applications by the Town of Fort Myers Beach would not violate any rights of any owner who did not vote in favor of filing the applications pursuant to the Condominium Documents.
  
4.       He has finally concluded that the act of filing the applications does not violate any state or federal law regulating condominiums. Captiva Villas and White Sand Villas are not timeshare condominiums.

FURTHER AFFIANT SAYETH NOT.

Done and executed the 17<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
STEVEN M. FALK

SUBSCRIBED AND SWORN TO before me by STEVEN M. FALK, who is personally known to me.

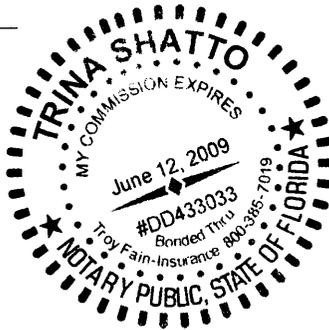
  
\_\_\_\_\_

My Commission Expires:

Notary Public

**Trina Shatto**

\_\_\_\_\_  
Printed Name



**AFFIDAVIT**

STATE OF OHIO )

COUNTY OF CUYAHOGA )

BEFORE ME this day appeared **ROBERT W. BOYKIN**, who, being first duly sworn, deposed and says:

1. He is the Managing Member of New Pink Shell, LLC, a Delaware Limited Liability Company, which is the Managing Member of **CAPTIVA VILLAS DEVELOPMENT, LLC**, a Delaware Limited Liability Company.

2. **CAPTIVA VILLAS DEVELOPMENT, LLC** has been authorized by the White Sands Condominium Association, Inc. and the Captiva Villas Condominium Association, Inc. to file the following applications for a planned development amendment to the Pink Shell Commercial Planned Development: (1) FMBDCI2006-00001 -- Bayside CPD Amendment; and (2) FMBDCI2006-00002 -- Captiva Villas & White Sands CPD Amendment.

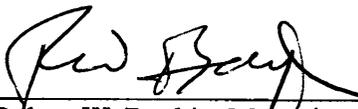
3. At least seventy-five percent (75%) of the unit owners located within Captiva Villas, a Condominium as recorded at Instrument #2006000478367 of the Public Records of Lee County, Florida and seventy-five percent (75%) of the unit owners located within White Sands, a Condominium as recorded at Instrument# 6152862 of the Public Records of Lee County, Florida authorized the filing of the applications for a planned development amendment to the Pink Shell Commercial Planned Development: (1) FMBDCI2006-00001 – Bayside CPD Amendment; and (2) FMBDCI2006-00002 – Captiva Villas & White Sands CPD Amendment.

FURTHER AFFIANT SAYETH NOT.

Done and execute this 14<sup>th</sup> day of March, 2008.

**CAPTIVA VILLAS DEVELOPMENT, LLC,**  
a Delaware Limited Liability Company

By: New Pink Shell, LLC, a Delaware  
Limited Liability Company, its Managing Member

By:   
Robert W. Boykin, Managing Member  
of New Pink Shell, LLC

The foregoing Agreement was subscribed and sworn to me by **Robert W. Boykin**, the Managing Member of New Pink Shell, LLC, a Delaware Limited Liability Company, which is the Managing Member of Captiva Villas Development, LLC, a Delaware Limited Liability

Company, on behalf of such company. Robert W. Boykin is personally known to me  or has produced \_\_\_\_\_ as identification .

My Commission Expires:

Erin C. Hannum  
Signature of Notary Public

**Erin C. Hannum, Notary Public**  
**State of Ohio, Cuyahoga County**  
**My Commission Expires November 26, 2012**

ERIN C. HANNUM  
Printed Name of Notary Public

**Supplement PH-D**

**C-F Narrative**

**FMBDCI2006-0001**

**FMBDCI2006-0002**

**RECEIVED**  
AUG 01 2007

BY:.....

There are two public hearing applications for amendment to existing Commercial Planned Developments: (1) Application #1 (FMBDCI2006-0001)-Amendment to Bayside CPD, and (2) Application #2 (FMBDCI2006-0002)-Amendment to Captiva Villas/White Sands CPD. To prevent further complication of the extensive zoning history related to the Pink Shell project, the applicant is submitting one (1) master concept plan, which is attached to Application #1 as Exhibit 10 and to Application #2 as Exhibit 9. The master concept plan depicts the requested amendments to the Bayside CPD and the Captiva Villas/White Sands CPD. Both applications will need to proceed to public hearing together for approval. The below narrative will discuss requested amendments to the Pink Shell CPD.

**I. History of Project**

The Pink Shell Planned Unit Development (will be referred to as the Pink Shell CPD after this Section of the narrative)<sup>1</sup> was originally approved by Resolution Z-82-170 on June 21, 1983 by the Lee County Board of County Commissioners. The Pink Shell Planned Unit Development has been amended through a number of resolutions and administrative amendments since the original approval by the Lee County Board of County Commissioners on June 21, 1983. Resolution Z-95-017 (Case# 95-01-034.03Z), rezoned a portion of the original PUD located on the Bayside (hereinafter, called "Bayside CPD") and added additional property Residential Multi-family (RM-2) and Planned Unit Development (PUD) to Commercial Planned Development (CPD). The Captiva Villas portion of the Pink Shell project on the gulf side was rezoned from residential multi-family (RM-2) to Mixed Planned Development by Town of Fort Myers Beach Resolution 01-26 on August 27, 2001, to permit a maximum of 43 hotel/time share units, accessory uses and consumption on premises, not to exceed 72 feet in height above base flood elevation. The White Sand Villas Portion of the Pink Shell PUD project on the gulf side was amended by Town of Fort Myers Beach Resolution 01-21 on June 25, 2001 to (1) change the orientation of a nine story building; (2) revise the project to allow 46 2-bedroom units and 46 1-bedroom units with a deviation from Town of Fort Myers Beach Land Development Code Section 34-2017(a) to allow a shell surface (no parking stripes or bumpers) on the parking lots.

Condition # 6 of Town of Fort Myers Beach Resolution 01-26 relating to the Captiva Villas CPD portion of the Pink Shell project states that prior to issuance of a local development order, the applicant of record must record an approved document in the Lee County Official Records which grants a 6 foot wide beach access easement to the public, and preserves a 36 foot wide view corridor as depicted on the approved Master Concept Plan. Parking is allowed within the 36 feet as depicted on the Master Concept Plan, but no structures or facilities may be

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<sup>1</sup> Note that pursuant to LDC, Section 34-961 and 34-962, all project zoned Mixed Planned Development (MPD) and Planned Unit Development were converted to Commercial Planned Development (CPD) on March 3, 2003.

constructed within the 36 feet. The view corridor is to be maintained in perpetuity. Condition # 11 of Town of Fort Myers Beach Resolution 01-21 relating to the White Sands Villas portion of the Pink Shell PUD, states that subject to the approval of the CPD rezoning on the adjacent property (DCI2000-00071), a dedicated 36-foot view corridor shall be established as depicted on the Master Concept Plan. The eight parking spaces may encroach into the corridor, but no structures are permitted within the 36-foot view corridor.

Pursuant to Condition #6 of Town of Fort Myers Beach Resolution 01-26, Boykin Hotel Properties, L.P. and Captiva Villas Development, LLC provided (1) an Easement Grant and Covenant to Build and Maintain to Lee County on February 17, 2004 (Official Record Book 4396, Pages 1005-1012, Lee County, Florida), and (2) an Easement Relocation View Corridor Agreement to Town of Fort Myers Beach on February 20, 2004 (Official Record Book 4394, Pages 3212-3222, Lee County, Florida).

## **II. Planned Development Amendment**

The property owner complied with conditions in the Town of Fort Myers Beach Resolutions 01-26 and 01-21. The construction of the walkway-beach access easement was completed in 2007.

Prior to constructing the walkway-beach access easement in its current location, the applicant requested a meeting with Town staff in September 2006, and subsequently made application on October 23 2006 for an amendment to the Bayside CPD (FMBDCI2006-0001) and the Captiva Villas/White Sands CPD (FMBDCI2006-0002) to relocate the walkway-beach access easement on Captiva Villas next to Sanibel Villas next to Sanibel View. See September 11, 2006 letter, which is attached as Exhibit 1. However, the accomplishment of the relocation of the walkway-beach access easement could not be accomplished in a timely fashion to not affect the Town's issuance of applicant's certificate of completion for Captiva Villas. Therefore, the applicant constructed the walkway-beach access easement at its current location, to receive the certificate of completion and certificate of occupancy.

The applicant still desires to relocate the walkway-beach access easement as depicted on the proposed master concept plan from the south side to the north side of Captiva Villas. The applicant would like to relocate the existing walkway-beach access easement from the current location because the current walkway bifurcates the unified recreation area of Captiva Villas/White Sands pools. Due to insurance requirements a fence is required, which separates the two recreation areas and places the public in a fenced corridor between the two recreation areas. The view established corridor on the Captiva Villas/White Sands CPD remains unchanged.

Moreover, the applicant is requesting the following amendments to the Pink Shell CPD (inclusive of Bayside CPD amendments and the White Sands/Captiva Villas CPD amendments).

1. Remove Condition #6 to Resolution 01-26 and approve the relocation of the existing walkway-beach access easement from the south side to the north side of Captiva Villas as depicted in the July 27, 2007 Pink Shell CPD Master Concept Plan. The view corridor will remain at the current location.

2. Amend the boundary of the Pink Shell CPD to reflect the conveyance of five feet (5') of right of way (Captiva Villas) to the Town as depicted in the Pink Shell CPD Master Concept Plan.

3. Eliminate Condition # 9 of Resolution 01-26, and approve: (1) use of the restaurant located with Captiva Vilas and the restaurant and spa located within White Sands by the public; and (2) advertising of the restaurant located within Captiva Villas, and the restaurant and spa located within White Sands to the public.

Proposed Condition: Advertising of the restaurant located within Captiva Villas, the restaurant and spa located within White Sands is permitted.

4. Remove Condition # 6 to Resolution 01-26 and approve the elimination of the portion of the existing walkway-beach access between White Sands and Captiva Villas from the Master Concept Plan.

5. Approve the use of the existing cottages on Lots 5 and 6 (as depicted on the Pink Shell CPD Master Concept Plan) for international employee housing to a maximum of 20 employees.

**Recommended Condition:**

The employees housed within the international employee housing shall be employees of Pink Shell and shall not have any vehicles within the resort. Pink Shell shall maintain a log of the international employees and their duration of employment with Pink Shell.

6. Eliminate the existing tennis courts located on the Bayside and approve parking in the location of the existing tennis courts on the Bayside.

7. Amend the location of the Interpretive Walkway on the Bayside so that it meanders around the existing boat ramp as depicted in the Pink Shell CPD Master Concept Plan

8. Amend the boundary of the Pink Shell CPD to reflect the conveyance of five feet (5') of right-of-way to the Town (Bayside) as depicted in the Pink Shell Master Concept Plan.

9. Eliminate condition 6 of Resolution 00-07 (approved January 10, 2000) and approve Alternate Betterment Plan.

**Requested Deviations:**

1. Deviation from LDC, Section 10-416(c) - (d) to: (c) reduce the landscaping buffer along Estero Blvd. from 15 feet (15') to 3 feet (3') and (d) eliminate the required internal landscaping for the tennis court parking; and approval of Alternate Betterment Plan pursuant to LDC, Sec. 10-419.

2. Deviation from LDC, Section 30-153 regarding the permanent identification signs in commercial and approval of a Unified Resort Sign Package.

The relocation of the existing walkway-beach access easement from the south side to the north side of Captiva Villas as depicted in the Pink Shell CPD Master Concept Plan will not require the amendment of condition #7 of Resolution 01-26 related to landscaping in the view corridor with low-lying vegetation so as to not obscure the pedestrian view. The view corridor will remain at the current location. Only the public walkway-beach access easement will be relocated and a sign in accordance with Condition #7 to Resolution 01-26 will be placed along the walkway identifying it as "Public Beach Access."

The Town approached the applicant regarding provision of real estate adjacent to Estero Blvd. in front of the Pink Shell CPD, and the applicant has met with Town staff on various occasions regarding the provision. In order to provide 10 feet of property to the Town to widen Estero Blvd., the Town must amend the boundary of the Pink Shell CPD (to convey 5 feet in front of Captiva Villas) and remove Condition # 8 pursuant to Resolution 01-26. Condition # 8 (Resolution 01-26) required: Landscaping along Estero Blvd. to mimic the design of the landscaped area required for the Pink Shell PUD by meandering into the right-of-way. The buffer must contain no less than 5 trees and 14 shrubs per 100 linear feet. Shrubs located in the landscaped area between the parking lot and Estero Blvd. will be maintained at a height of no less than 36 inches. Plan materials used will be indigenous native vegetation. The applicant, with the provision of 5 feet of property (to the Town) in front of Captiva Villas for right-of-ways can no longer meet this landscaping requirement. The applicant is therefore requesting removal of this condition from the project and approval of a Unified Resort Landscape Plan (also referred to as Alternate Betterment Plan). The Unified Resort Landscape Plan provides for a 3' foot buffer in between the parking and the 5 feet of property that the Town will utilize to widen Estero Blvd. In addition Pink Shell is donating 5 feet along Estero Boulevard for a substantial portion of the Bayside parcel.

The applicant, as referenced above, is also requesting the ability to advertise the restaurant located within Captiva Villas to the public. The advertisement of the restaurant to the public will require the removal of condition #9 of Resolution 01-26 which indicates that accessory uses must be provided for the guests and staff only and exterior signage advertising the signs to the general public is prohibited. Opening the restaurant to the public and allowing advertising to the public should not have a noticeable traffic impact as established in the Traffic Impact Statement provided by Transportation Consultants, Inc.

The elimination of the portion of the walkway that meanders onto White Sands is requested in conjunction with the request to move the beach access-walkway easement to the north side of Captiva Villas.

There are existing cottages located on Lots 5 & 6, which the applicant is requesting the permission to use for international employee housing for a maximum of 20 employees. The employees will be working at the Pink Shell resort.

As referenced above, the applicant would like to advertise the amenities of the spa to the public. Therefore, the applicant is requesting the approval of advertising to the public for the restaurant and spa located in White Sands. As previously referenced, the TIS obtained from Transportation Consultants, Inc. indicates that the traffic impact based on the opening of the spa and the restaurant to the public will not be noticeable.

The applicant also desires to eliminate the tennis courts on the Bayside. The tennis courts were in existence prior to the approval of the rezoning of the Pink Shell resort to planned development in June 1983, pursuant to Resolution Z-82-170. However, the tennis courts have consistently been depicted on the Pink Shell master concept plans throughout the years. The applicant desires to eliminate the tennis courts to provide more parking for the resort. The addition of the parking at the tennis court location will add approximately 42 parking spaces. The additional parking spaces should alleviate any parking concerns related to opening the restaurants and spa to the public on White Sands and Captiva Villas.

Finally, the applicant is requesting two clean-up measures to the resort. First, the applicant is requesting to amend the orientation of the Interpretive Walkway on the Bayside so that it meanders around the existing boat ramp as depicted on the Pink Shell CPD Master Concept Plan. Second, the applicant is requesting to amend the boundary of the Pink Shell CPD to reflect the conveyance of five-feet of right-of-way to the Town (Bayside). In order to accomplish conveyance of 5 feet (5') of property on the Bayside to the Town, Condition #6 of Resolution 00-07 (approved January 10, 2000) must be eliminated. Condition # 6 required a landscaped buffer no less than 10 feet wide on the south property line of the bayside parcel. Additionally, the buffer must contain no less than 5 trees and 14 shrubs per 100 linear feet and plant materials used must be indigenous native vegetation. As the conveyance of 5 feet (5') of real property will eliminate this landscaping, the applicant is requesting approval of a unified resort landscape plan.

In addition to the revisions to the Bayside, Captiva Villas and White Sands CPD's, there are real estate instruments that need to be approved and be scheduled before the Town Council at the same time as amendment to the CPD's, to include:

- Termination of existing pedestrian walkway easement by the Town;
- Acceptance of the new pedestrian walkway easement; and
- Acceptance of the conveyance of the real estate of an addition of 10' of property for right-of-way purposes (5' on both the Bayside and Captiva Villas/White Sands side) to create a sixty-foot (60') right-of-way for Estero Blvd.

Pink Shell has discussed with staff the granting of underground drainage easements within the area designated as scenic on the Bayside CPD. Underground easements are not required to be depicted on the Master Concept Plan. It is our understanding that the Town's consulting engineer is preparing the plans regarding the extent of the area needed for the underground easement.

### **III. Consistency with Comprehensive Plan**

The subject amendment to the Pink Shell CPD is consistent with the Town's Comprehensive Plan. The subject property is located in the Mixed Residential Future Land Use Map category. The Mixed Residential category pursuant to Comprehensive Plan Policy 4-B-4 is:

Designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%.

The proposed amendments to the Pink Shell planned development are consistent with Policy 4-B-4. The Comprehensive Plan describes the subject location as the Bowditch/North End that has a residential and resort identity. (See Specific Neighborhood Goals, Page 4-37). The amendments to the resort will allow the resort to maintain that resort/residential identity while still providing landscaping and buffering as proposed in the unified resort landscape plan. The Mixed Residential category, as stated in Policy 4-B-4 is designed for this mixed identity.

The applicant is working with the Town to provide additional real estate to the Town for expansion of Estero Blvd. and underground drainage, and has designed a plan that allows for beautification that is consistent with the resort/residential identity of this part of the Island. Permitting the resort restaurants and spa to provide services to the public which included the surrounding neighborhood should not have a noticeable impact on the Estero Blvd. traffic. In fact, the Comprehensive Plan acknowledges in the Specific Neighborhood Goals, Page 4-37 that the resorts, older cottages, etc. benefit from their proximity to Bowditch Point and the downtown core and are removed from seasonal traffic congestion and outdoor entertainment. The allowance of advertisement for the restaurants and spa and opening of same to the public should not have a significant effect on traffic. The trolley system on the Island provides a viable way for the residents and guests to reach the restaurants and spa within the resort.

Comprehensive Plan Policy 4-C-3(iii) states the following:

In the Mixed Residential Land Use category, uses are limited to lower impact uses such as commercial uses are limited to lower impact uses such as offices, motels, and public uses and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. Landowners may seek commercial rezoning only through the planned development process.

The proposed uses in the subject amendment to the Pink Shell CPD are limited to lower impact uses. The requested amendments are internal to the resort; therefore, the proposed amendments and uses are sensitive to the surrounding uses. The landscaping that is being removed to allow for the provision of a portion of the property to the Town is being relocated to various parts of the resort. The proposed international employee housing will benefit from the

relocated foliage. The subject cottages are located adjacent to a timeshare/condominium project to the southeast (326 Estero Blvd), a cottage to the north and southwest (320 & 324 Estero Blvd.), and the resort to the east. To the north of the subject properties is Estero Blvd. and the Bayside portion of the resort. Additionally, the applicant is proposing more parking at the tennis court location adjacent to Bowditch so as to provide additional parking. The subject amendment does not change the character, quality, design, or impact of the existing resort.

The amendments to the Pink Shell CPD are internal amendments to the Planned Development. No new land is being added to this resort. Moreover, the amendments to the Pink Shell resort greatly enhance the public realm (defined as “streets, sidewalks, and plazas where residents and visitors interact”) rather than interfering with the private realm (which is defined as, “the personal spaces in and around homes and condominiums”). Clearly, the provision of real estate on the Bayside and gulfside for the expansion of the Town’s right of way is a great enhancement to the public realm. The land provided to the Town for right-of-way purposes will allow for new sidewalks, a bike lane, and trolley pull-ins, all of which increases the safety on the Island. The opening of the spa and restaurants to the public will allow use by the surrounding neighborhood (“walkability”).

It should be noted that the Bayside of this subject resort was at one time completely developed; however pursuant to amendments to the planned development over the years, the units were relocated to the Gulf-side. The relocation of the units to the gulfside have enhanced the north end of the island significantly through the open vista to the Bay.

**IV. Compliance with the Design Standards Compliance:**

This is an existing resort, the proposed amendments do not effect the design of the resort as referenced in LDC, Sec. 34-991-1010 (Commercial Design Standards).

**V. Compliance with LDC, Sec. 34-85(2).**

**a. Whether there exists an error or ambiguity that must be corrected.**

This amendment to the planned development is not for the correction of an error or ambiguity. However, it does provide for the correction of the boundary of the planned development based on the proposed provision of property to the Town for expansion of Estero Blvd.

**b. Whether there exist changed or changed conditions which make approval of this request appropriate.**

The applicant is working with the Town to provide real estate within the planned development to the Town for the purposes of widening the Estero Blvd. right-of-way. The provision of this real estate necessitates much of the amendments requested including revision of the boundary of the resort to reflect the provision of a portion of property to the Town for right-of-way purposes and elimination of landscaping between the parking areas and Estero Blvd. It should be noted that LDC, Sec. 34-3206 states that nonconformities created by public acquisition should be deemed consistent with the Town’s LDC.

Another changed condition is that the Captiva Villas resort just recently opened in 2007; therefore, there is a need to provide enhanced parking and housing for the employees of the resort. The removal of the tennis court and addition of parking will allow for such enhanced parking. Additionally, the provision of onsite international employee housing will reduce the number of traffic trips needed to get the employees to the resort, as the employees housed on site will not be commuting to the resort. The applicant would like to relocate the existing public walkway-beach access easement so that the public walkway does not bifurcate the Captiva Villas/White Sands amenities.

**c. Impact of proposed amendment**

The proposed amendments will not affect the surrounding areas. The provision of a portion of property for right-of-way purposes and underground drainage to the Town will have a positive impact on the Island as the public will benefit from the addition of a bike lane, sidewalks, and drainage.

**d. Consistency of Request with Comprehensive Plan**

As referenced in Section III, the proposed amendments are consistent with the Comprehensive Plan.

**e. Location Standards for Proposed Uses**

This is an existing planned development; the location standards have been met.

**f. Availability of Urban Services**

Urban services are currently provided to the resort. The amendment will not affect these services.

**g. Protection of Environmentally Critical Areas**

The subject amendment will not effect the environmentally critical areas. The subject application does not include any property that is within the Environmentally Critical zoned areas.

**h. Compatibility with Existing Uses**

There are no change in uses.

**i. Burden on Transportation or other Services**

Please refer to the Traffic Impact Statement. The request will not burden transportation or other services and facilities.

**VI. Schedule of deviations**

1. Deviation from LDC, Section 10-416(c) - (d) to: (c) reduce the landscaping buffer between the tennis court parking and Estero Blvd. from 15 feet (15') to 3 feet (3') and (d)

eliminate the required internal landscaping for the tennis court parking; and approval of Alternate Betterment Plan pursuant to LDC, Sec. 10-419.

2. Deviation from LDC, Section 30-153 regarding the permanent identification signs in commercial and approval of a Unified Resort Sign Package.

**VIII. Reason Amendment Could not be Approved Administratively as set forth in section LDC, Sec. 34-219.**

ADD2003-00086 (approved Dec. 19, 2003) which amended the Captiva Villas CPD provided in Condition # 7 that no subsequent changes may be made to the Captiva Villas CPD through the administrative process and must proceed through the public hearing process. Although staff has the authority through another administrative amendment to amend this condition to ADD2003-00086, staff has determined that the subject amendment application should proceed through the public hearing process.

Attachment: Exhibit 1

**ROETZEL & ANDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com



September 11, 2006

Rachel Lambert, Town Manager  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

Re: North Estero Boulevard Right-of-Way and Surface Water Management  
Improvements

Dear Ms. Lambert:

Representatives of your staff have contacted and pursued discussions with representatives of Pink Shell over the past months regarding proposed Estero Boulevard roads and drainage improvements at the north end. It seems that it is appropriate to summarize those discussions and set forth items that need to be accomplished if the Town is ready to approve and proceed.

We understand that Estero Boulevard at the north end has serious and ongoing flooding and drainage issues. Commencing at the beginning of Captiva Villas and proceeding North, Estero Boulevard right-of-way narrows from sixty feet (60') to fifty feet (50') making any improvement of drainage and the road tremendously difficult. Even when the right-of-way for Estero Boulevard is expanded to sixty feet (60'), it is our understanding there is additional area needed for storm water management. Therefore, there have been numerous meetings with the Town staff and Town consultants to discuss how to accomplish the improvement of Estero Boulevard and its attendant drainage with the assistance of Pink Shell.

Time has become of the essence due to the construction of Captiva Villas and its approved drainage plan.

To summarize, it is our understanding that the following points have been discussed and are close to agreement, pending review and approval by the Town Council.

- staff has requested the conveyance of five foot of right-of-way (5') from Pink Shell for that portion along the bay side from the location of the existing office north; and
- staff has requested the conveyance of five foot (5') of right-of-way commencing at Captiva Villas north along that property line; and
- in addition staff has requested that a portion of land within Pink Shell on the bay side of Estero Boulevard in the scenic landscaped area provide additional underground stormwater drainage.

Rachel Lambert, Town Manager  
September 11, 2006  
Page 2

Boykin has brought to the attention of the Town's staff, its request for relocation of the pedestrian beach access easement that exists on one side of Captiva Villas to be relocated to the north side of Captiva Villas. There currently exist a view corridor between and on the Captiva Villas parcel and the White Sands parcel and said view corridor would remain in place with no changes.

We have prepared a site plan attached as Exhibit A which reflects the points discussed in this letter and depicts the following:

- 5 feet proposed right-of-way within the property line of Captiva Villas to be dedicated to the Town of Fort Myers Beach for the expansion of Estero Boulevard right-of-way.
- 5 feet along the Bayside portion of Pink Shell to be dedicated to the Town of Fort Myers Beach for expansion of Estero Boulevard right-of-way.
- Depiction of the scenic landscape area on the bayside within which an easement in favor of the Town of Fort Myers Beach for underground drainage (Town still needs to provide information regarding the size of the area needed).
- Depiction of the existing pedestrian beach access and the proposed relocation of the pedestrian beach access on the north side of Captiva Villas.

The current beach access is six feet (6') in width located within the view corridor between White Sands and Captiva Villas. The relocated pedestrian beach access easement would be four and one half feet (4 -1/2') in width for the first eighty feet (80') from Estero Boulevard and six feet (6') in width for the remainder. This reduction to four and one-half feet (4-1/2') is due to the location of existing parking and the existing pilings of the Captiva Villas structure. Representatives of Pink Shell have met with Town staff, and separately with Lee County Community Development and Lee County Parks regarding the relocation of the easement and we are not aware of any issues with regard to the relocation.

To accomplish the above would require the approval of the Town of Fort Myers Beach as to the following:

1. Acceptance of a deed conveying five feet (5') on the northeast side of Estero Boulevard which is currently located within the Bayside CPD of Pink Shell and acceptance of a deed conveying five feet (5') for expansion of Estero Boulevard right-of-way for the area currently located within the Captiva Villas MDP.
2. Acceptance of an easement instrument in favor of the Town of Fort Myers Beach from Pink Shell for underground drainage to be located on the Bayside CPD.
3. An amendment to the planned development zonings as follows:

Rachel Lambert, Town Manager  
September 11, 2006  
Page 3

(a) An amendment to the Bayside CPD to eliminate five feet (5') of property along Estero Boulevard which would eliminate the landscaping depicted in the Bayside CPD

(b) Amend the White Sands CPD to eliminate the pedestrian beach access easement from the White Sands CPD (Note: the view corridor as depicted on the Master Concept Plan would remain).

(c) Amendment to the Captiva Villas MPD to accomplish the following

i. relocation of the beach access easement from the south side to the north side of the Captiva Villas parcel (the view corridor on the south side of then Captiva Villas MPD would be retained).

ii. amend the Captiva Villas MPD to eliminate five feet (5') of the property along Estero Boulevard which would eliminate landscaping.

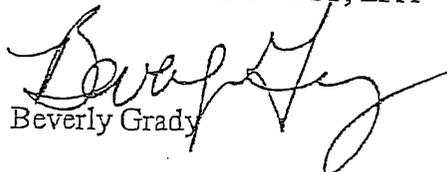
4. (a) A release of easement recorded in Official Records Book 04384 Pages 3212-3222 and acceptance of a new beach access easement located on the north side of Captiva Villas parcel by the Town of Fort Myers Beach

• (b) A release of easement recorded in Official Records Book 04393 at Pages 0474-481 and acceptance of the new beach easement located on the south side of Captiva Villas parcel by Lee County

Pink Shell looks forward to working with the Town. It is important to note that the drainage system for Captiva Villas, which is approved, requires a substantial change in order to effect the dedications contemplated in the negotiations. The five feet (5') within Captiva Villas parcel along Estero Boulevard is approved for drainage facilities for Captiva Villas which would be eliminated by the Town's plan. We would request that staff would schedule a presentation to the Town Council to obtain direction from the Council and advise on appropriate steps if the Town wants to proceed forward.

Very truly yours,

ROETZEL & ANDRESS, LPA

  
Beverly Grady

BG/umr

Enclosure: Exhibit A - Site Plan

cc: Jack Green, Public Works Director

Rachel Lambert, Town Manager

September 11, 2006

Page 4

Gerald Murphy, Community Development Director

Anne Dalton, Town Attorney

Dennis Boback, Mayor

Don Massucco, Vice Mayor

Garr Reynolds, Councilman

Bill Shenko, Councilman

Charles Meador, Councilman

Robert Boykin

Rich Conti

Gordon Meiers

Andrew Alexander

1400 Colonial Boulevard, Suite 31  
Fort Myers, FL 33907  
TEL: (239)931-0455  
FAX: (239)931-0456  
[www.boyleengineering.com](http://www.boyleengineering.com)

Employee Owned

## Town of Fort Myers Beach

F M B DCI 2006<sup>6</sup> 0 0 0 2

JOB # 32547  
FILE # 32547SK02  
SHEET 1 OF 2

JULY 16, 2007

### DESCRIPTION:

PART OF GULFSHORE SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 88 AND PART OF UNIT 4 ISLAND SHORES AS RECORDED IN PLAT BOOK 9, PAGE 37 AND PART OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41, ALL RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 10 OF SAID GULFSHORE SUBDIVISION; THENCE S.47°52'35"W. ALONG THE SOUTHEASTERLY LINE OF LOTS 9 AND 10 OF SAID GULFSHORE SUBDIVISION FOR 98.24 FEET; THENCE N.42°07'25"W. FOR 24.00 FEET; THENCE S.47°52'35"W. FOR 2.50 FEET; THENCE N.42°07'25"W. FOR 43.54 FEET; THENCE N.47°52'35"E. FOR 2.50 FEET; THENCE N.42°07'25"W. FOR 50.00 FEET; THENCE N.40°31'28"E. FOR 14.49 FEET; THENCE N.50°19'25"W. FOR 27.57 FEET; THENCE N.59°22'01"W. FOR 20.23 FEET; THENCE S.39°40'35"W. FOR 31.50 FEET; THENCE S.59°17'28"E. FOR 2.30 FEET; THENCE S.30°21'33"W. FOR 15.24 FEET; THENCE N.58°42'37"W. FOR 3.31 FEET; THENCE S.29°58'13"W. FOR 29.45 FEET; THENCE S.48°42'33"W. FOR 77.19 FEET; THENCE S.40°09'10"E. FOR 31.53 FEET; THENCE S.07°36'21"E. FOR 37.67 FEET; THENCE N.40°27'57"W. FOR 313.13 FEET; THENCE N.19°21'03"W. FOR 162.23 FEET TO THE NORTHWESTERLY LINE OF LOT 38 OF SAID ISLAND SHORES CLUB SECTION; THENCE N.47°52'35"E. ALONG SAID NORTHWESTERLY LINE FOR 116.87 FEET; THENCE S.42°07'25"E. FOR 19.50 FEET; THENCE N.47°52'35"E. FOR 83.68 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD; THENCE ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING 3 COURSES: (1) S.42°07'25"E. FOR 130.50 FEET; (2) S.47°52'35"W. FOR 5.00 FEET; (3) S.42°07'25"E. FOR 400.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 113.474 SQUARE FEET OR 2.61 ACRES MORE OR LESS

### TOGETHER WITH:

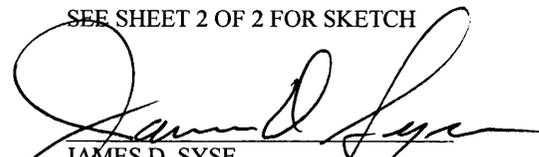
LOTS 5 AND 6 OF GULFSHORE SUBDIVISION AS RECORDED IN BOOK 9, PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE S.42°07'25"E ALONG THE NORTHEASTERLY LINE OF SAID LOT 6 FOR 75.00 FEET; THENCE S.47°52'35"W. ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 6 AND 5 FOR 100.00 FEET; THENCE N.42°07'25"W. ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5 FOR 75.00 FEET; THENCE N.47°52'35"E. FOR 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,500 SQUARE FEET OR 0.17 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SEE SHEET 2 OF 2 FOR SKETCH

  
JAMES D. SYSE  
PROFESSIONAL SURVEYOR AND MAPPER  
FL. CERT. NO. 4211

RECEIVED  
AUG 01 2007

BY: .....

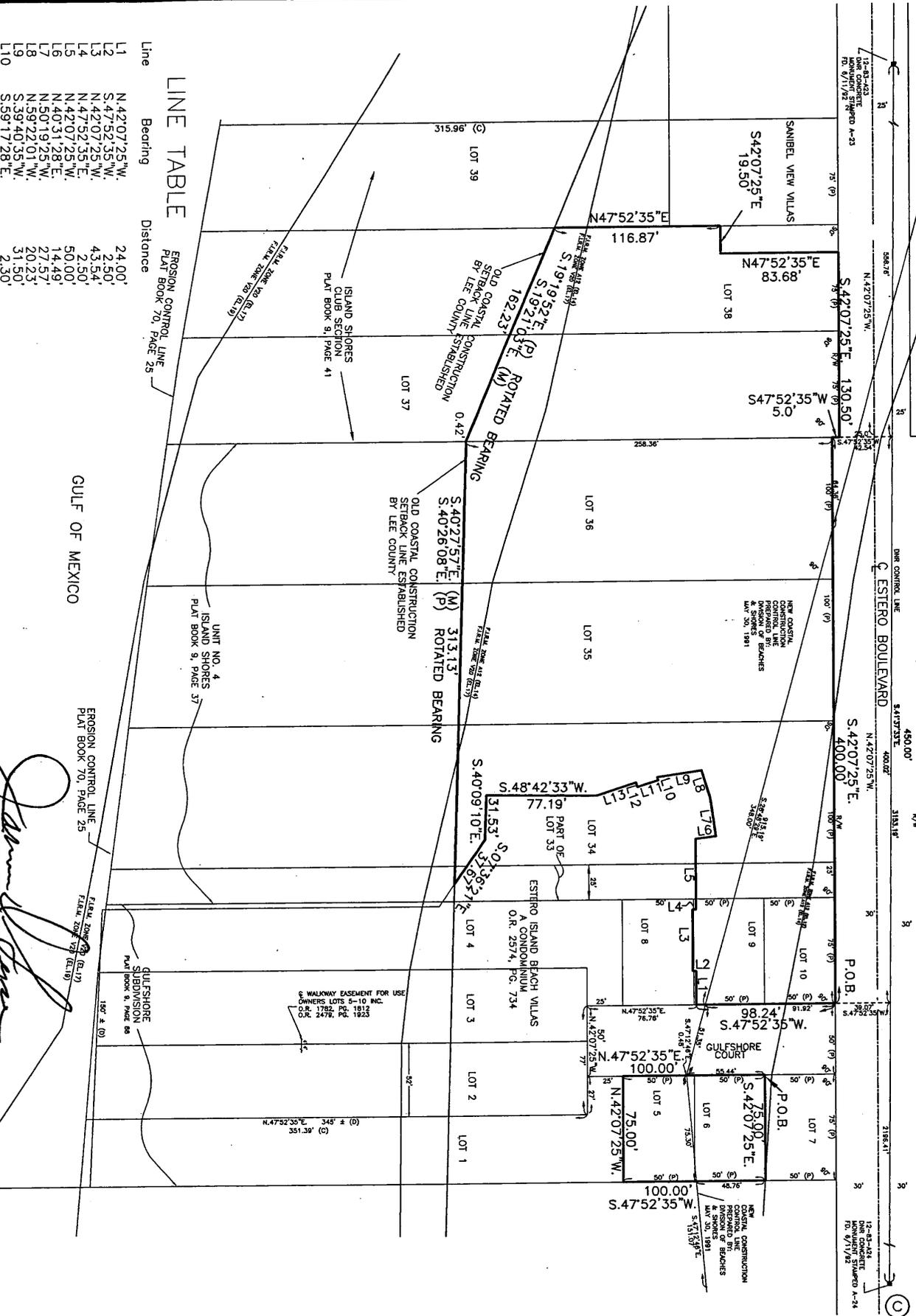
**EXHIBIT**  
7-2 + 7-4  
Gulf Side  
Legal + Sketch  
July 2007

Drawing Name: P:\05-7070\Survey\Boundary\32547SK02.dwg Layout Name: 100 SCALE 8.5X11 Date: 7/16/2007 3:32 PM - Plotted by: Jim Syse

JAMES D. SYSE  
PROFESSIONAL SURVEYOR MAPPER  
FL. CERTIFICATE NO. 4211

**LINE TABLE**

Line	Bearing	Distance	EROSION CONTROL LINE PLAT BOOK 70, PAGE 25
L1	N 42°07'25"W	24.00'	
L2	S 47°52'35"W	2.50'	
L3	N 42°07'25"W	43.54'	
L4	N 47°52'35"E	2.50'	
L5	N 42°07'25"W	50.00'	
L6	N 40°31'28"E	14.49'	
L7	N 50°19'25"W	27.57'	
L8	N 59°22'01"W	20.23'	
L9	S 39°40'35"W	31.50'	
L10	S 59°17'28"E	2.30'	
L11	S 30°21'33"W	15.24'	
L12	N 38°42'37"W	3.31'	
L13	S 29°58'13"W	29.45'	

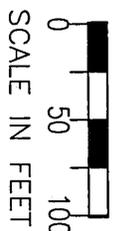


**LEGEND**

L1 LINE ON LINE TABLE  
 (M) MEASURED  
 (P) PLAT  
 O.R. OFFICIAL RECORD  
 P.C. PAGE  
 R/W RIGHT OF WAY

**SURVEYOR'S NOTES**

- BEARINGS SHOWN HEREON ARE BASED ON THE CONTINENTAL OF ESTERIO BLDG. BEING N 42°07'25"W.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PAPER SEAL OF A LICENSED SURVEYOR AND MAPPER.
- SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.



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 (239) 931-0455 Fax: (239) 931-0456  
 BPR & FBPE License No: 959 www.lbfh.com

Scale: 1"=100'
Sheet 2 OF 2
Computed: CP
Checked: JDS

PROJECT NAME: SKETCH (NOT A SURVEY) LYING IN SECTION 24, TOWNSHIP 46 S., RANGE 23 E.	
Date: 7/16/2007	FILE NO.: 32547SK02
Project No.: 32547	



CIVIL  
 AGRICULTURAL  
 WATER RESOURCES  
 WATER & WASTEWATER  
 TRANSPORTATION  
 SURVEYING & MAPPING  
 GIS

OCTOBER 18, 2006  
 JOB # 06-7021  
 FILE # 06-7021 ZONING A LGL

BAYSIDE CPD

DESCRIPTION:

THE NORTHWESTERLY 1/2 OF LOT 28 AND LOTS 29 THROUGH 32, ALL IN BLOCK D, UNIT 4, ISLAND SHORES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 37, OF PUBLIC RECORDS OF LEE COUNTY FLORIDA.

TOGETHER WITH:

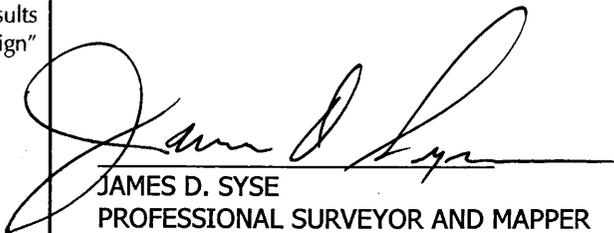
LOTS 33 THROUGH 36 AND LOTS 38 AND 39, ALL IN BLOCK D, ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

LESS AND EXCEPT:

THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 33 THROUGH 36 AND THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 38 AND 39.

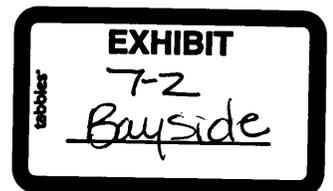
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

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 Value by Design"



JAMES D. SYSE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FL. CERT. NO. 4211

1400 Colonial Blvd., Suite 31  
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 www.lbfh.com





MEMORANDUM

TO: Ms. Beverly Grady  
Roetzel & Andress

FMBDCL2006/000002

FROM: Ted B. Treesh  
President

DATE: June 20, 2007

RE: Pink Shell Resort  
Town of Fort Myers Beach, Florida  
Trip Generation & Level of Service Analysis

TR Transportation Consultants, Inc. has completed a Trip Generation and Level of Service Analysis for the above referenced project in order to modify the zoning resolution to permit the restaurant uses and Spa uses to be utilized by non-resort guests. Based on the current approvals, the use of the two restaurants on the property and the Spa are limited to guests of the resort only and are not open to patrons originating from outside of the resort. It is the desire of the Pink Shell Resort to market these uses to outside guests.

There are two existing restaurants on the property, JoJo's restaurant, located in the White Sand Villas complex, has approximately 130 total seats, and Jack's Sea Grille, located in the recently completed Captiva Villas complex, has approximately 124 total seats. The Spa, located within the White Sand Villas building, has a total of 12 treatment rooms and occupies approximately 6,000 square feet of floor area. This analysis will determine what, if any, impact will be generated to the surrounding roadways based on these three facilities being available for use by guests originating from outside the resort.

**TRIP GENERATION**

The trip generation for the two restaurant facilities was estimated based on the Institute of Transportation Engineer's (ITE) report titled *Trip Generation*, 7<sup>th</sup> Edition. ITE Land Use Code 932 (High Turnover (Sit-Down) Restaurant) was utilized to estimate the peak hour trip generation for these uses as they were deemed the most appropriate Land Use Code for these two uses. It should be noted that currently, these two restaurants are not open at

EXHIBIT

T15

the same time. JoJo's is currently open during the Summer season and closes for Breakfast and Dinner in the Fall when Jack's Sea Grille then becomes operational during the Fall and Winter season. However, for this analysis, it was assumed that both restaurants would be operational simultaneously.

For the Spa use, there is no trip generation data available in the ITE report. Therefore, the peak hour trip generation was based on the operational characteristics of the facility and based on discussions with the staff at the Spa. The Spa opens at 9:00 A.M. and closes at 6:00 P.M. Although not currently operating at capacity, if the Spa were to operate at full capacity utilizing all 12 treatment rooms, a total staff of approximately 15 would be required (today there are a total of 8 staff). Staff would typically arrive between 8:00 and 8:45 A.M. The typical service in the treatment rooms on average extends for approximately one hour. Therefore, under the "worst case" conditions, each of the 12 treatment rooms would generate a customer trip. Between 5:00 and 6:00 P.M., it was assumed that the reverse would be true in terms of staff and customers exiting the facility. Included in the Appendix of this memo is a breakdown of the assumptions utilized to estimate the peak hour trip generation of the Spa.

Table 1 below indicates the weekday peak hour trip generation for the three uses.

**Table 1**  
**Trip Generation**  
**Pink Shell Resort Restaurants & Spa**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour		
	In	Out	Total	In	Out	Total
Restaurant (130 Seats)	32	29	61	32	23	55
Restaurant (124 Seats)	30	28	58	30	22	52
Spa (12 Treatment Rooms)	27	4	31	4	27	31
<b>Total Trips</b>	<b>89</b>	<b>61</b>	<b>150</b>	<b>66</b>	<b>72</b>	<b>138</b>

Since these uses primarily function as ancillary uses to the overall resort, the majority of trips from these uses will be generated from within the resort. Based on discussions with the operators of the Pink Shell Resort and operational characteristics of other similar type facilities, approximately 75% to 85% of the patrons to these facilities originate from within the resort, therefore effectively having no traffic impact to the surrounding roads since their primary purpose trip was to the resort and not the restaurants or Spa. In addition, the Pink Shell Resort is serviced by the Fort Myers Beach Trolley with a stop in both directions along Estero Boulevard immediately in front of the resort.

In order to assume a “worst case” impact from an external trip generation for the three uses, it was assumed that approximately sixty percent (60%) of the trips shown in Table 1 were generated from within the Resort, ten percent (10%) from the Trolley service and the remaining thirty percent (30%) from outside the resort by private automobile. Based on the operating characteristics of the resort, the location on Ft. Myers Beach and the density of condominiums in the immediate vicinity of the site that would generate “walk-up” traffic to these uses, the 30% assumption of external trip generation is much greater than what ultimately will most likely be experienced. **Table 2** identifies the “external” trip generation from the three uses that was analyzed in terms of impacts to the surrounding roadway network.

**Table 2  
External Trip Generation  
Pink Shell Resort Restaurants & Spa**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour		
	In	Out	Total	In	Out	Total
Total Trips	89	61	150	66	72	138
60% Internal	-53	-37	-90	-40	-43	-83
10% Trolly/Walk	-9	-6	-15	-7	-7	-14
Total Trips	27	18	45	19	22	41

From Table 2, the trips were assigned to Estero Boulevard to determine what, if any, significant impact would be experienced. **Table 1A** and **2A** attached to this report indicate the distribution of trips to the surrounding roadway network. It is not anticipated that a measurable amount of these external trips will originate from the mainland, particularly during the peak season months, since these services are readily available on the mainland and getting onto the island during season can be a lengthy process.

A link Level of Service was performed based on the analysis year of 2008 since these facilities are already constructed and operational. Table 1A and Table 2A, attached, were created to demonstrate the methodology utilized to determine the existing as well as projected Level of Service on Estero Boulevard and San Carlos Boulevard. The Level of Service thresholds indicated in Table 1A were obtained from the Link Specific Level of Service Thresholds as provided by Lee County.

As indicated in Table 2A, the projected Level of Service on Estero Boulevard is currently and will remain at LOS “F” during the peak season. However, this roadway has been designated as “Constrained” by the County and Town of Fort Myers Beach, thereby permitting development up to the point where the Volume to Capacity (V/C) ratio reaches 1.85. As can be seen from Table 2A, the 2008 V/C ratio is 1.30 without the trips from the restaurant and Spa and approximately 1.33 with the trips from these uses, or an increase of 0.03 (2% increase). This again is based on a “worst case” scenario that 30%

of the trips associated with these facilities on the resort campus will come from external sources and all of these trips will arrive by vehicle. It also assumes that both restaurants will be operational at the same time, which currently they are not.

Based on this review, the modification of the zoning conditions to permit the general public to utilize the two restaurants and Spa located within the Pink Shell Resort will not have a noticeable impact on traffic along Estero Boulevard or San Carlos Boulevard. Even with the "worst case" assumption completed as part of this analysis, it is anticipated that these uses, when in peak use, would only add approximately 27 peak hour, peak direction trips to Estero Boulevard at the site access and only approximately 20 peak hour, peak direction trips to Estero Boulevard south of San Carlos Boulevard. This also assumes that NONE of these additional patrons from outside the resort utilized the Ft. Myers Beach Trolley service to access the Resort. Based on these facts, permitting the restaurants and Spa to be available by patrons outside of the resort will not place an undue burden on the roadway network currently in place on Fort Myers Beach.

1  
Attachments

**TABLE 1A**  
**PEAK DIRECTION**  
**PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES**

**Projected External Trips from Pink Shell Resort Restaurants & Spa**

AM PEAK HOUR PROJECT TRAFFIC =	45 VPH	IN=	27	OUT=	18
PM PEAK HOUR PROJECT TRAFFIC =	41 VPH	IN=	19	OUT=	22

		MAXIMUM		REST/SPA		ADDITIONAL		PROJ/									
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>CLASS</u>	<u>VOLUME</u>	<u>LOS A</u>	<u>VOLUME</u>	<u>LOS B</u>	<u>VOLUME</u>	<u>LOS C</u>	<u>VOLUME</u>	<u>LOS D</u>	<u>VOLUME</u>	<u>LOS E</u>	<u>VOLUME</u>	<u>% PROJECT</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>LOS C</u>
Estero Blvd	S. of San Carlos Blvd.	2LN	500	500	568	593	632	671	75%	20	3.4%						
San Carlos Blvd	N. of Estero Blvd.	2LN	90	280	590	850	1080	15%	4	0.7%							

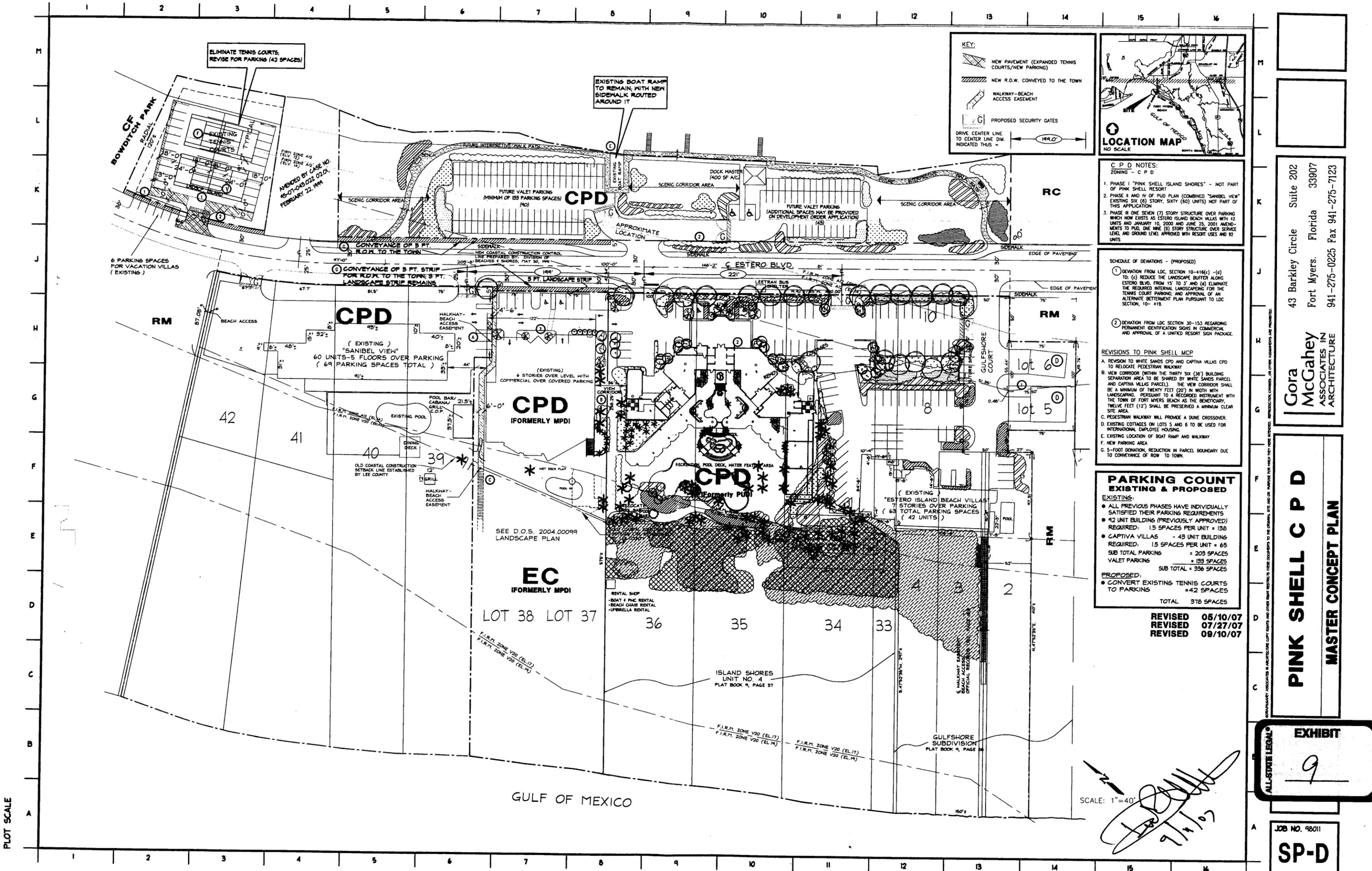


## PINK SHELL RESORT SPA TRIP GENERATION

<b>Total Treatment Room Capacity</b>	<b>12</b>
<b>Total Employees</b>	<b>15</b>
Assumed Treatment Room Turnover	Every 60 Minutes
<b>Weekday AM Peak Hour Trips</b>	
Staff	15 In/2 Out
Guest	12 In/2 Out
<b>TOTAL Weekday AM Peak Hour Trips</b>	<b>27 In/4 Out</b>
<b>Weekday PM Peak Hour Trips</b>	
Staff	2 In/15 Out
Guest	2 In/12 Out
<b>TOTAL Weekday AM Peak Hour Trips</b>	<b>4 In/27 Out</b>

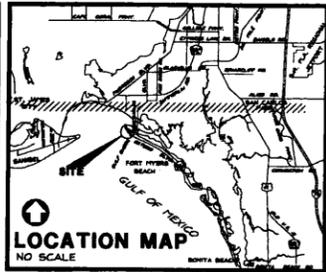
**TRIP GENERATION EQUATIONS  
PINK SHELL RESORT - RESTAURANTS  
ITE TRIP GENERATION REPORT, 7<sup>th</sup> EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
High Turnover (Sit Down) Restaurants (LUC 932)	T = 0.47 (X) (52% In/48% Out)	T = 0.42 (X) (58% In/42% Out)	T = 4.83 (X)
T = Number of Trips, X = Number of Seats			



**KEY:**

- NEW PAVEMENT (EXPANDED TENNIS COURTS/NEW PARKING)
- NEW R.D.W. CONVEYED TO THE TOWN
- WALKWAY-BEACH ACCESS EASEMENT
- PROPOSED SECURITY GATES
- DRIVE CENTER LINE TO CENTER LINE DIM. INDICATED THIS = 149'-0"



**C P D NOTES:**  
ZONING - C P D

- PHASE I "PINK SHELL ISLAND SHORES" - NOT PART OF PINK SHELL RESORT
- PHASE II AND IV OF PUD PLAN (COMBINED "SANIBEL VIEW" EXISTING SIX (6) STORY, SIXTY (60) UNITS) NOT PART OF THIS APPLICATION
- PHASE III ONE SEVEN (7) STORY STRUCTURE OVER PARKING WHICH NOW EXISTS AS ESTERO ISLAND BEACH VILLAS WITH 42 UNITS AND JANUARY 10, 2000 AND JUNE 25, 2001 AMENDMENTS TO PUD, ONE NINE (9) STORY STRUCTURE OVER SERVICE LEVEL AND GROUND LEVEL APPROVED WITH RESORT USES AND 92 UNITS

**SCHEDULE OF DEVIATIONS - (PROPOSED)**

- DEVIATION FROM LDC SECTION 10-416(c)-(d) TO: (c) REDUCE THE LANDSCAPE BUFFER ALONG ESTERO BLVD. FROM 15' TO 3' AND (d) ELIMINATE THE REQUIRED INTERNAL LANDSCAPING FOR THE TENNIS COURT PARKING; AND APPROVAL OF AN ALTERNATE BETTERMENT PLAN PURSUANT TO LDC SECTION 10- 419.
- DEVIATION FROM LDC SECTION 30-153 REGARDING PERMANENT IDENTIFICATION SIGNS IN COMMERCIAL AND APPROVAL OF A LIMITED RESORT SIGN PACKAGE.

**REVISIONS TO PINK SHELL MCP**

- REVISION TO WHITE SANDS CPD AND CAPTIVA VILLAS CPD TO RELOCATE PEDESTRIAN WALKWAY
- VIEW CORRIDOR (WITHIN THE THIRTY SIX (36) BUILDING SEPARATION AREA TO BE SHARED BY WHITE SANDS PARCEL AND CAPTIVA VILLAS PARCEL). THE VIEW CORRIDOR SHALL BE A MINIMUM OF TWENTY FEET (20') IN WIDTH WITH LANDSCAPING. PURSUANT TO A RECORDED INSTRUMENT WITH THE TOWN OF FORT MYERS BEACH AS THE BENEFICIARY, TWELVE FEET (12') SHALL BE PRESERVED A MINIMUM CLEAR SITE AREA.
- PEDESTRIAN WALKWAY WILL PROVIDE A DUNE CROSSOVER.
- EXISTING COTTAGES ON LOTS 5 AND 6 TO BE USED FOR INTERNATIONAL EMPLOYEE HOUSING.
- EXISTING LOCATION OF BOAT RAMP AND WALKWAY
- NEW PARKING AREA
- 5-FOOT DONATION, REDUCTION IN PARCEL BOUNDARY DUE TO CONVEYANCE OF ROW TO TOWN.

**PARKING COUNT EXISTING & PROPOSED**

**EXISTING:**

- ALL PREVIOUS PHASES HAVE INDIVIDUALLY SATISFIED THEIR PARKING REQUIREMENTS
- 42 UNIT BUILDING (PREVIOUSLY APPROVED) REQUIRED: 1.5 SPACES PER UNIT = 130
- CAPTIVA VILLAS - 43 UNIT BUILDING REQUIRED: 1.5 SPACES PER UNIT = 65
- SUB TOTAL PARKING = 203 SPACES
- VALET PARKING = 193 SPACES
- SUB TOTAL = 396 SPACES

**PROPOSED:**

- CONVERT EXISTING TENNIS COURTS TO PARKING = 42 SPACES
- TOTAL 378 SPACES

REVISED 05/10/07  
REVISED 07/27/07  
REVISED 09/10/07

43 Barkley Circle Suite 202  
Fort Myers, Florida 33907  
941-275-0225 Fax 941-275-7123

**Gora McGahey ASSOCIATES IN ARCHITECTURE**

**PINK SHELL C P D**  
**MASTER CONCEPT PLAN**

ALL-STATE LEGAL  
**EXHIBIT**  
9

JOB NO. 98011  
**SP-D**

PLOT SCALE

SCALE: 1"=40'  
9/1/07



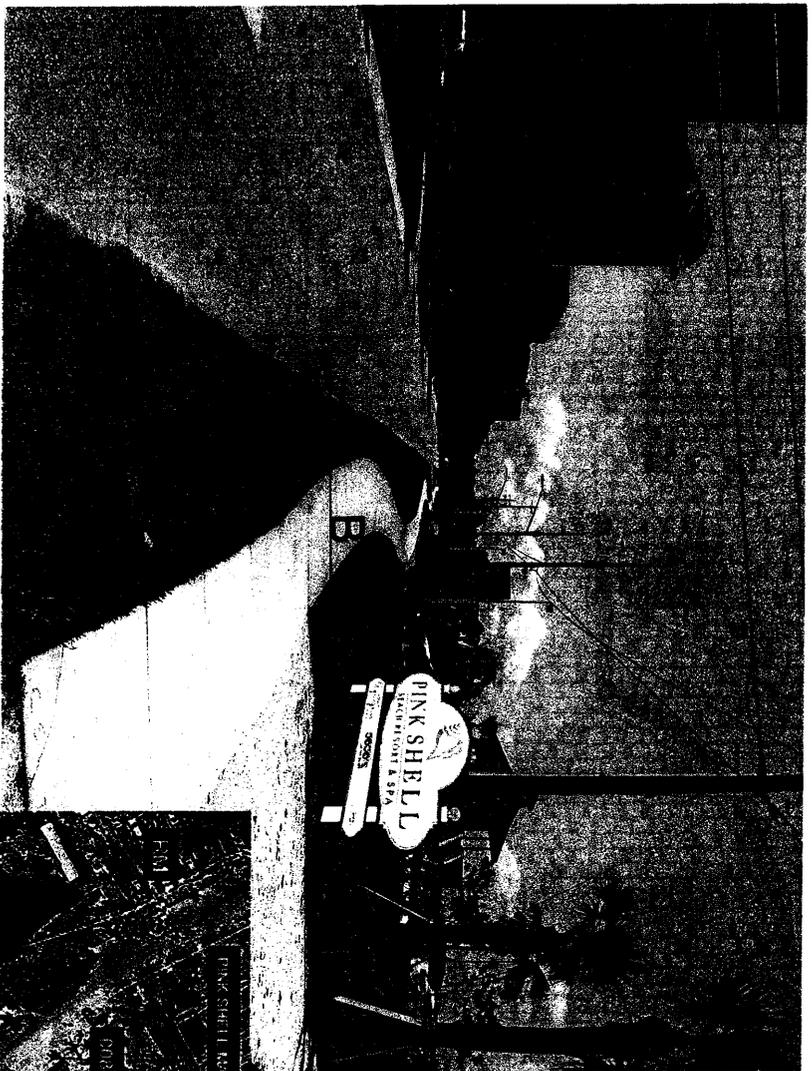
- A** Front Entrance
- B** Registration Entrance
- C** Marina Entrance
- D** Marina Wall Sign
- E** Captiva Villas
- F** Sanibel View
- G** Beach Villas
- H** Additional Parking
- I** Dock Sign
- J** Beach Side Sign
- K** Front Sign 2



Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach  
State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672  
Email: bwalchulis@boykin.com

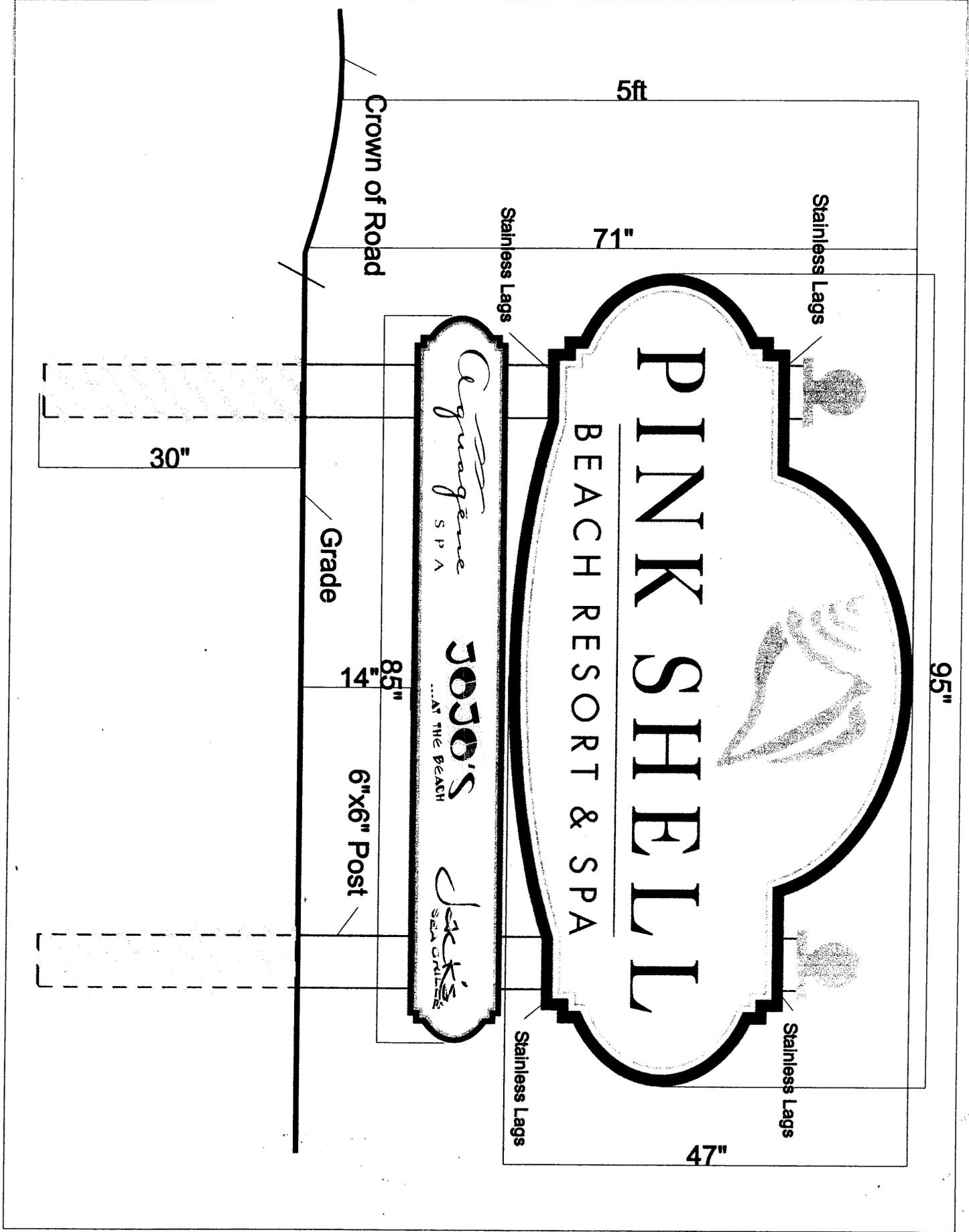
**Sign: A**  
**Front Entrance**

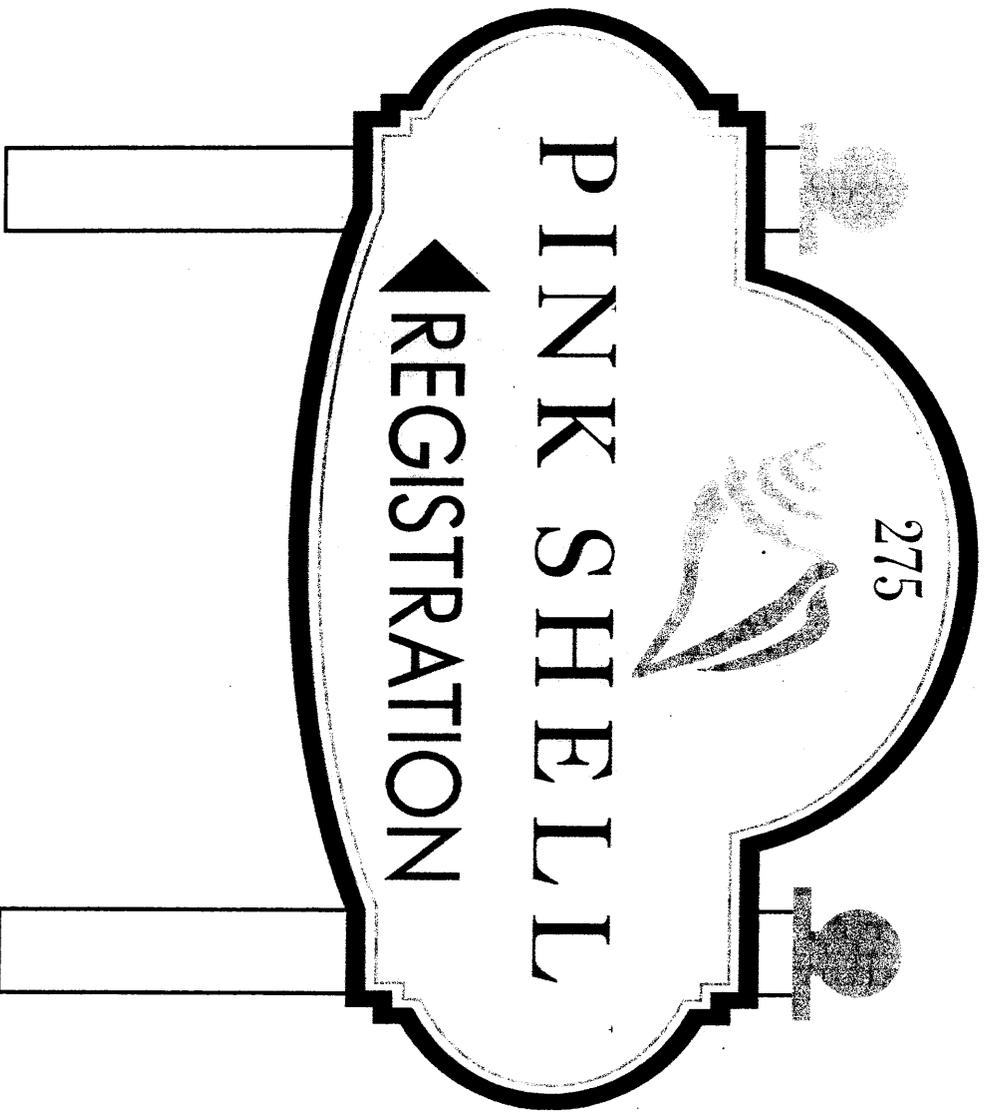
Job No.:  
Order Date: 8/24/2007  
Sign Dimensions:  
Comments: This artwork is property of Sabal Signs Inc. The use of this rendering or any part thereof, will result in a design charge.



**A: 6'**  
FORM SIGN TO SIDEWALK

**B: 16'**  
FORM SIGN TO ESTERO BLVD.





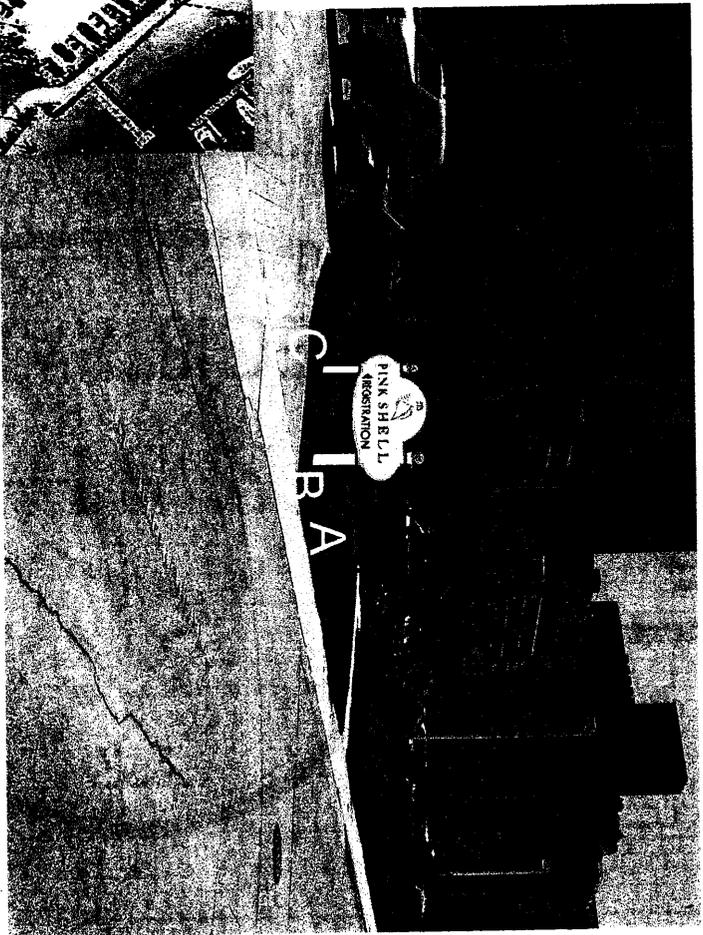
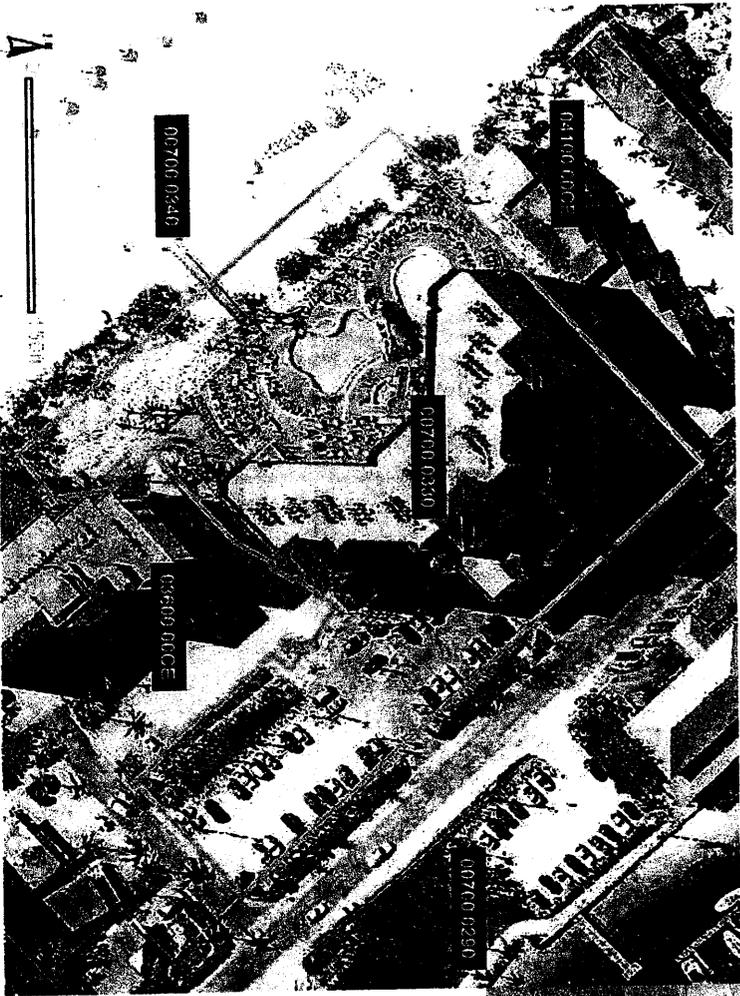
Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672    bwalchulis@boykin.com

# Sign: B

## Registration Entrance

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:

Comments: This artwork is property of Sabal Signs Inc. The use of this rendering or any part thereof, will result in a design charge.



- A: 17" From Sign To Estero Blvd.**
- B: 14' From Sign To Sidewalk**
- C: 7' From Sign To Driveway**

275

Stainless lag

Stainless lag

30 in

PINK SHELL

← REGISTRATION

Stainless lag

Stainless lag

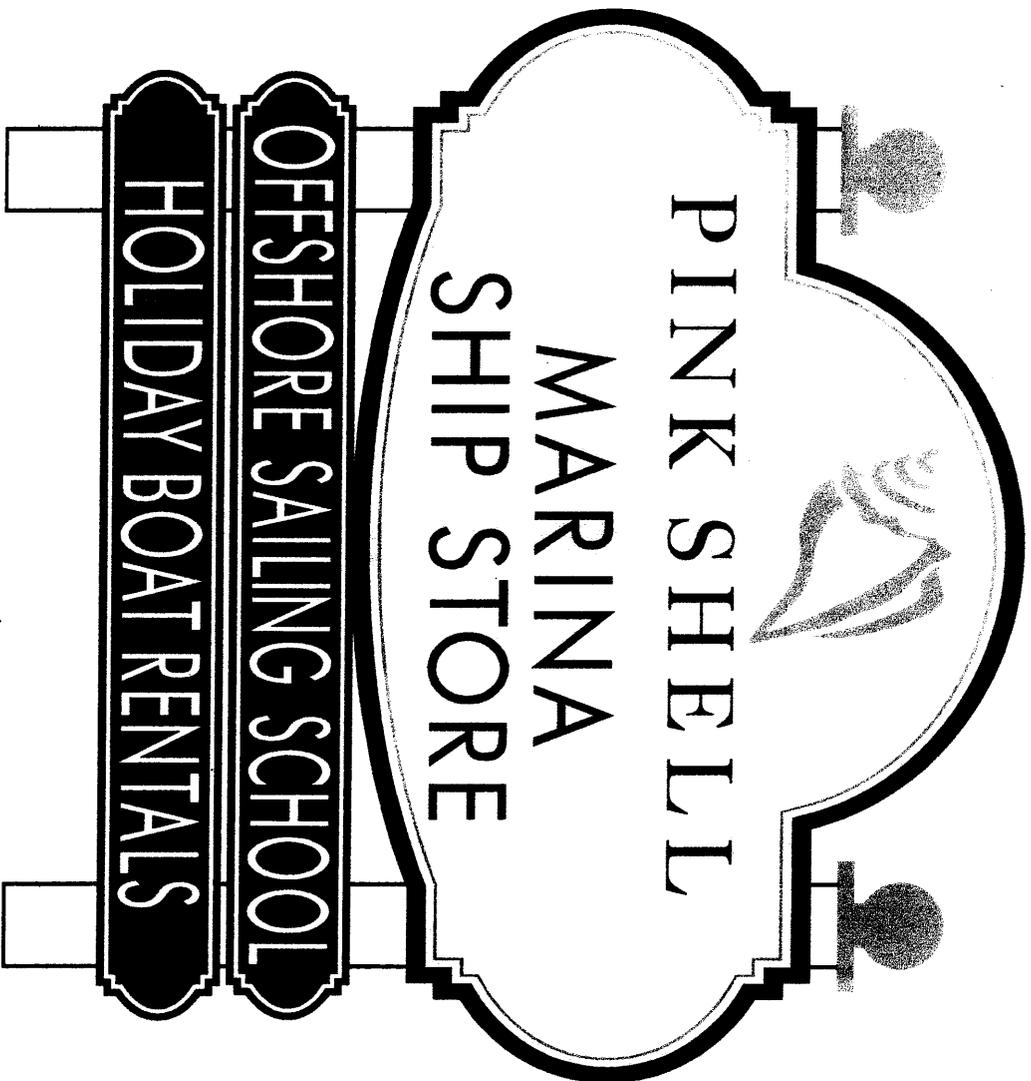
50"

48"

24"

24"



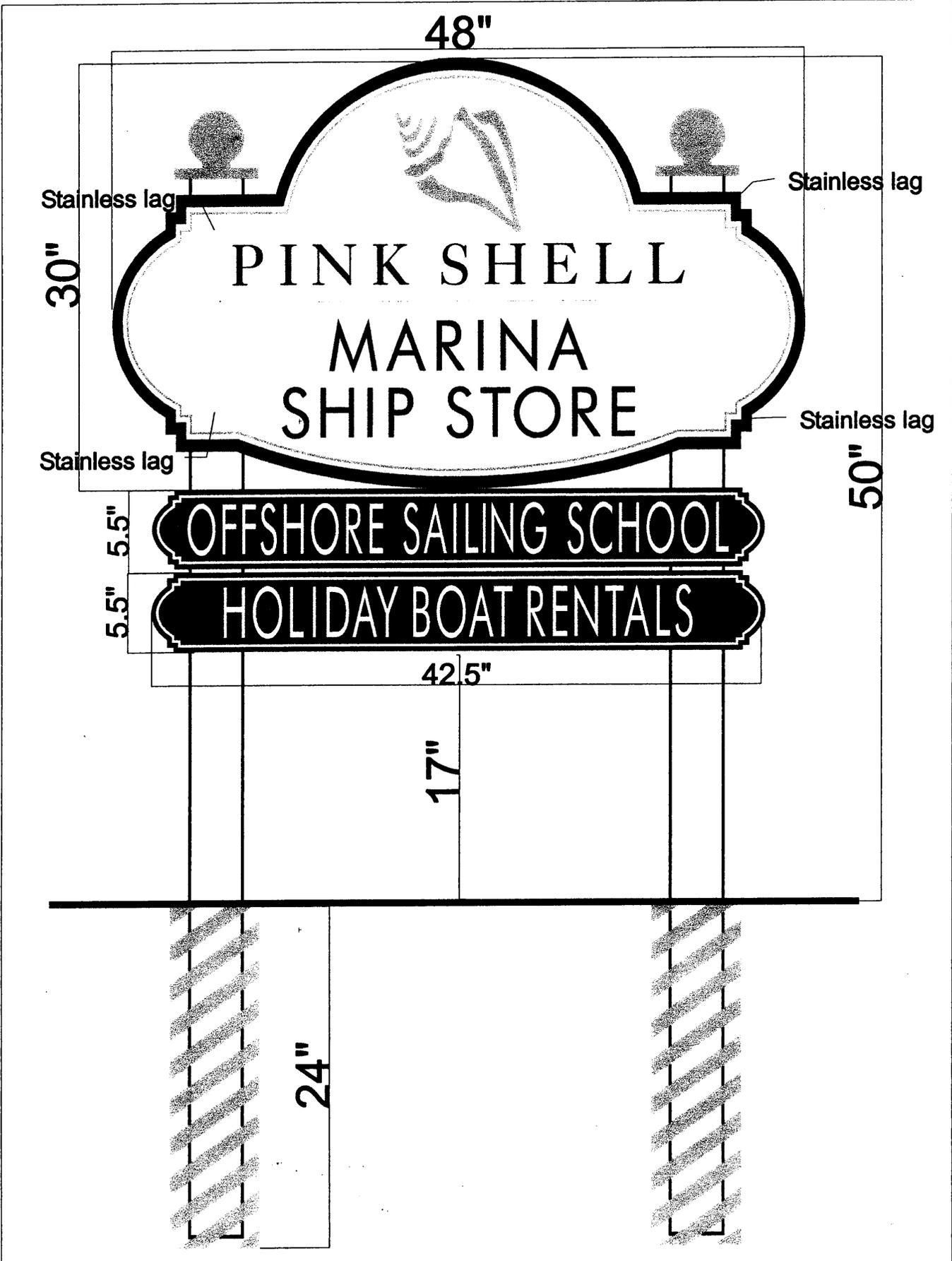


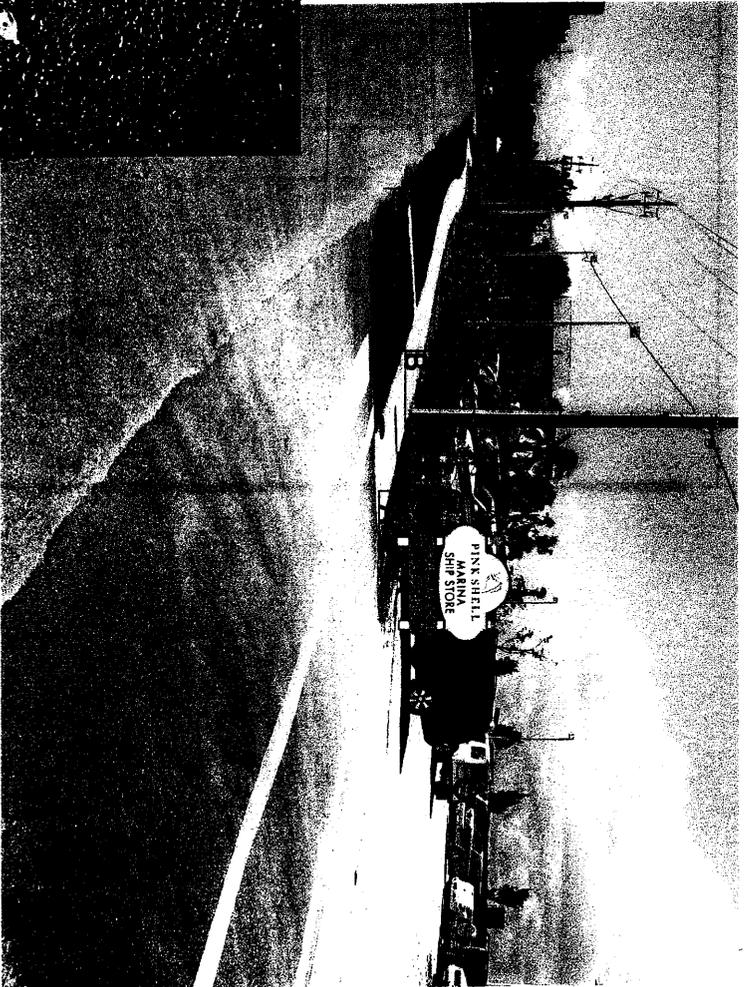
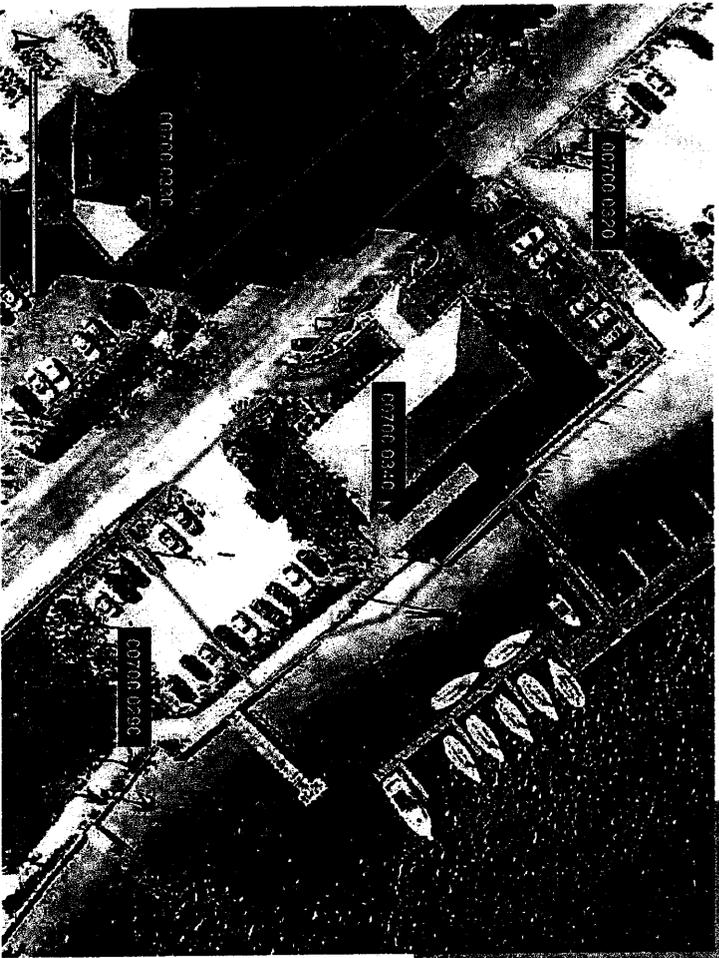
Customer: Pink Shell Beach Resort & Spa  
 Company: Boykin Lodging Co.  
 Address: 275 Estero Blvd.  
 City: Ft. Myers Beach State: FL  
 Phone: 239.463.8601  
 Fax: 239.463.8672 Email: bwaichulis@boykin.com

**Sign: C**  
**Marina Entrance**

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:

Comments: This Artwork is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.





- A: 4' From Sign To Sidewalk**
- B: 18' From Sign To Estero Blvd.**
- C: 7' From Sign To Driveway**

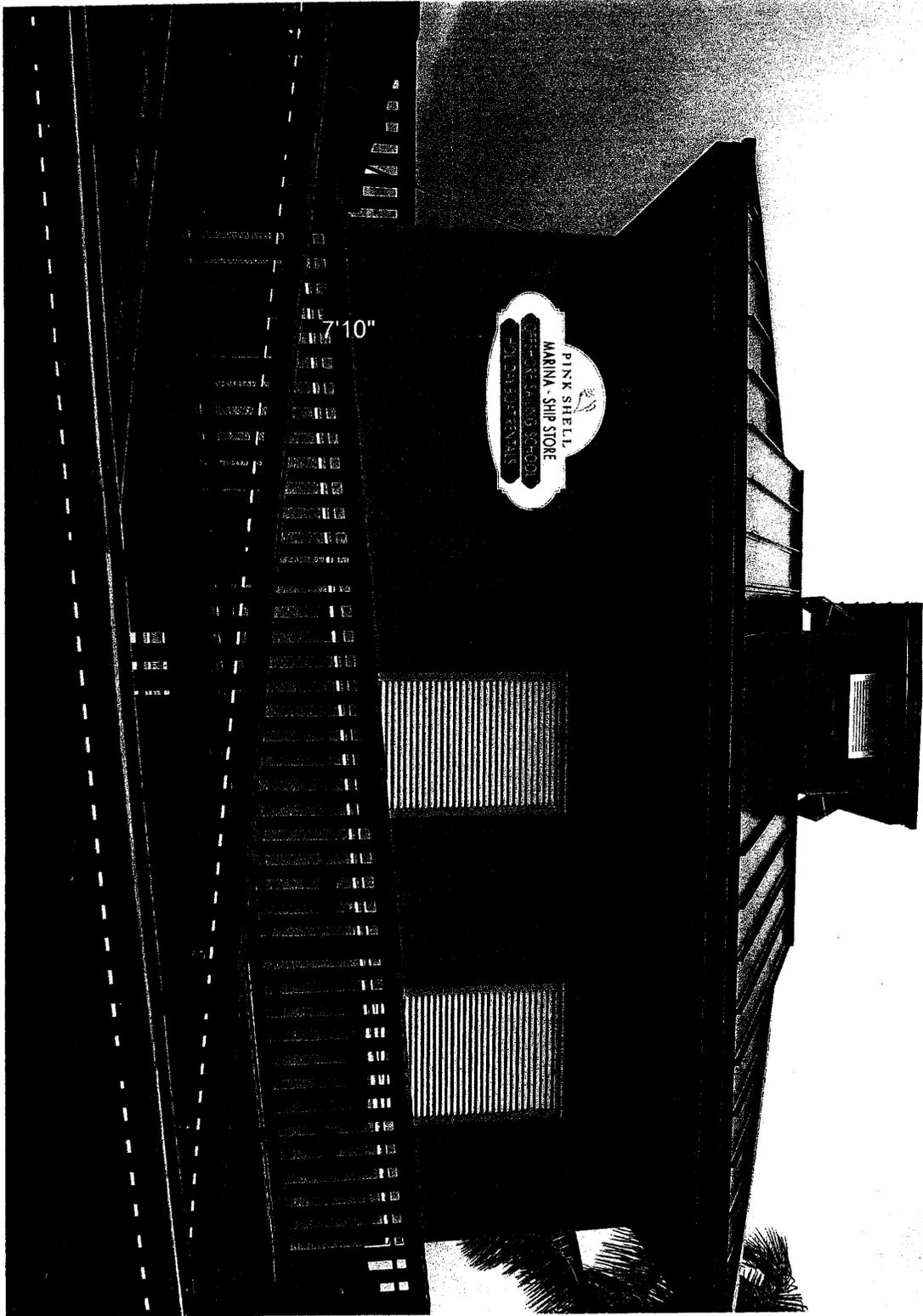


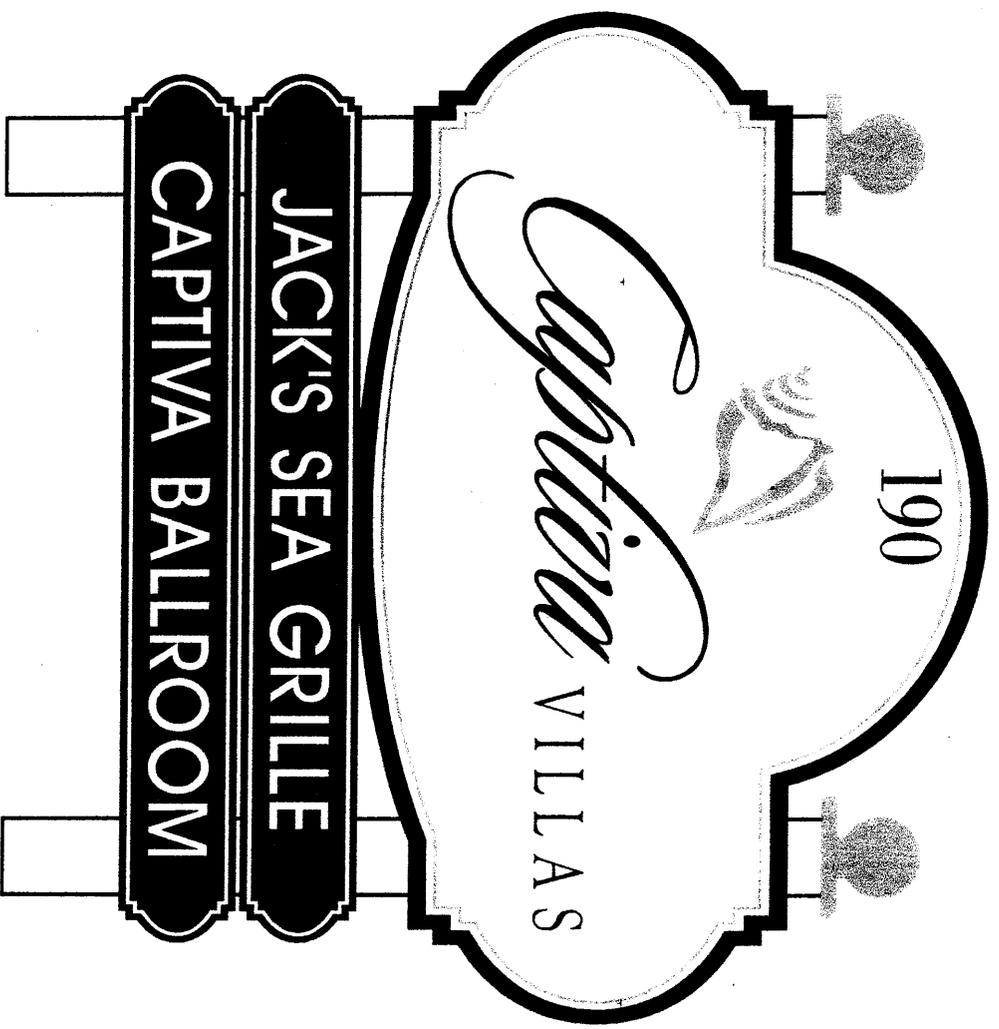
PINK SHELL  
MARINA • SHIP STORE  
OFFSHORE SAILING SCHOOL  
HOLIDAY BOAT RENTALS

Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672 bwaichulis@boykin.com

**Sign: D**  
**Marina Wall**

Job No.:	Order:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:
Comments: This Artwork is Property Of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.	





Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672 bwaichulis@boykin.com

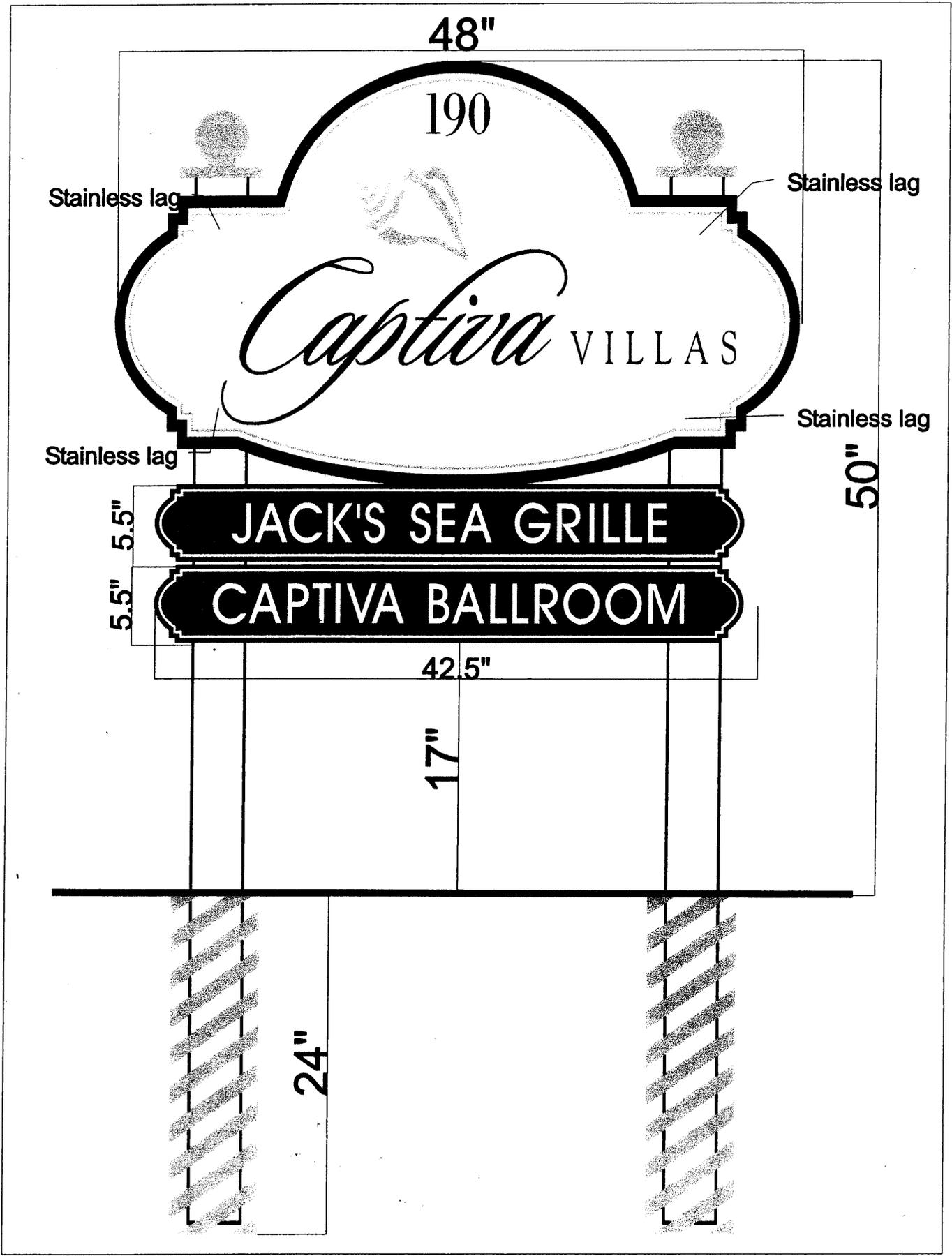
**Sign: E**  
**Captiva Villas**

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:

Comments:  
This artwork is property of Sabal Signs Inc.  
The Use Of This Rendering Or Any Part  
Thereof, Will Result In A Design Charge.



- A: 8' From Sign To Sidewalk**
- B: 14'8" From Sign To Estero Blvd.**
- C: 12' From Sign To Driveway**



48"

190

Stainless lag

Stainless lag

*Captiva* VILLAS

Stainless lag

Stainless lag

50"

5.5"  
5.5"

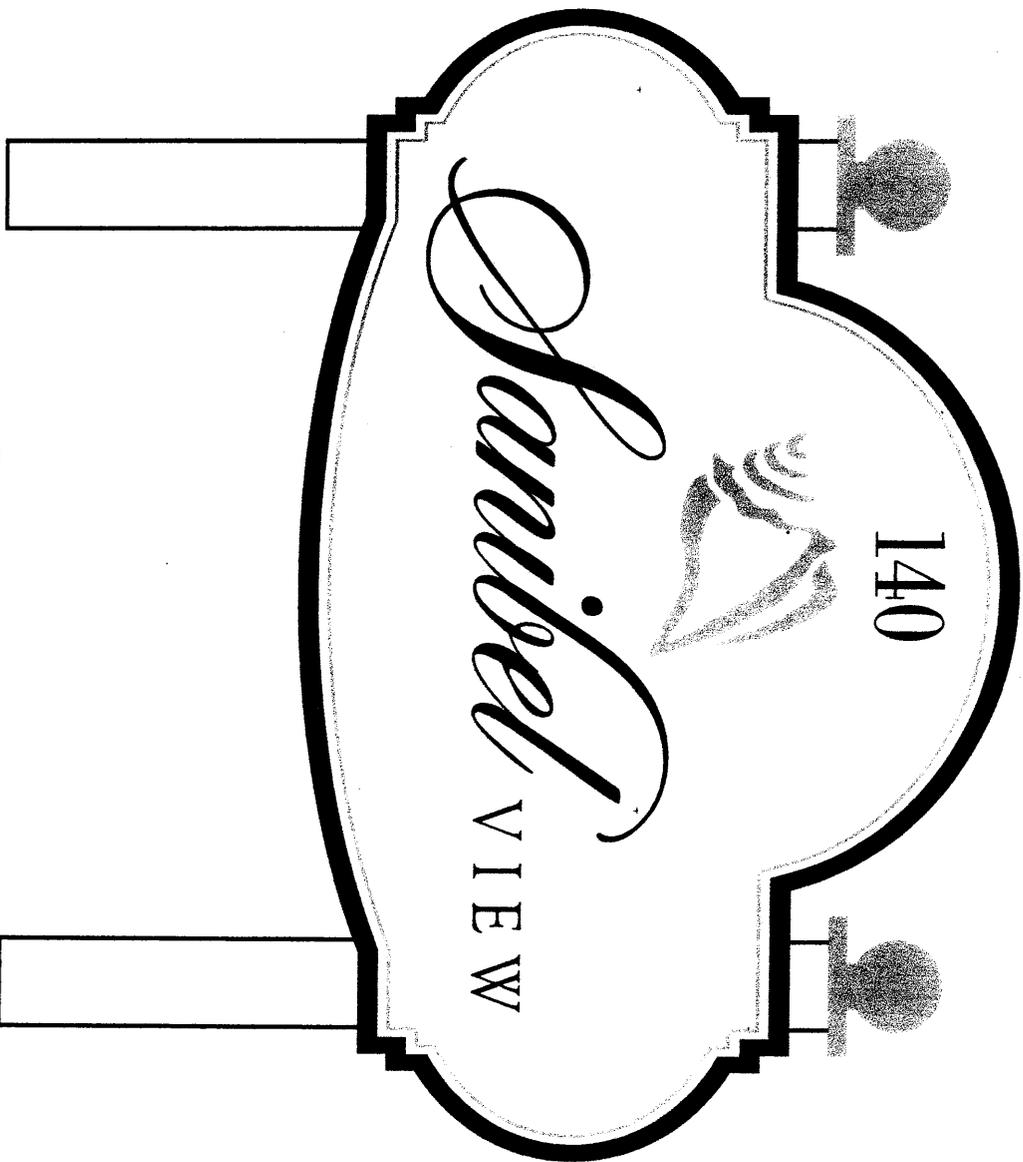
JACK'S SEA GRILLE

CAPTIVA BALLROOM

42.5"

17"

24"



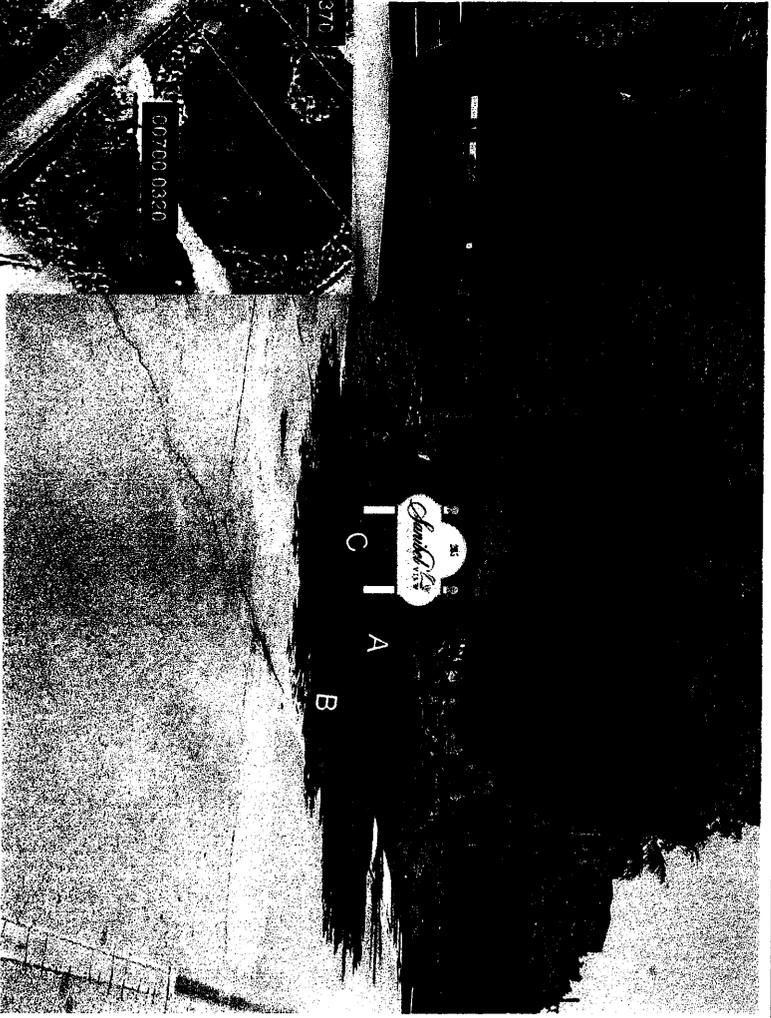
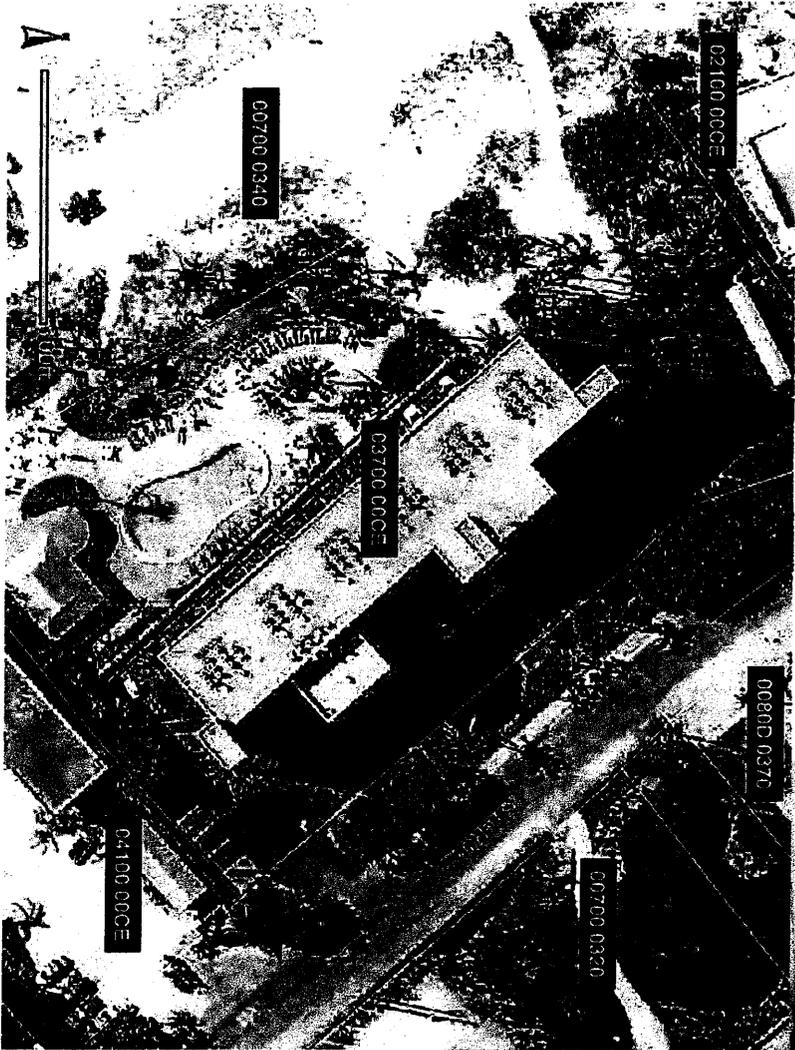
Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672    bwaichulis@boykin.com

# Sign: F

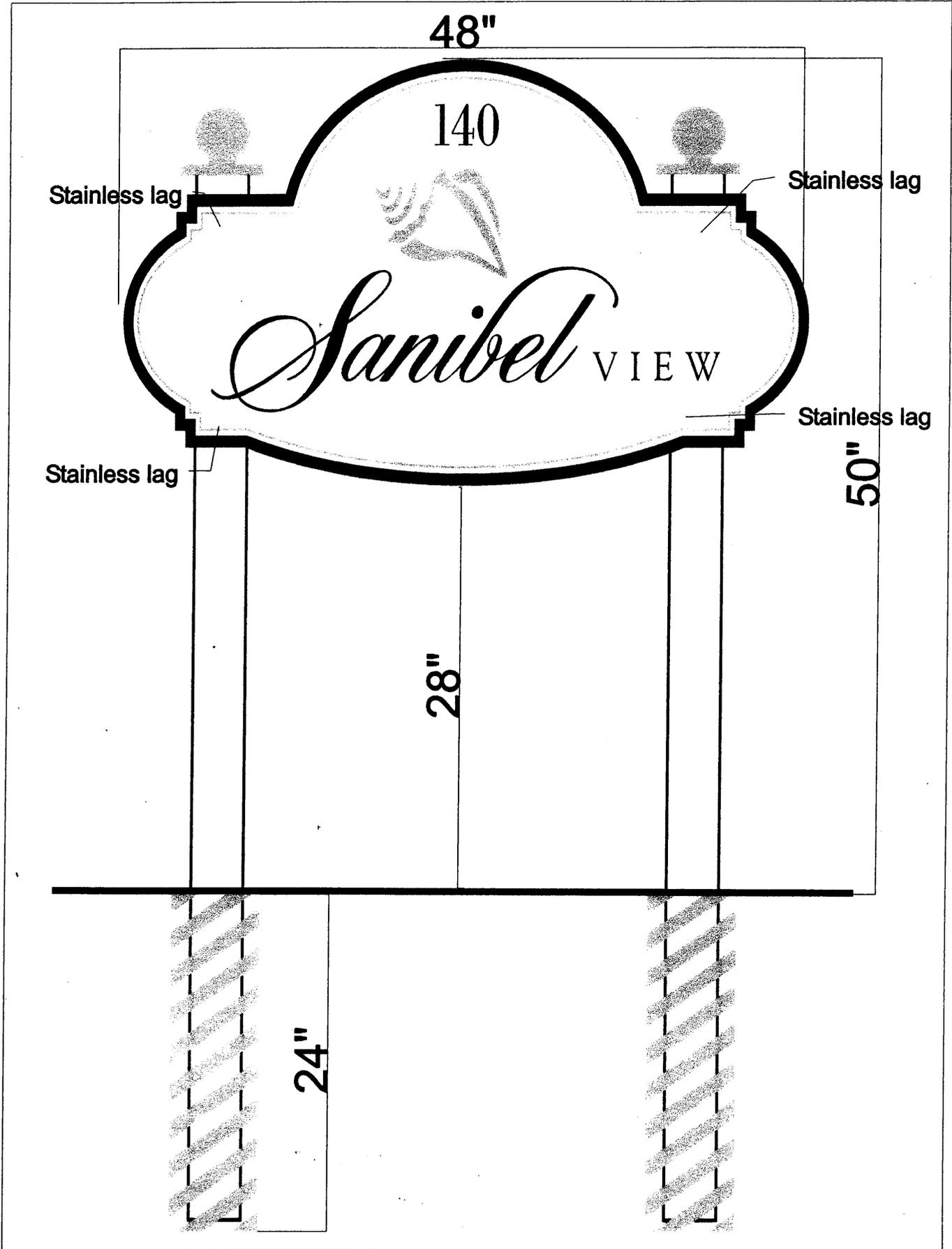
## Sanibel View

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Salesperson:
Comments:	Estimate:

This artwork is property of Sabal Signs Inc. The use of this rendering or any part thereof, will result in a design charge.



- A: 6' From Sign To Sidewalk**
- B: 10' From Sign To Estero Blvd.**
- C: 7' From Sign To Driveway**





Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672 Email: bwatchulls@boykin.com

# Sign: G

## Beach Villas

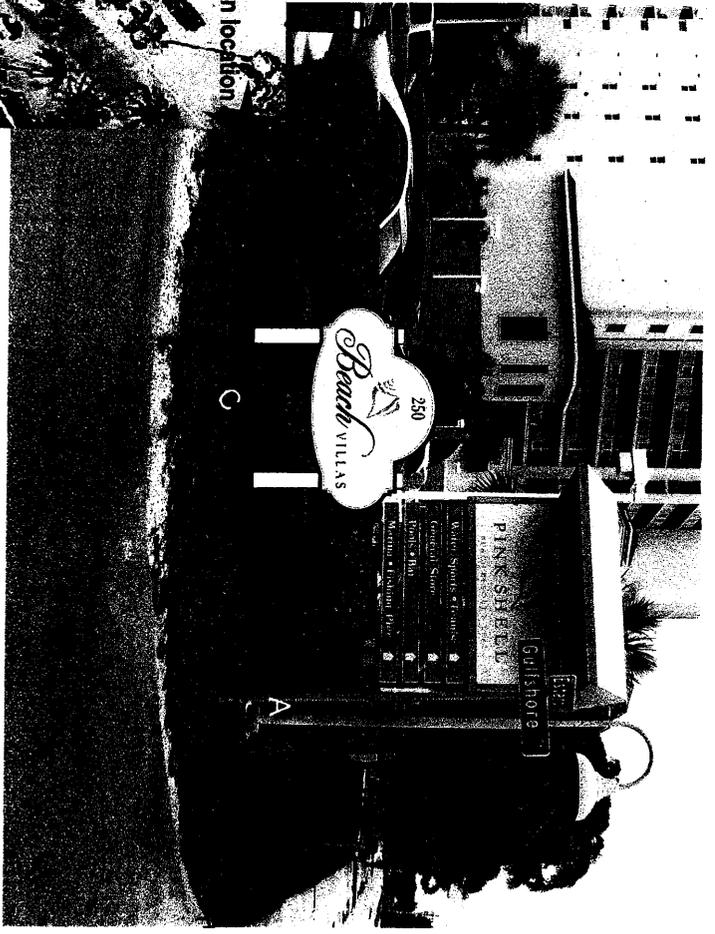
Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Subcontractor:
	Estimate:

Comments: This artwork is property of Sabal Signs Inc. The use of this rendering or any part thereof, will result in a design charge.

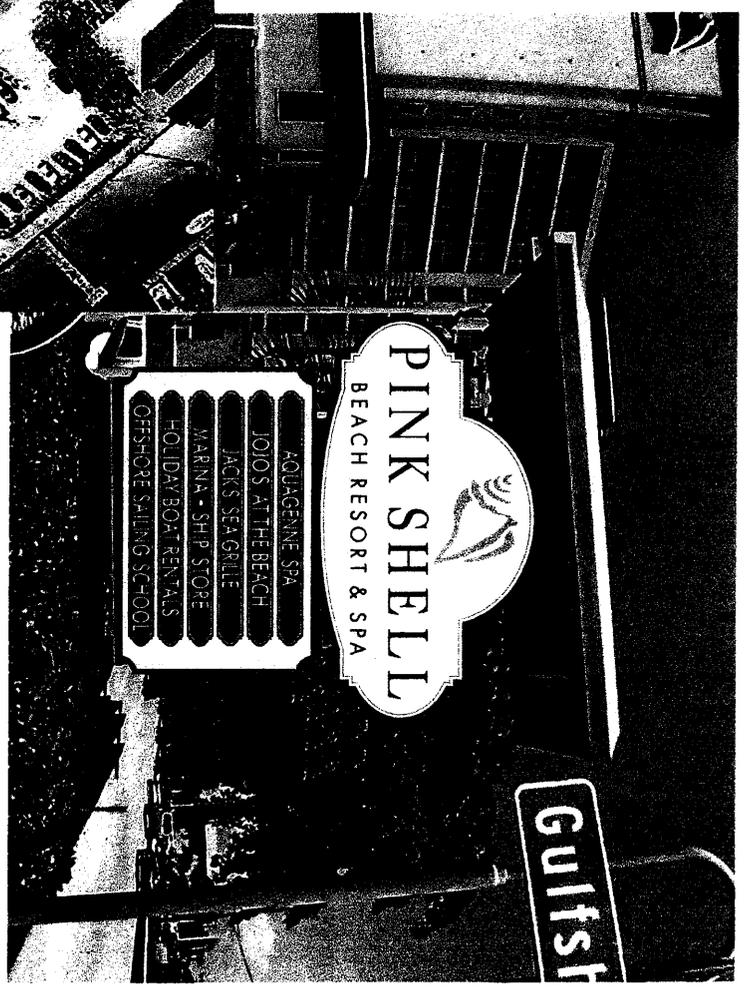
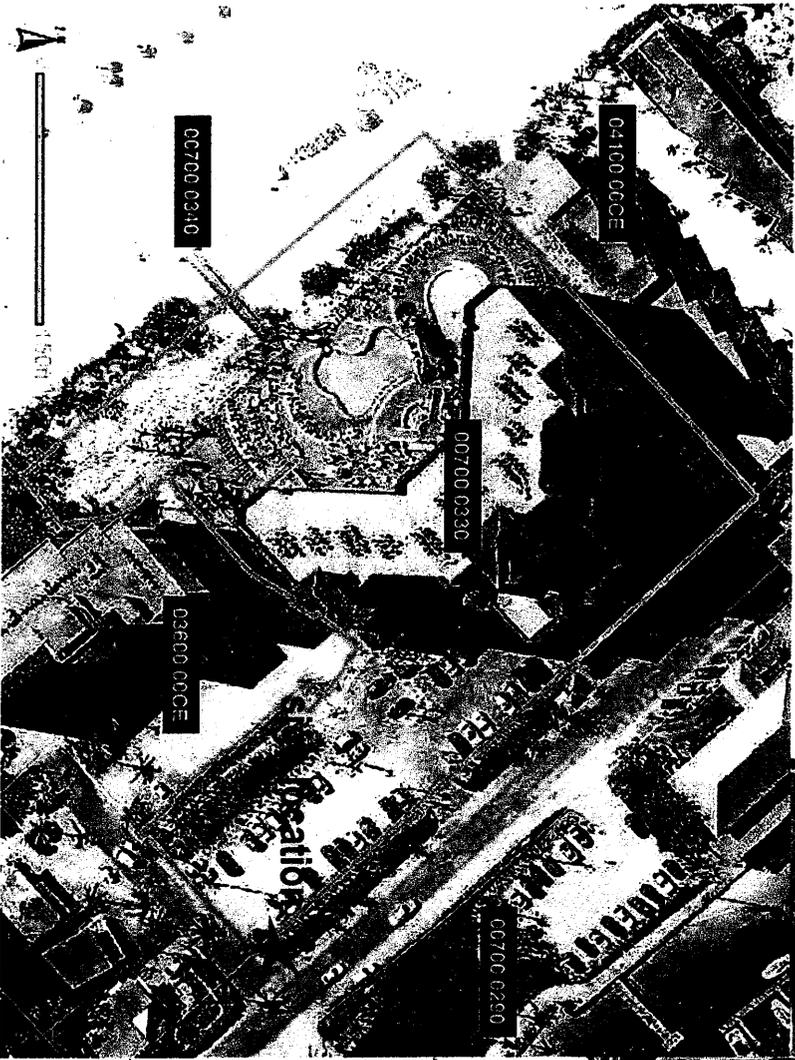
250

*Beach* VILLAS

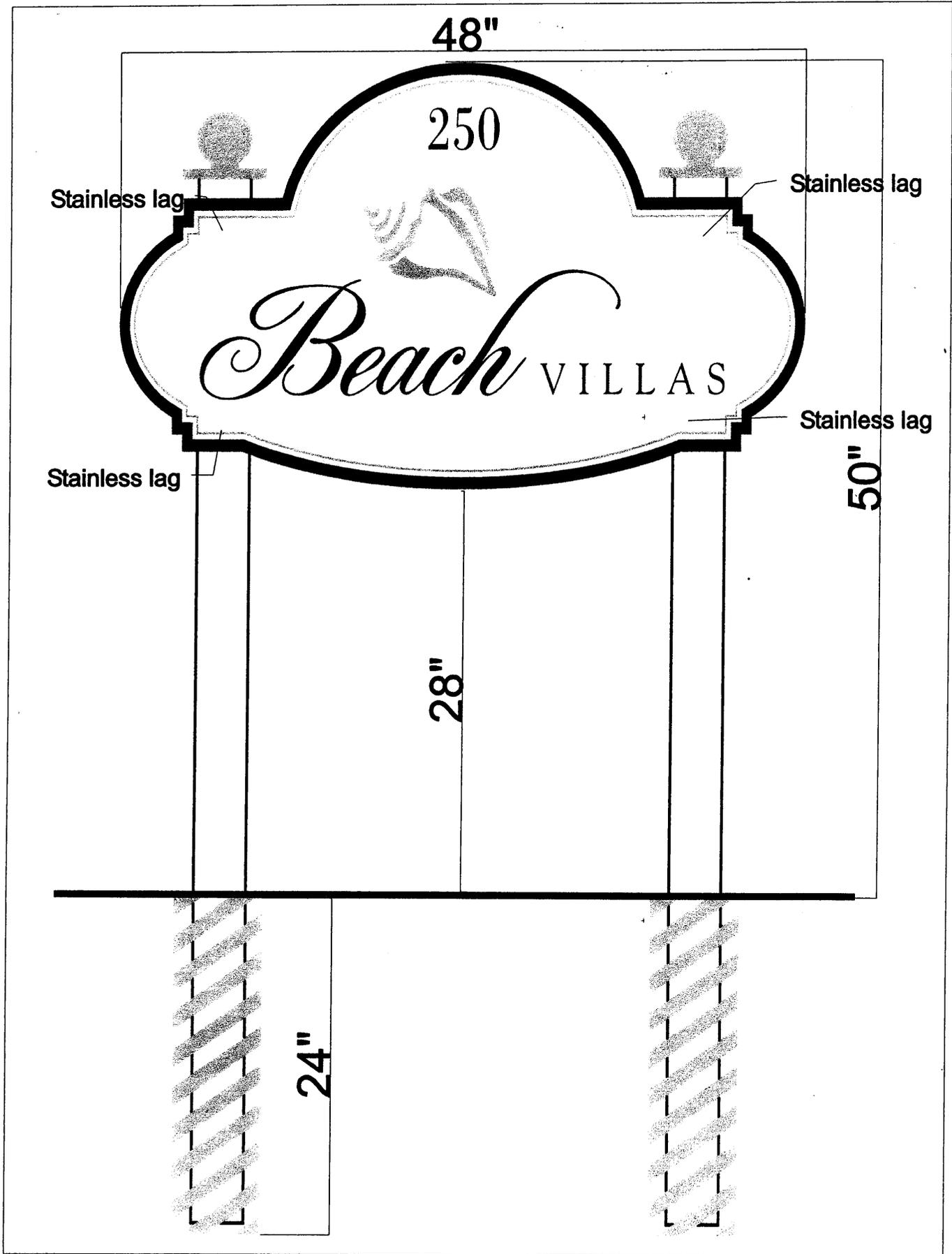
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110  
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110  
101 • 102 • 103 • 104 • 105 • 106 • 107 • 108 • 109 • 110

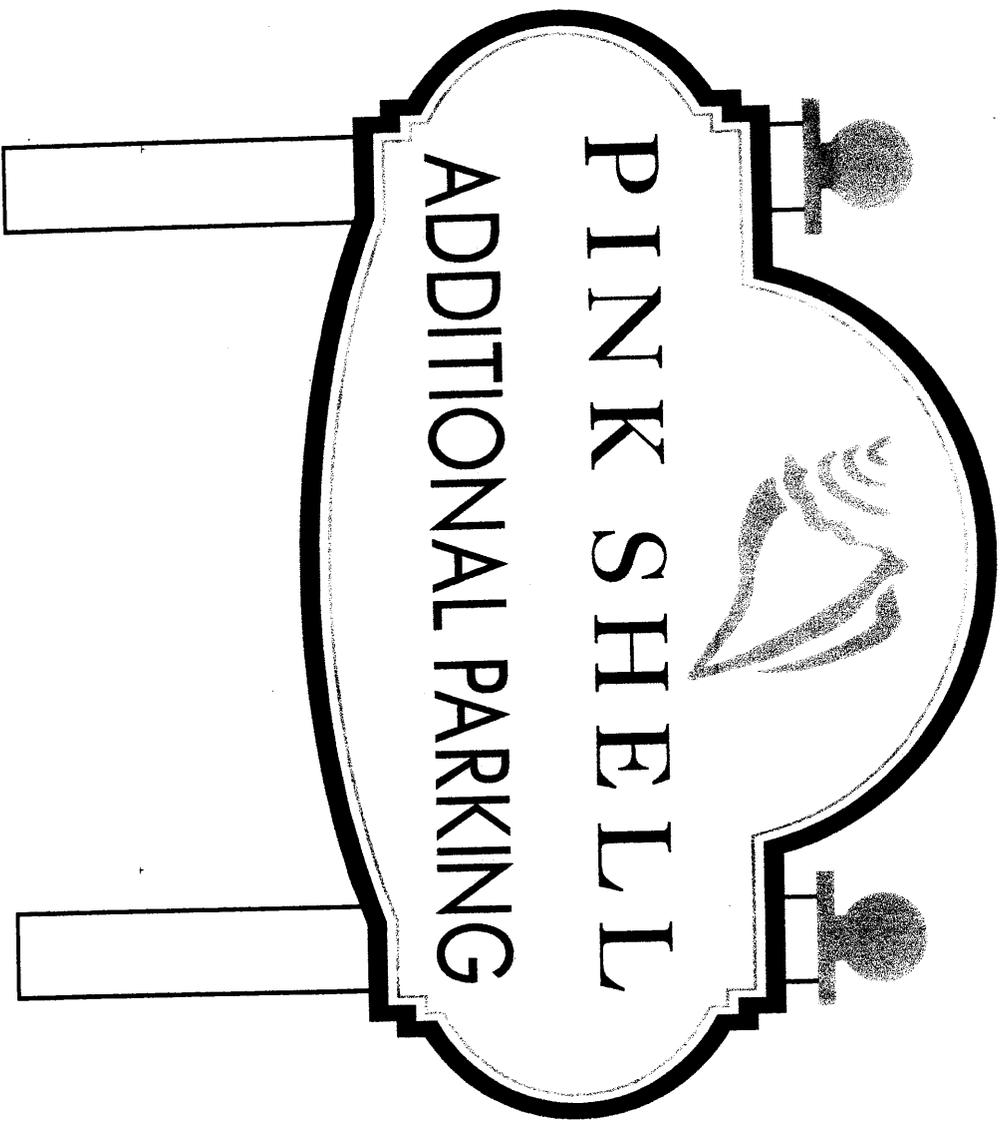


- A: 14' From Sign To Sidewalk**
- B: 19' From Sign To Estero Blvd.**
- C: 9' From Sign To Gulfshore Ct.**



**A: Installed On Existing Post**

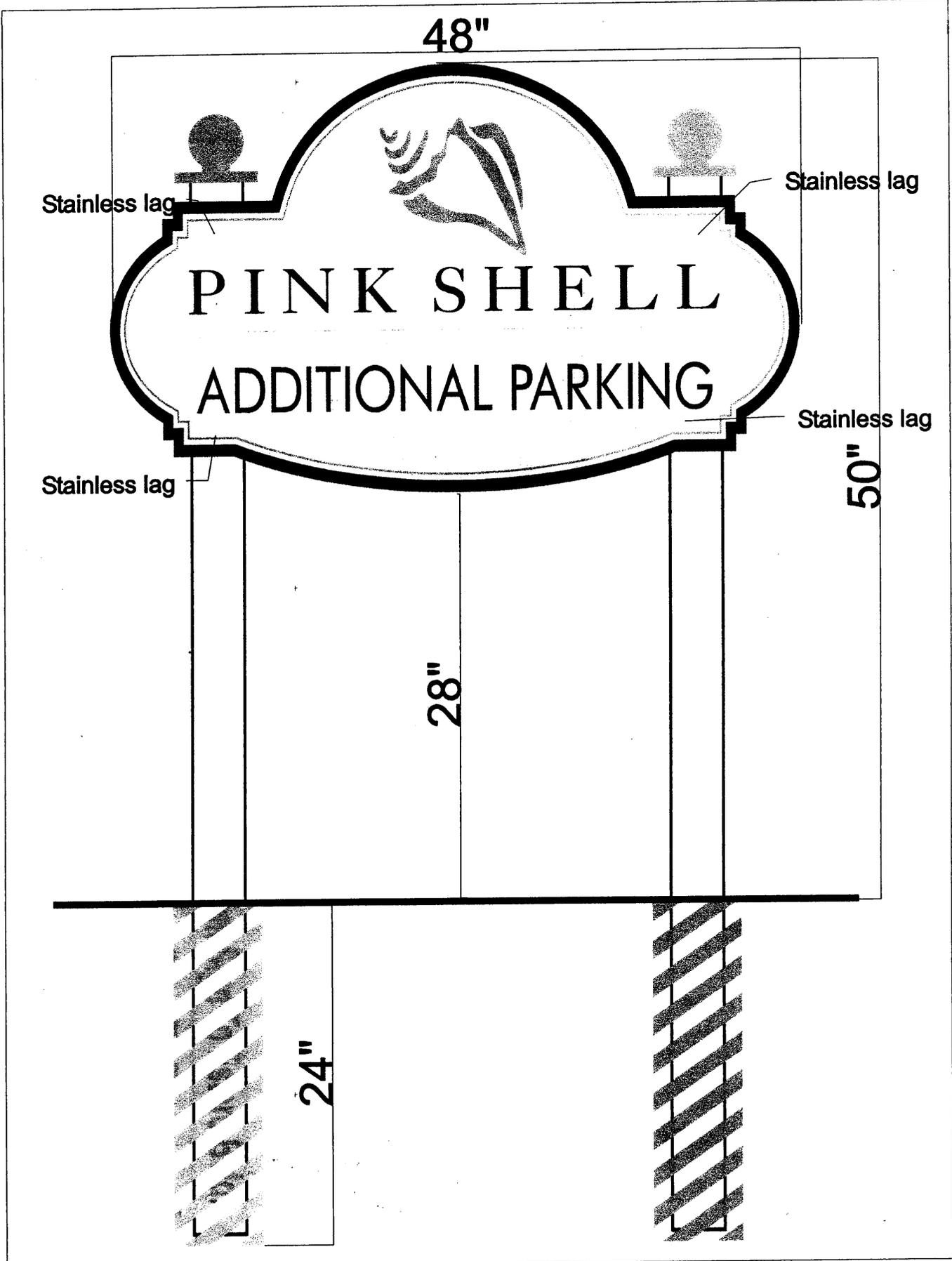


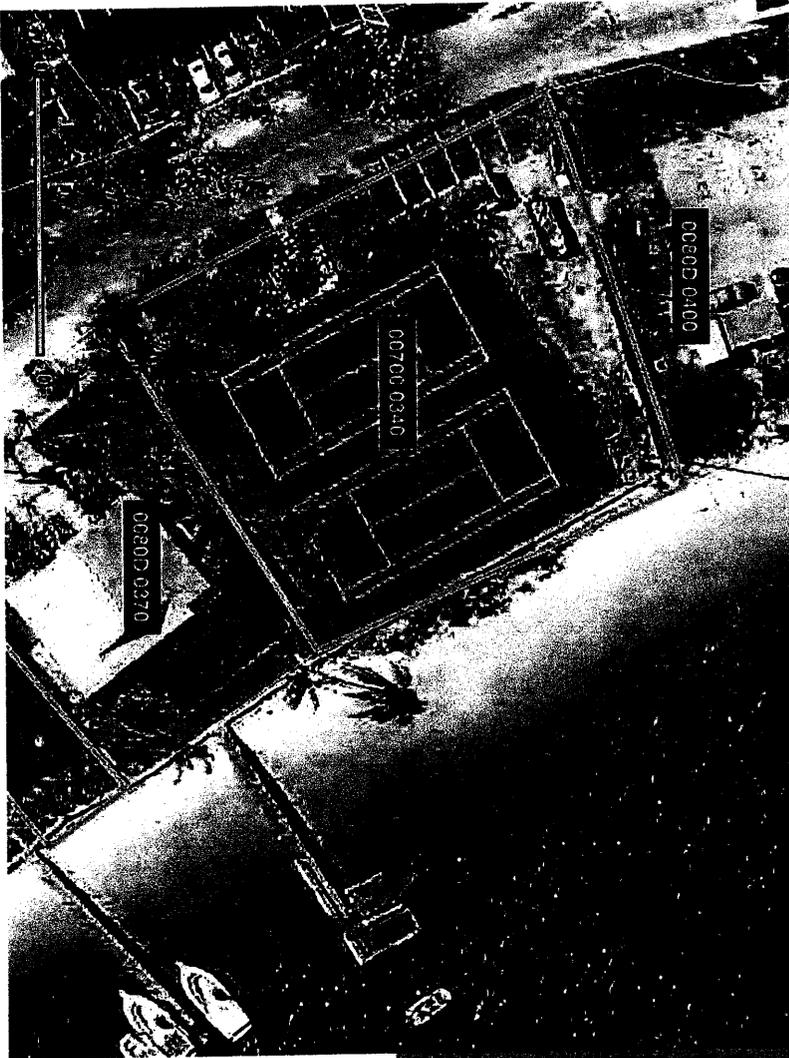


Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672 Email: bwaichulis@boykin.com

**Sign: H**  
**Additional Parking**

Job No.:	8724/2007
Order Date:	Subsequent:
Sign Dimensions:	Estimate:
Comments: This artwork is property of Sabal Signs Inc. The use of this rendering or any part thereof, will result in a design charge.	





**A: 12' From Sign To Estero Blvd.**  
**B: 6' From Sign To Property Line**



**PINK SHELL  
MARINA**

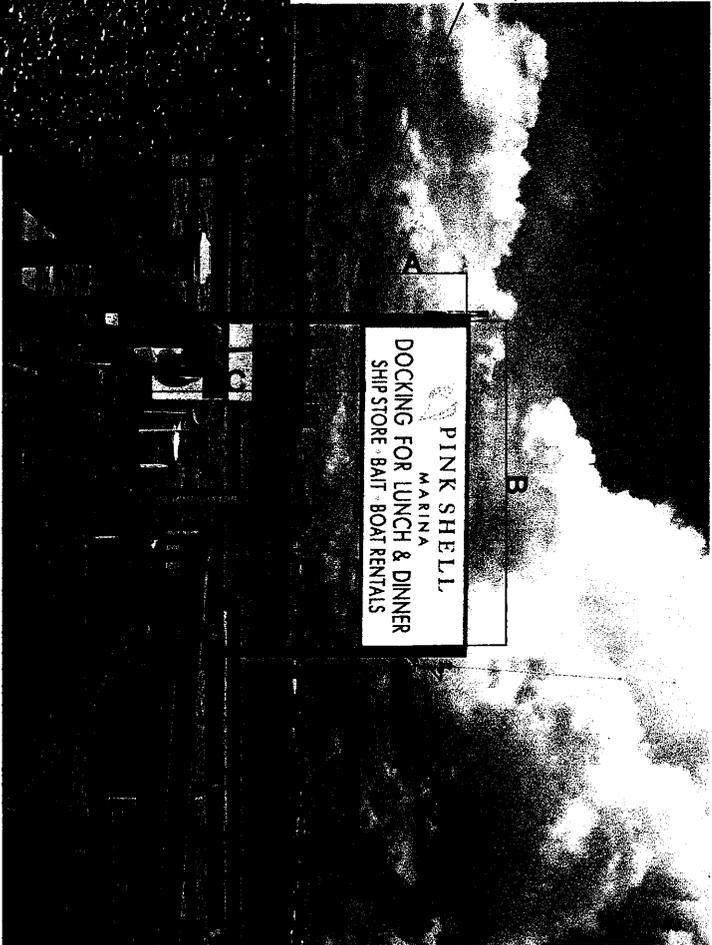
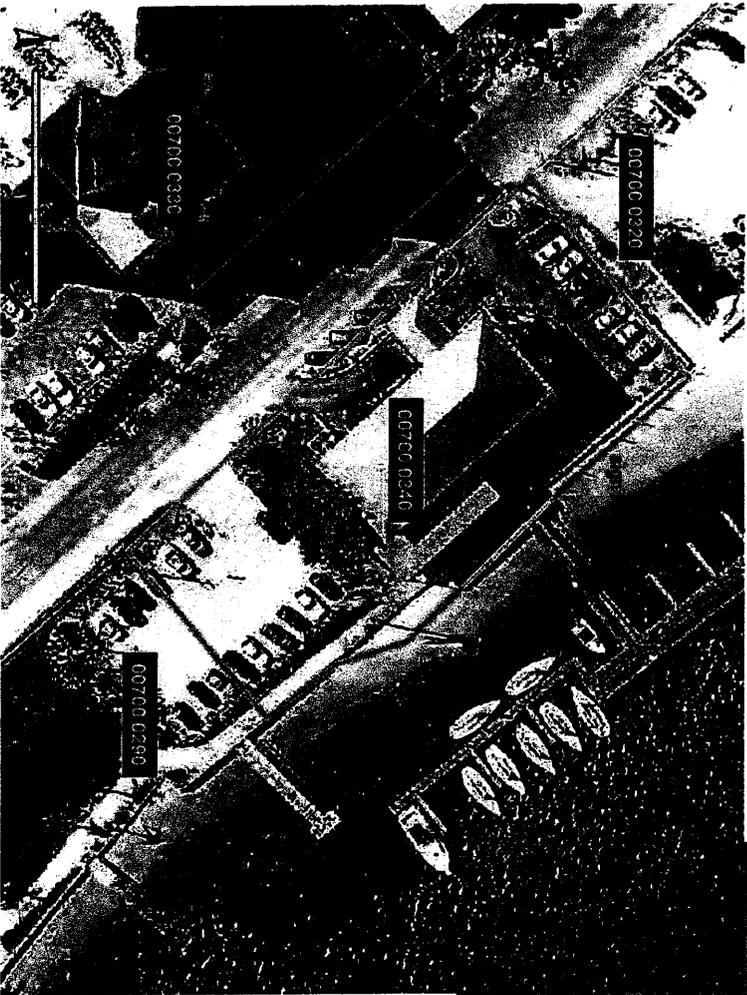
**DOCKING FOR LUNCH & DINNER  
SHIP STORE • BAIT • BOAT RENTALS**

Customer: Pink Shell Beach Resort & Spa  
 Company: Boykin Lodging Co.  
 Address: 275 Estero Blvd.  
 City: Ft. Myers Beach State: FL  
 Phone: 239.463.8601  
 Fax: 239.463.8672      bwaichulis@boykin.com

**Sign: 1**  
**Dock Sign**

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:

Comments:  
 This Artwork Is Property Of Sabal Signs Inc.  
 The Use Of This Rendering Or Any Part  
 Thereof, Will Result In A Design Charge.



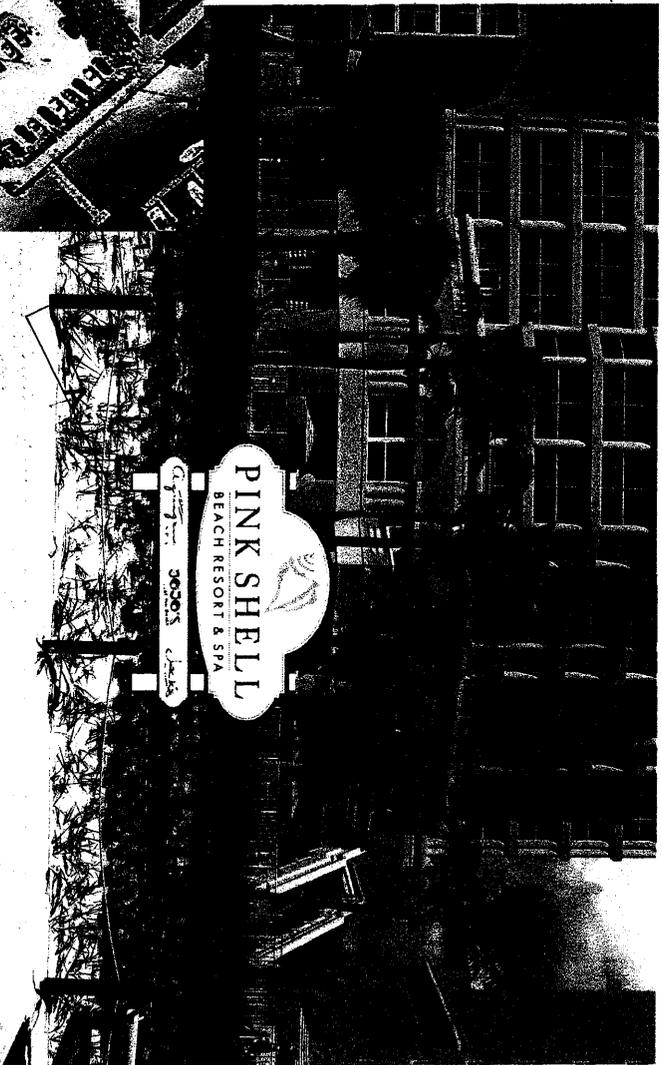
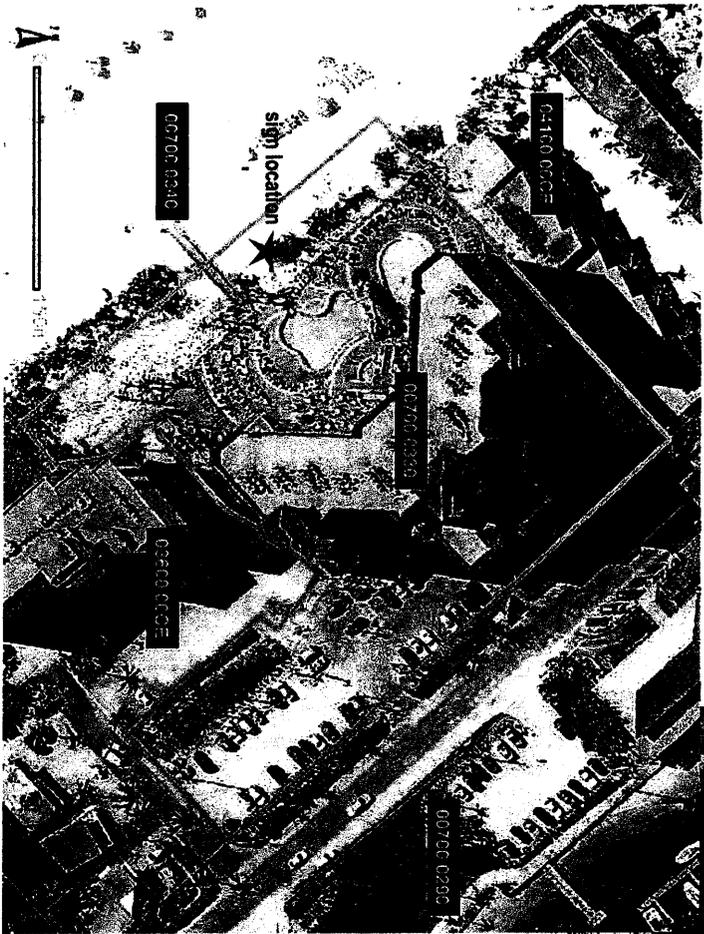
**A: 36" Tall**  
**B: 116" Long**  
**C: 10'8" From Bottom Of Sign  
 To Dock**



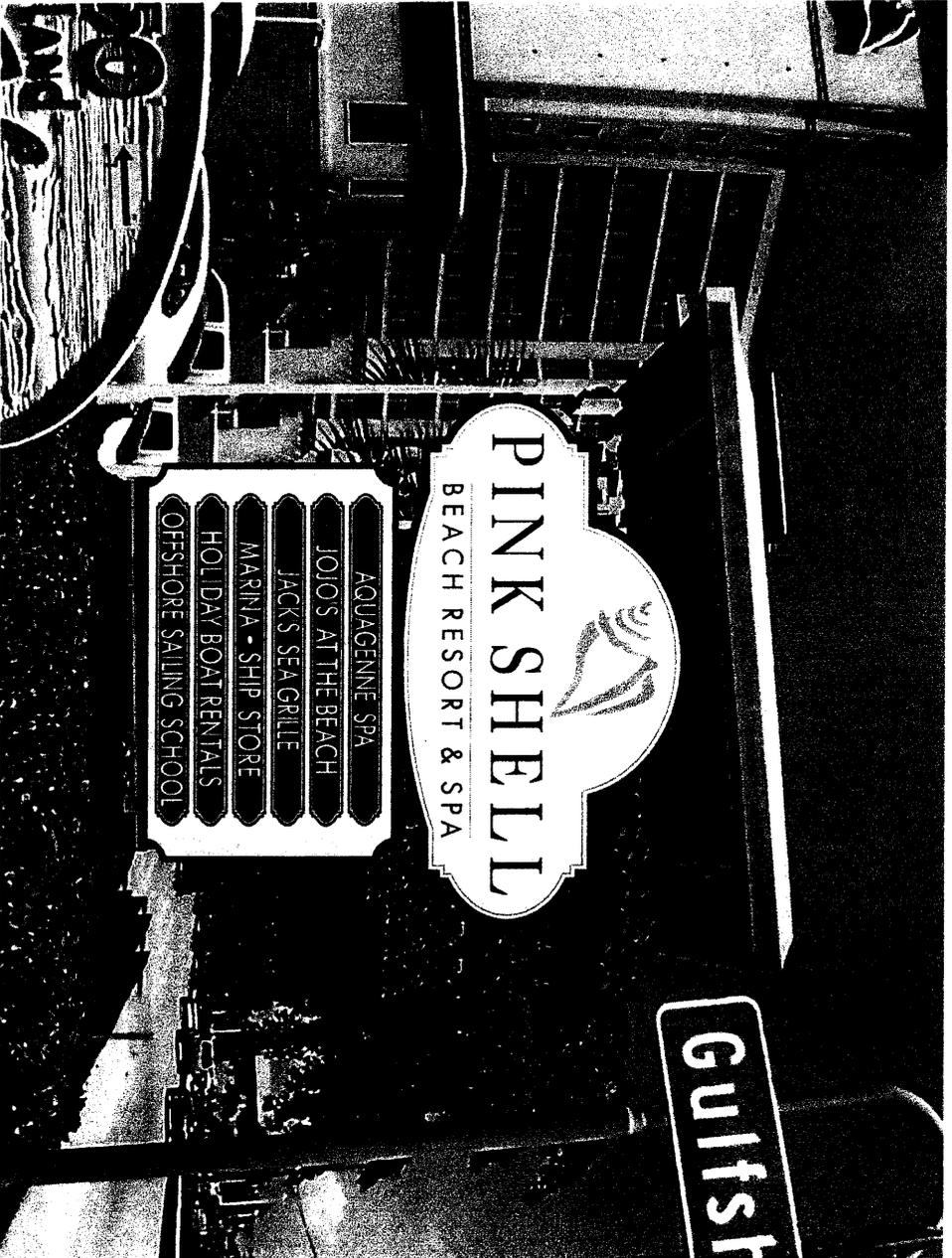
Customer: Pink Shell Beach Resort & Spa  
Company: Boykin Lodging Co.  
Address: 275 Estero Blvd.  
City: Ft. Myers Beach State: FL  
Phone: 239.463.8601  
Fax: 239.463.8672 bwatchnuls@boykin.com

**Sign: J**  
**Beach Side Sign**

Job No.: \_\_\_\_\_ Date: 8/24/2007  
Order Date: \_\_\_\_\_ Salesperson: \_\_\_\_\_  
Sign Dimensions: \_\_\_\_\_ Estimate: \_\_\_\_\_  
Comments: This artwork is property of Sabal Signs Inc. The Use Of This Rendering Or Any Part Thereof, Will Result In A Design Charge.



**A: 10' From Sign To Post**



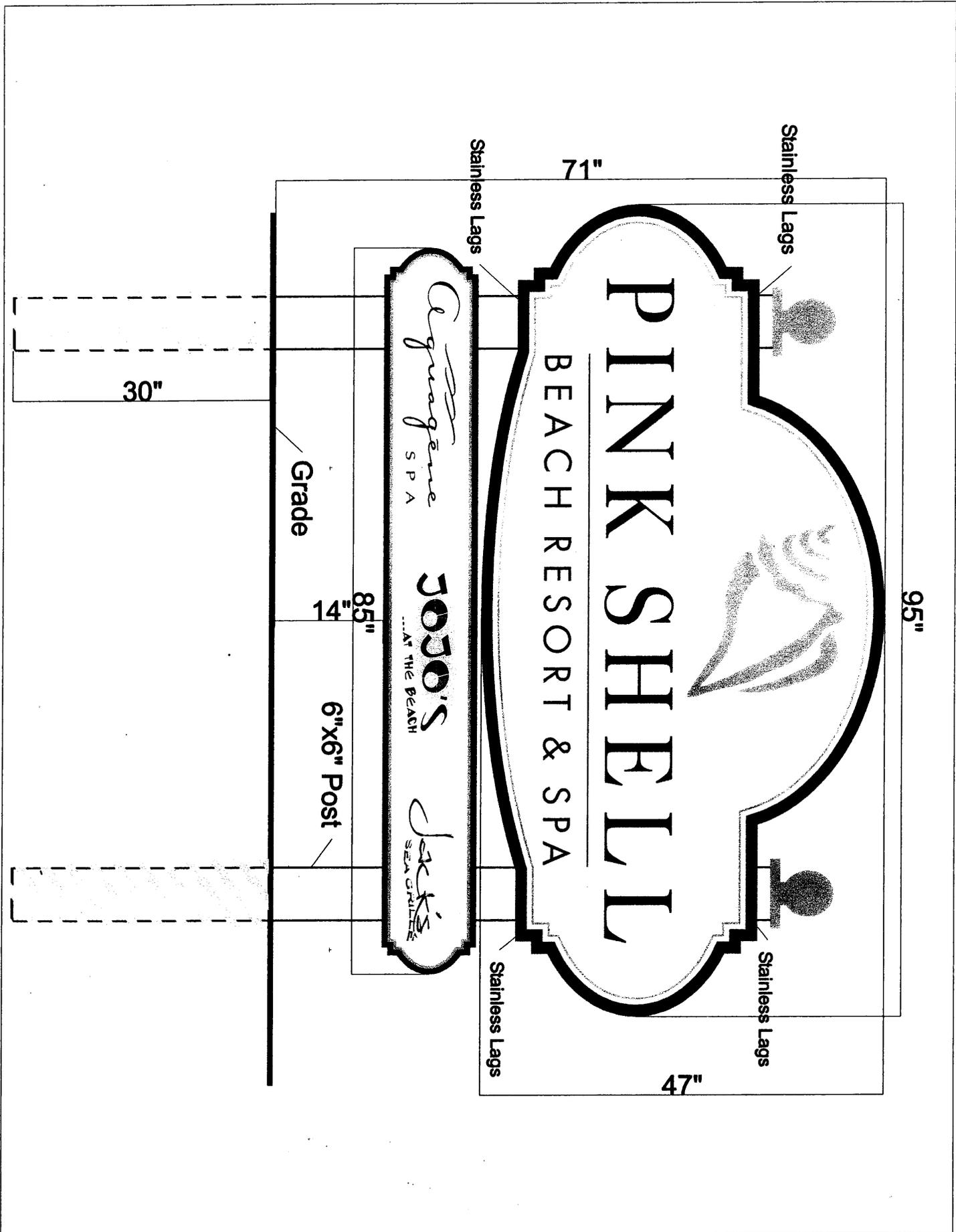
Customer: Pink Shell Beach Resort & Spa  
 Company: Boykin Lodging Co.  
 Address: 275 Estero Blvd.  
 City: Ft. Myers Beach State/Zip: FL  
 Phone: 239.463.8601  
 Fax: 239.463.8672 bwalchulls@boykin.com

# Sign: K

## Front Sign 2

Job No.:	Date:
Order Date:	8/24/2007
Sign Dimensions:	Estimate:

**Comments:**  
 This Artwork is Property Of Sabal Signs Inc.  
 The Use Of This Rendering Or Any Part  
 Thereof, Will Result In A Design Charge.



95"

Stainless Lags

Stainless Lags

71"

PINK SHELL

BEACH RESORT & SPA

Stainless Lags

Stainless Lags

*The Laguna*  
SPA

**JOJO'S**  
...AT THE BEACH

*Jackie's*  
SEA GRILL

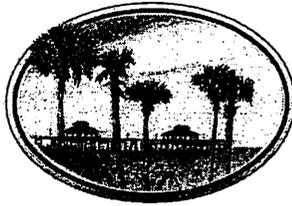
8.5"

14"

6"x6" Post

Grade

30"



RECEIVED  
OCT 23 2006

BY:.....

# APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

Applicant's Name: Captiva Villas Development, LLC c/o Beverly Grady, Roetzel & Andress, LPA

Project Name: Bayside CPD Amendment

STRAP Number(s): 24-46-23-W1-00700.0320

24-46-23-W1-00700.0340

This is the first part of a two-part application. It requests general information required by the Town of Fort Myers Beach for any rezoning, special exception, appeal from an administrative action, or variance. The second part addresses additional information specific to the requested action. [34-201(b)]

### STAFF USE ONLY

Case Number: FMBDC12060001 Date of Application: \_\_\_\_\_

Planner in charge: Frank Shockey Date found sufficient: \_\_\_\_\_

Public Hearing Dates: LPA: \_\_\_\_\_ Town Council: \_\_\_\_\_

Current Zoning: CPD

Land Use Category: Mixed Res/Recreation Platted Overlay? \_\_\_\_\_ Yes  No

Comp Plan Density Range: \_\_\_\_\_

### REQUEST FOR

- |   |   |
|---|---|
| <input type="checkbox"/> Special Exception              | <input type="checkbox"/> Extension of Master Concept Plan |
| <input type="checkbox"/> Variance                       | <input type="checkbox"/> DRI - without rezoning           |
| <input type="checkbox"/> Conventional Zoning            | <input type="checkbox"/> DRI - with rezoning              |
| <input checked="" type="checkbox"/> Planned Development | <input type="checkbox"/> Appeal of Administrative action  |

FORT MYERS BEACH  
C/O LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (239) 479-8585

Case Number: \_\_\_\_\_ Name: Bayside CPD Amendment

**PART 1 - NATURE OF REQUEST**

**Action Requested: [check applicable action(s)]**

- Special Exception for: \_\_\_\_\_ (Attach Sup. PH - A )
- Variance for: \_\_\_\_\_ (Attach Sup. PH - B )
- Conventional Rezoning from: \_\_\_\_\_ to: \_\_\_\_\_ (Attach Sup. PH - C )
- Planned Development
- Rezoning from: CPD to: CPD (Attach Sup. PH - D )
- Extension of Master Concept Plan (Attach Sup. PH - E )
- Public Hearing for DRI
- No rezoning is required.
- Rezoning is required from: \_\_\_\_\_ to: \_\_\_\_\_ (Attach Sup. PH - D )
- Appeal of Administrative action (Attach Sup. PH - F )

**PART 2 - CURRENT CLASSIFICATION OF PROPERTY**

(Please check all appropriate items):

**A. Land Use Category: (refer to the Comprehensive Plan Future Land Use Map)**

- |   |  |
|---|--|
| <input type="checkbox"/> Low Density                  | <input type="checkbox"/> Marina                |
| <input checked="" type="checkbox"/> Mixed Residential | <input checked="" type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard                    | <input type="checkbox"/> Wetlands              |
| <input type="checkbox"/> Pedestrian Commercial        | <input type="checkbox"/> Tidal Water           |

**B. Platted Overlay?  No  Yes**

**C. Zoning Type (refer to the Zoning Map to determine current zoning)**

- |   |  |
|---|--|
| <input type="checkbox"/> RS - Residential Single-family | <input type="checkbox"/> CM - Commercial Marina                          |
| <input type="checkbox"/> RC - Residential Conservation  | <input type="checkbox"/> CO - Commercial Office                          |
| <input type="checkbox"/> RM - Residential Multifamily   | <input type="checkbox"/> CB - Commercial Boulevard                       |
| <input type="checkbox"/> VILLAGE                        | <input type="checkbox"/> SANTINI   |
| <input type="checkbox"/> SANTOS                         | <input type="checkbox"/> DOWNTOWN  |
| <input type="checkbox"/> IN - Institutional             | <input type="checkbox"/> RPD - Residential Planned Development           |
| <input type="checkbox"/> CF - Community Facilities      | <input checked="" type="checkbox"/> CPD - Commercial Planned Development |
| <input type="checkbox"/> CR - Commercial Resort         | <input type="checkbox"/> EC - Environmentally Critical                   |
| <input type="checkbox"/> BB - Bay Beach                 |  |

Case Number: \_\_\_\_\_ Name: Bayside CPD Amendment

**PART 3- WAIVERS**

**Waivers from Application Submission Requirements:** Indicate the specific required submittal items that have been waived by the Director. Attach copies of the Directors approval(s) and label them as "Exhibit 3 - 1" [Section 34-202(a)]

Section Number	Name of item
<u>34-212(6) FMB</u>	<u>Traffic Impact Analysis</u>

**PART 4 - APPLICANT INFORMATION**

**A. Name of applicant:** Captiva Villas Development, LLC c/o Beverly Grady, Roetzel & Andress, LPA

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: \_\_\_\_\_ Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: \_\_\_\_\_

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

**B. Relationship of applicant to property** (please check appropriate response below):

1. \_\_\_\_\_ **Owner - (Please indicate form of ownership below)**
  - \_\_\_\_\_ Individual OR husband and wife
  - \_\_\_\_\_ Land trust
  - X \_\_\_\_\_ Corporation
  - \_\_\_\_\_ Partnership
  - \_\_\_\_\_ Association
  - \_\_\_\_\_ Condominium, timeshare condo. or subdivision
2. X \_\_\_\_\_ **Authorized representative.** Submit authorization as "Exhibit 4 - 1" [34-202(b)(1)b.]
3. \_\_\_\_\_ **Contract Purchaser/vendee.** Submit authorization as "Exhibit 4 - 2" [34-202(b)(1)c.]
4. \_\_\_\_\_ **Town** Enter the date the action was authorized: \_\_\_\_\_

Case Number: \_\_\_\_\_ Name: Bayside CPD Amendment

C. Agent authorized to receive all town or county - initiated correspondence regarding this application. [34-202(b)(1)b.]

Company Name: Roetzel & Andress

Contact Person: Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: \_\_\_\_\_

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

**PART 5 - OTHER AGENTS**

List the names of other agents that the town or county may contact concerning this application. Use additional sheet if necessary and fasten to this page. [34-202(b)(1)b.]

A. Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

B. Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Case Number: \_\_\_\_\_ Name: Bayside CPD Amendment

C. Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

D. Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**PART 6 - PROPERTY OWNERSHIP**

A. \_\_\_\_\_ **Single owner** (individual or husband & wife only) [34-201(a)(1)].

Name \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: 239 Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

B. X **Multiple owners (Corporation, partnership, trust, association)** [34-201(a)(1)].

X Disclosure Form is attached as "Exhibit 6 - 1." [34-201(b)2]

\_\_\_\_\_ Property owners list is attached as "Exhibit 6 - 2." [34-202(a)(5) and 34-202(b)(1).a.]

\_\_\_\_\_ Property owners map is attached as "Exhibit 6 - 3." [34-202(a)(5)]

Case Number: \_\_\_\_\_ Name: Bayside CPD Amendment

**PART 7 - PROPERTY INFORMATION**

A. STRAP Number(s): 24-46-23-W1-00700.0320

B. Location [34-202(a)(4)]:

Street Address: 171-191 Estero Blvd., Fort Myers Beach

An area location map is attached as "Exhibit 7 - 1."

C. Directions to property: From the base of the Sky Bridge proceed to Estero Blvd., turn right,  
heading north. Property is located on the bay side of Estero Blvd just before the turn around at the Regional park.

D. Property Dimensions:

Area: \_\_\_\_\_ square feet or \_\_\_\_\_ acres

Width along roadway: \_\_\_\_\_ feet

Depth: \_\_\_\_\_ feet

E. Legal Description [34-02(a)(1)]:

Legal description (on 8 1/2" by 11" paper) is attached as "Exhibit 7 - 2."

\_\_\_\_\_ Electronic version of the legal description is attached.

F. Boundary Survey or certified sketch of description [34-202(a)(2)]:

\_\_\_\_\_ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as "Exhibit 7 - 3."

The property is not platted OR consists of one or more divided platted lots in a subdivision recorded in the Official County Plat Books.

A Certified sketch of description is attached as "Exhibit 7 - 4."

\_\_\_\_\_ A Boundary survey is attached as "Exhibit 7 - 5."

G. Property Restrictions [34-202(b)(2)]:

1.  There are no deed restrictions/covenants on this property that affect this request.

2. \_\_\_\_\_ Restrictions\covenants are attached as "Exhibit 7 - 6."

3. \_\_\_\_\_ A narrative explanation as to how the deed restrictions or covenants may affect this request is attached as "Exhibit 7 - 7."

H. Surrounding property owners:

1.  A list of surrounding property owners is attached as "Exhibit 7 - 8." [34-202(a)(6)]

2.  Two sets of mailing labels are attached as "Exhibit 7 - 9." [34-202(a)(6)]

3.  A map of surrounding property owners is attached as "Exhibit 7 - 10." [34-202(a)(7)]

Case Number: \_\_\_\_\_ Name: Bayside CPD-Amendment

**AFFIDAVIT A2  
AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED  
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, \* ROBERT W. BOYKIN as Manager  
of New Pink Shell LLC, swear or affirm under oath, that I am the owner or the  
authorized representative of the owner(s) of the property and that:

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

NEW PINK SHELL LLC ITS MANAGING MEMBER  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

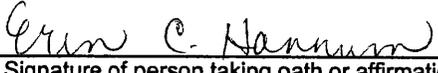
  
Signature  
Manager, New Pink Shell LLC  
(title of signatory)

ROBERT W. BOYKIN  
(Type or printed name)

STATE OF OHIO  
COUNTY OF CUYAHOGA

The foregoing instrument was sworn to (or affirmed) and subscribed before me this  
10-19-06 by ROBERT W. BOYKIN who is personally  
(date) (name of person providing oath or affirmation)

known to me or who has produced \_\_\_\_\_ as identification.  
(type of identification)

  
Signature of person taking oath or affirmation

  
Name typed, printed or stamped

- \* Notes:
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
  - If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
  - If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
  - If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
  - If the applicant is a trustee, then they must include their title of "trustee."
  - In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

### PART 9 - SUBMITTAL REQUIREMENTS

If the application is for a rezoning, planned development, special exception or variance, please submit fourteen (14) copies of this application form and all applicable exhibits. If the request is to appeal an administrative action, please submit five (5) copies of this application form and all applicable exhibits.

Copies Submitted	Exhibit Number	Exhibit Description
		<b>SUPPLEMENTAL FORMS</b> (select applicable form)
	<b>SUP A</b>	Special Exception supplement
	<b>SUP B</b>	Variance supplement
	<b>SUP C</b>	Conventional rezoning
14	<b>SUP D</b>	Planned Development Rezoning or DRI with Rezoning requested
	<b>SUP E</b>	Master Concept Plan Extension
	<b>SUP F</b>	Appeal of Administrative Decision.
		<b>Exhibits - All requests</b>
14	<b>3 - 1</b>	Approved Waivers [34-202(a)]
14	<b>4 - 1</b>	Notarized Affidavit Authorizing the applicant. [34-202(b)(1)b.]
	<b>4 - 2</b>	Contract purchaser/vendee authorization (if applicable). [34-202(b)(1)c.]
14	<b>6 - 1</b>	Ownership Interests (Disclosure Form ) [34-202(b)(1)a.]
14	<b>6 - 2</b>	Subject property owners list (if applicable) [34-202(a)(5)]
14	<b>6 - 3</b>	Subject Property Owners map (if applicable) [34-202(a)(5)]
14	<b>7 - 1</b>	Area Location Map on 8 by 11 paper. [34-202(a)(4)]
14	<b>7 - 2</b>	Legal Description [34-202(a)(1)]
14	<b>7 - 3</b>	Plat Book page (if applicable) [34-202(a)(1)]
14	<b>7 - 4</b>	Certified sketch of description (if applicable) [34-202(a)(2)]
	<b>7 - 5</b>	Boundary Survey (if applicable) [34-202(a)(2)]
	<b>7 - 6</b>	Copy of Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
	<b>7 - 7</b>	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
14	<b>7 - 8</b>	List of Surrounding Property Owners [34-202(a)(6)]
2	<b>7 - 9</b>	Two sets of mailing labels [34-202(a)(6)]
14	<b>7 - 10</b>	Map of Surrounding Property Owners [34-202(a)(7)]
	<b>8 - A1</b>	Applicants' affidavit - Individual owner or applicant (if applicable) [34-202(b)(1)b.]
14	<b>8 - A2</b>	Applicants' affidavit - Corp., partnership, trustee, etc.(if applicable) [34-202(b)(1)b.]
		<b>Additional requirements for DRIs</b>
		TIS - Traffic impact statement [34-203(a)]
		Notice of proposed change Substantial Deviations Form RPM-BSP- Proposed Change - 1 pursuant to Section 380.06(19) F.S.
		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
		Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

**LETTER OF AUTHORIZATION  
TO CAPTIVA VILLAS DEVELOPMENT, LLC**

The undersigned does hereby swear or affirm that it is the fee simple titleholder and owner of the property commonly known as 171-191 Estero Blvd., 24-46-23-W1-00700.0320, legally described in Exhibit A attached hereto.

The undersigned hereby designates **Captiva Villas Development, LLC**, to be an agent of an application for Planned Development.

**NEW PINK SHELL LLC**

BY:   
(Signature)

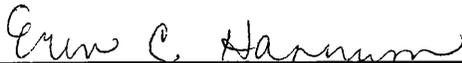
ROBERT W. BOYKIN  
Printed Name

Its: Manager

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19<sup>th</sup> day of October, 2006, by ROBERT W. BOYKIN, as **Manager of New Pink Shell LLC**, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

  
Signature of Notary Public

**ERIN C. HANNUM, NOTARY PUBLIC  
STATE OF OHIO, CUYAHOGA COUNTY  
MY COMMISSION EXPIRES 11/17/07**

\_\_\_\_\_  
(Name typed, printed or stamped)

**EXHIBIT 6 - 1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** 24-46-23-W1-00700.0320      **CASE NO.** \_\_\_\_\_

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, and Office	Percentage of Stock
<u>New Pink Shell LLC</u> <u>45 West Prospect Avenue, Suite 1500</u> <u>Cleveland, Ohio 44115</u>	100%
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, & Office(if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

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

Name and Address
_____
_____
_____
_____
_____
_____
_____
_____

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

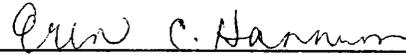
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature:   
 (Applicant)

ROBERT W. BOYKIN  
 (Printed or typed name of applicant)

STATE OF FLORIDA  
 COUNTY OF LEE

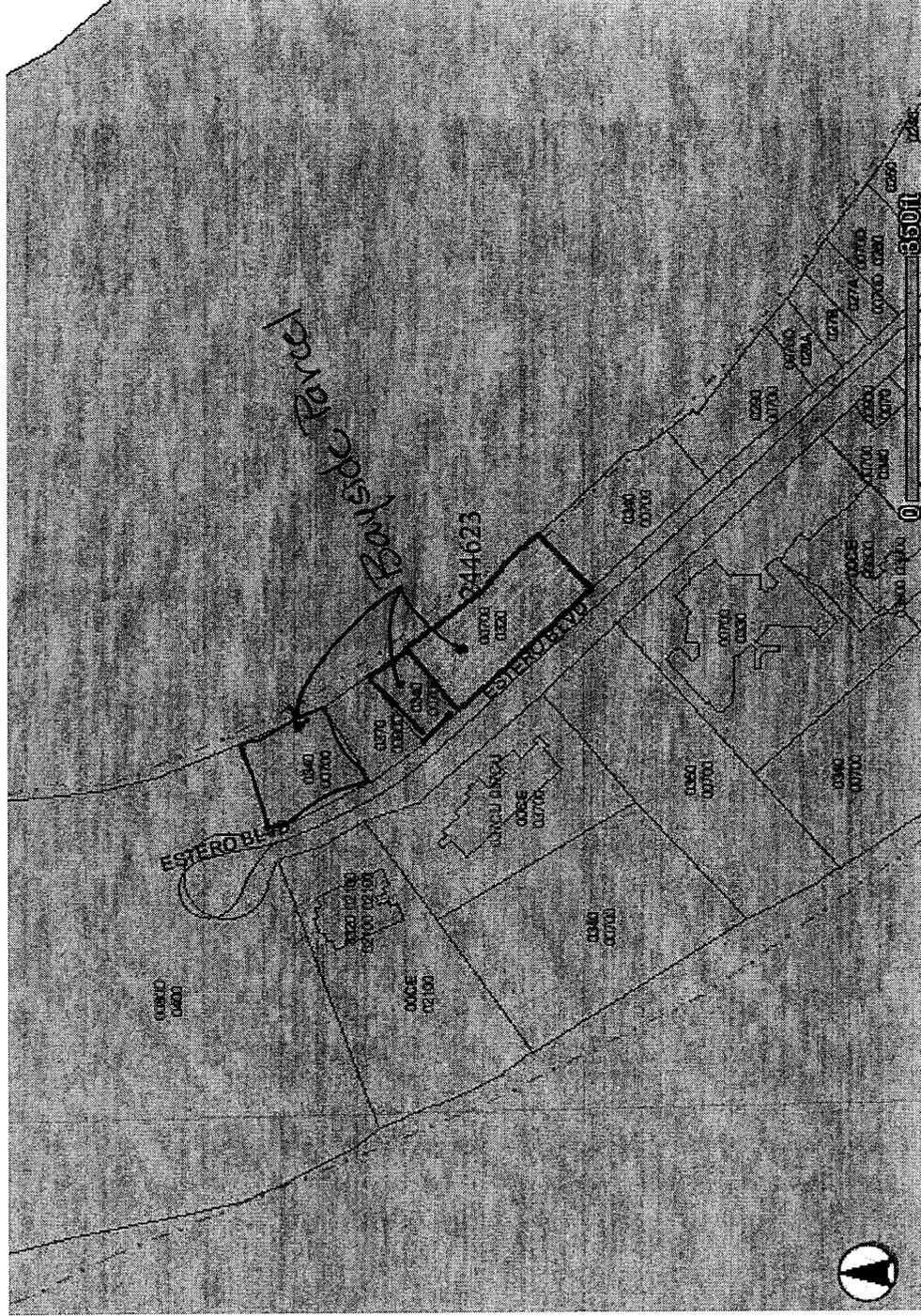
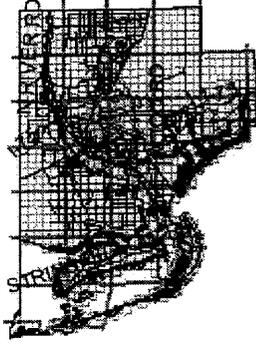
The foregoing instrument was acknowledged before me this 19th day of OCTOBER 2006, by ROBERT W. BOYKIN who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

  
 Signature of Notary Public

(SEAL)

\_\_\_\_\_  
 Printed Name of Notary Public

Lee County Map



LOCATION MAP  
 BAYSIDE CPD AMENDMENT

EXHIBIT

7-1

Tables



CIVIL  
 AGRICULTURAL  
 WATER RESOURCES  
 WATER & WASTEWATER  
 TRANSPORTATION  
 SURVEYING & MAPPING  
 GIS

OCTOBER 18, 2006  
 JOB # 06-7021  
 FILE # 06-7021 ZONING A LGL

BAYSIDE CPD

DESCRIPTION:

THE NORTHWESTERLY 1/2 OF LOT 28 AND LOTS 29 THROUGH 32, ALL IN BLOCK D, UNIT 4, ISLAND SHORES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 37, OF PUBLIC RECORDS OF LEE COUNTY FLORIDA.

TOGETHER WITH:

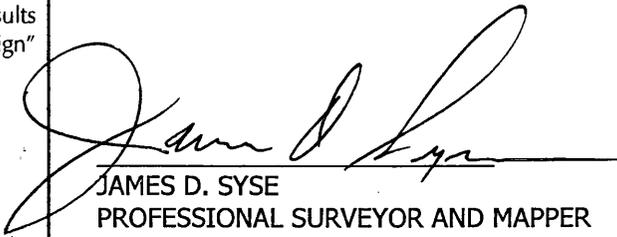
LOTS 33 THROUGH 36 AND LOTS 38 AND 39, ALL IN BLOCK D, ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

LESS AND EXCEPT:

THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 33 THROUGH 36 AND THE SOUTHWESTERLY 5.00 FEET OF SAID LOTS 38 AND 39.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

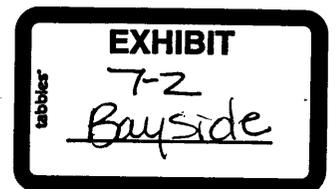
"Partners for Results  
 Value by Design"

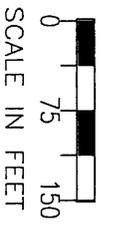


JAMES D. SYSE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FL. CERT. NO. 4211

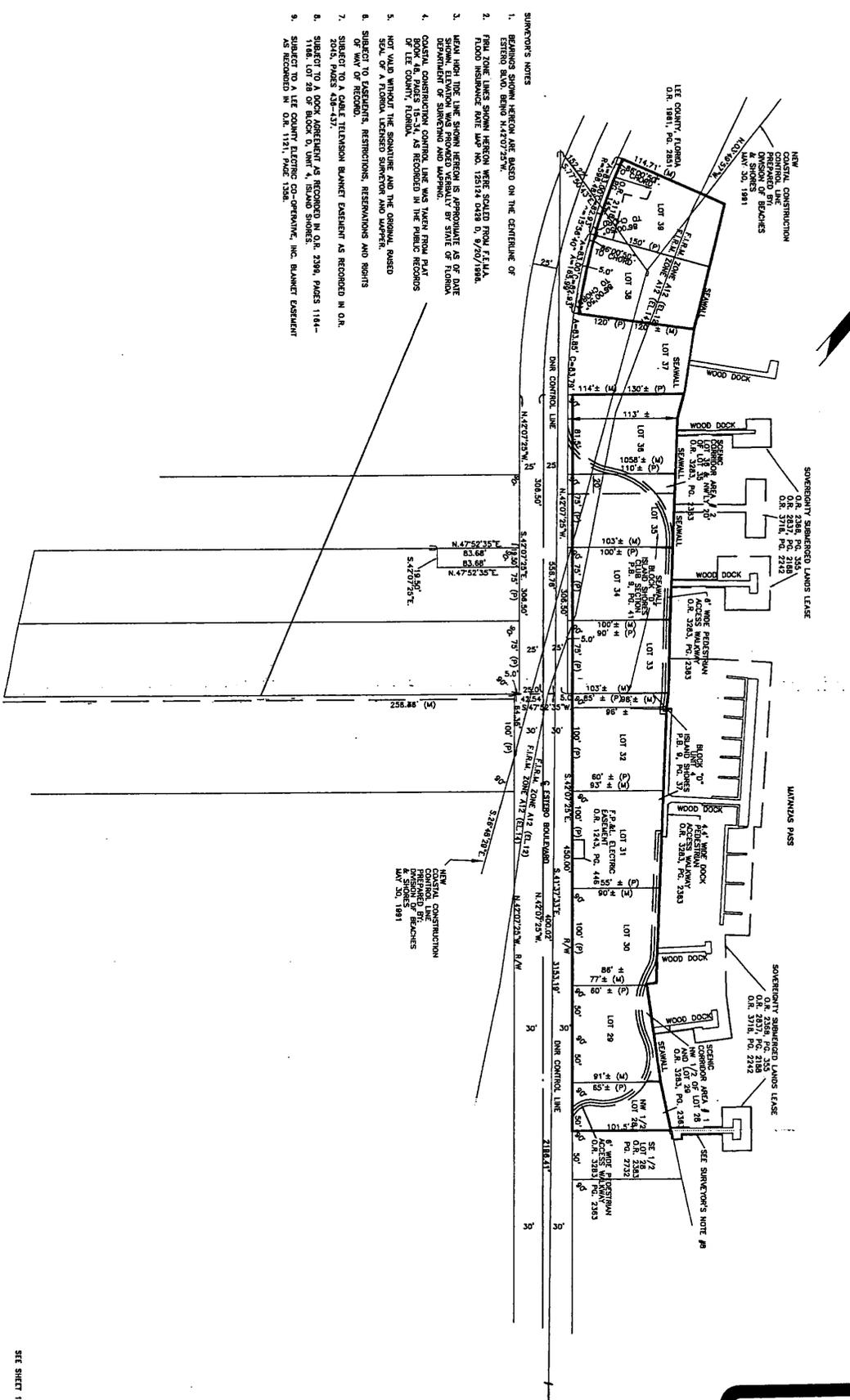
1400 Colonial Blvd., Suite 31  
 Fort Myers, FL 33907  
 (239) 931-0455  
 Fax: (239) 931-0456  
 www.lbfh.com

P:\06-7021\Survey\Sketch\05-7021 ZONING LGL A.doc





- LEGEND**
- A. DNR RECORD BOOK
  - B. DEPARTMENT OF NATURAL RESOURCES
  - C. SEMI-PUBLIC RECORD
  - D. PUBLIC RECORD
  - E. PRIVATE RECORD
  - F. PLAT BOOK
  - G. RIGHT OF WAY
  - H. BOUND



- SURVEYOR'S NOTES**
1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF EIGHTH AVE. BEING N.42°07'29\".
  2. FIELD TIE LINES SHOWN HEREON WERE SCALED FROM FIELD FLOOD RESERVATION MAP NO. 123194 DATED 01/9/20/1994.
  3. MEAN HIGH TIDE LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SURVEY. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA.
  4. COASTAL CONSTRUCTION CONTROL LINE WAS TAKEN FROM PLAT BOOK 46, PAGES 13-14, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
  5. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL UNSEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  6. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
  7. SUBJECT TO A CABLE TELEVISION BANNER EASEMENT AS RECORDED IN O.R. 2545, PAGES 038-437.
  8. SUBJECT TO A DOCK AGREEMENT AS RECORDED IN O.R. 2399, PAGES 1164-1165.
  9. SURVEY MADE BY CHARLIE P. BRYAN, L.L.C. ENGINEERING, INC. BANNER EASEMENT AS RECORDED IN O.R. 1121, PAGE 1204.

DATE OF MEASUREMENT

SEE SHEET 1 OF 2 FOR TOTAL DESCRIPTION

**EXHIBIT**  
7-4  
*Bayside*  
tables

*Charlie P. Bryan*  
CHARLIE P. BRYAN  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 4311

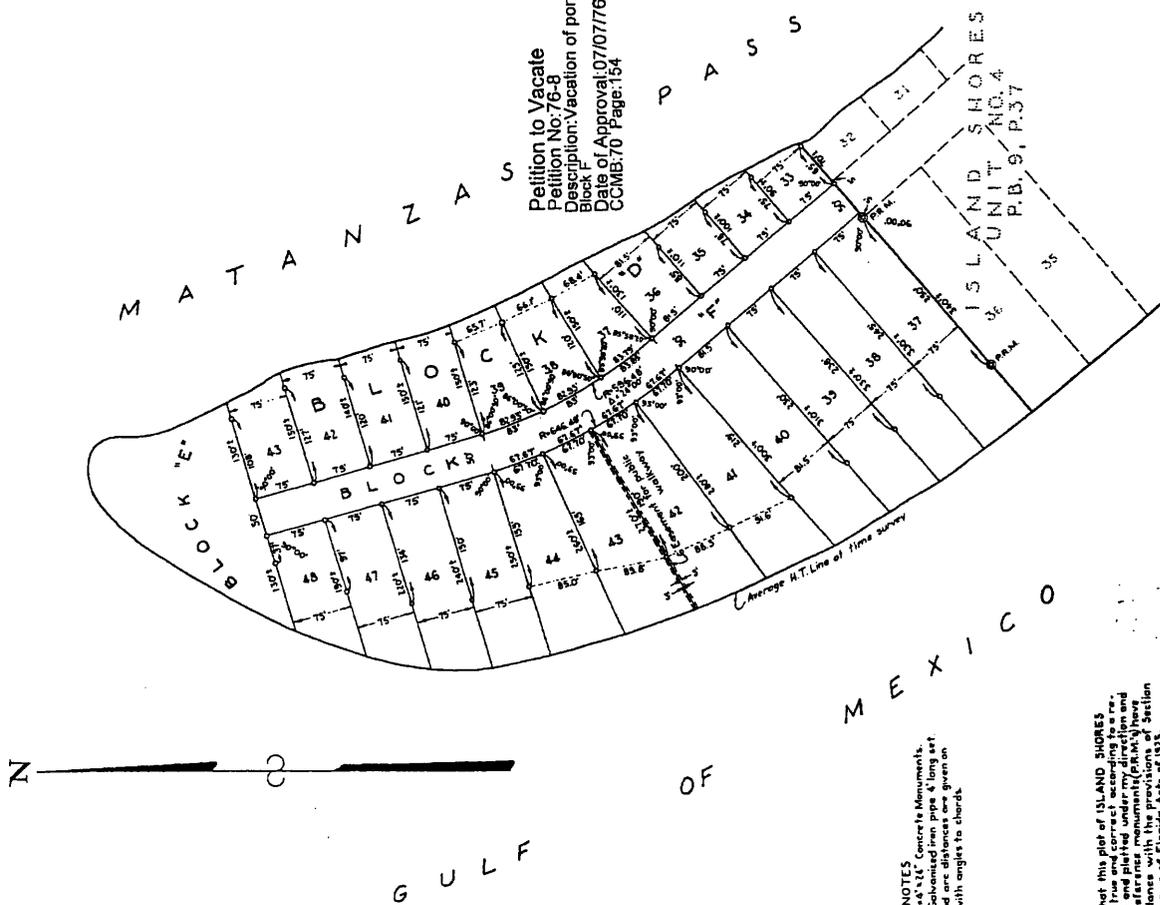
06-7021 SHEET 2 OF 2 24-48-23	DATE 10/20/06 SCALE AS NOTED DRAWN CP CHECK APPROVED	LBFH INC. A BOYLE ENGINEERING COMPANY CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS "Partners For Progress, Faith In Integrity" 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907 (811) 831-0455 Fax: (811) 831-0456 BFL & FPC License No. 858 www.lbfh.com	DATE REVISION BY
	SKETCH (NOT A SURVEY) PART OF SECTION 24, TOWNSHIP 46 S., RANGE 23 E. LEE COUNTY, FLORIDA		

# ISLAND SHORES CLUB SECTION

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46 S, R23E  
ESTERO ISLAND, LEE COUNTY, FLORIDA

March 1952

Scale: 1" = 100'



Petition to Vacate  
 Petition No: 76-8  
 Description: Vacation of portion of road  
 Block F  
 Date of Approval: 07/07/76  
 CCMB: 70 Page: 154

### DESCRIPTION

All that part of U.S. or Government Lot 1, Section 24, Township 46 South, Range 23 East, T46 S, R23 E, Lee County, Florida, as shown on Plat Book 3, Page 41, and as recorded in Plat Book 9 of Page 37 of the public records of Lee County.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS that John Wellman and his wife Doris H. Wellman, of the County of Lee, State of Florida, do hereby dedicate to the perpetual use of the public all streets, roads and/or boulevards shown herein.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seal this 1st day of March, A.D. 1952.

WITNESSES: *James H. Wellman*  
*Doris H. Wellman*  
 Witnesses: *James H. Wellman*  
*Doris H. Wellman*

### ACKNOWLEDGMENT

STATE OF FLORIDA  
 COUNTY OF LEE  
 I, Clerk of the County, do hereby certify that on this day, before me, an officer duly authorized to take acknowledgments personally appeared John Wellman and his wife Doris H. Wellman, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this 22nd day of March A.D. 1952.

*Robert G. ...*  
 Notary Public, State of Florida, My Commission expires July 22, 1952

### APPROVALS

This plat accepted this 22nd day of March, A.D. 1952 in open meeting of the Board of County Commissioners, Lee County, Florida.

Approved: *...*  
 Chairman

*...*  
 Clerk

HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination find the said plat complies in form with the requirements of Chapter 101153, Laws of Florida, Acts of 1933. This said plat was filed for record at U.S.A. 11-133 on the 22nd day of March, A.D. 1952 and duly recorded in Plat Book 9 of Page 37 of the public records of Lee County, Florida.

*...*  
 Clerk of the Circuit Court in and for Lee County

- NOTES
- PRM's are 4" x 4" x 24" Concrete Monuments.
  - Indicates 1/2" lubricated iron pipe 4" long set
  - Both chard and are distances are given on curved lines with angles to chords.

Hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a recent survey made and plotted under my direction and that permanent reference monuments (pink) have been set in accordance with the requirements of Chapter 101153, Laws of Florida, Acts of 1933.

*...*  
 Reg. Land Surveyor, File No. 351  
 Johnson & Gilbert, Fort Myers, Fla.

138 207

tabbles

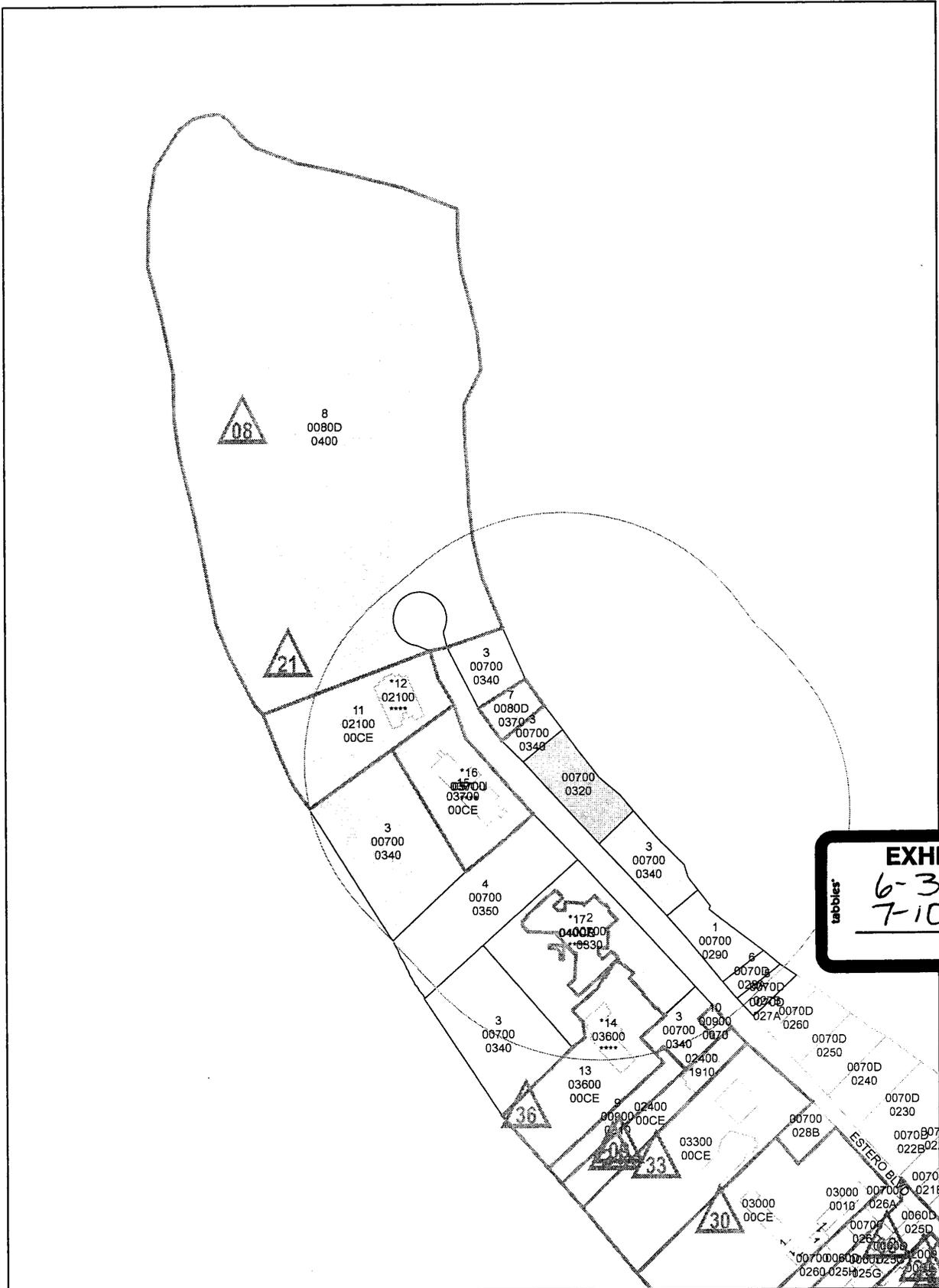
**EXHIBIT**

7-3

# VARIANCE REPORT

10/18/2006

Subject Parcels : 1 Affected Parcels : 324 Buffer Distance : 500 ft

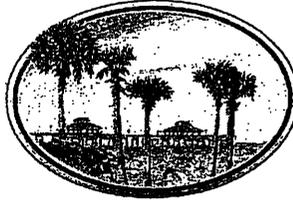


**EXHIBIT**  
6-3  
7-10



24-46-23-W1-00700.0320

400 200 0 400 Feet



## APPLICATION FOR WAIVER OF SUBMITTAL REQUIREMENTS FORT MYERS BEACH

A request for a waiver or modification must be submitted to the director prior to submitting the application for public hearing. The request and the director's written response must accompany the application submitted and will become a part of the permanent file. [34-202(a)]

Application for waiver \modification of submittal items required for:

### PUBLIC HEARINGS

- General Requirements
- Additional requirements for:
  - Dev. of Regional Impact
  - Planned Developments
  - Rezoning (Not PD)
  - Special Exception
  - Variances
  - Other

### ADMINISTRATIVE ACTION

- Amendment to PD.
- Commercial antennas
- Consumption-on-premises
- Forced relocation of business
- Interpretation of Land Development Code
- Minimum Use Determination
- Setback Variance
- Tall structures
- Other

**PLEASE PRINT OR TYPE:**

STRAP Number(s): 24-46-23-W1-00700.0320; 24-46-23-W1-00700.0340

Name of Project: Bayside CPD Amendment

Name of Applicant\*: Captiva Villas Development, LLC , c/o Beverly Grady, Roetzel & Andress, LPA

Street Address: 2320 First Street

City: Fort Myers State: FL Zip 33901

Phone 337-3850 Fax #: 337-0970 E-mail: bgrady@ralaw.com

\* If applicant is not the owner, a letter of authorization from the owner must be submitted.

### SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

Section Number	Requirement
#1 <u>34-212(6) FMB</u>	<u>Traffic Impact Analysis</u>
#2	
#3	
#4	
#5	

**SCOPE OF PROJECT AND REASON(S) FOR REQUEST**

Explain the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary. (Please print or type)

The application to be submitted is to donate a 5' portion of the right of way of Estero Boulevard to the Town of Fort Myers Beach. There will be no traffic impact by this donation.

**Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.**

*K. Hanna*  
\_\_\_\_\_  
Signature of Applicant:

10/23/06  
\_\_\_\_\_  
Date

Directors Decision: \_\_\_\_\_ Request Approved \_\_\_\_\_ Request Denied

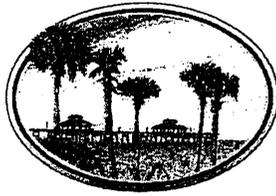
Comments:

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FORT MYERS BEACH**  
c/o LEE COUNTY COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585



## SUPPLEMENT PH - D

### ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION FORT MYERS BEACH

Case Number: \_\_\_\_\_

Project Name: Bayside CPD Amendment

Authorized applicant: Captiva Villas Development LLC, c/o Beverly Grady, Roetzel & Andress, LPA

STRAP Number(s): 24-46-23-W1-00700.0320  
 \_\_\_\_\_  
 \_\_\_\_\_

#### CURRENT STATUS OF PROPERTY

Current Zoning: CPD

Land Use Category: Mixed Residential/Recreation Platted Overlay? \_\_\_\_\_ Yes x No

Comprehensive Plan Density: \_\_\_\_\_

#### REQUESTED ACTION

DRI (rezoning required)

Planned Development

\_\_\_\_\_ Rezoning from: \_\_\_\_\_ to \_\_\_\_\_

Amendment to Master Concept Plan









## Supplement PH-D

### C-F Narrative

There are two applications. Application #1 requests an amendment to the Master Concept Plan for the Pink Shell Bayside CPD to revise the boundary to reflect the conveyance of five feet (5') of right-of-way to the Town (See Master Concept Plan Exhibit 10 and Exhibit 11). Application #2 requests an amendment to the Master Concept Plan for Captiva Villas/White Sands to eliminate only that portion of the pedestrian walkway easement that meanders onto White Sands (see Composite Exhibit 9 reflecting both White Sands CPD and Captiva Villas CPA). In addition, Application #2 requests amendment to Captiva Villas Master Concept Plan to reflect: (a) the conveyance of five feet (5') of right-of-way to the Town; and, (b) relocation of the pedestrian walkway from the south side to the north side as depicted on the Composite Exhibit 9, which reflects both White Sands CPD and Captiva Villas CPD for the purpose of this amendment.

Both applications request appropriate revisions to conditions in:

- (a) Resolutions 00-07(and 7A) and 01-21 regarding landscaping on the Bayside and pedestrian walkway on White Sands; and
- (b) Resolution 01-26 as amended by ADD2003-00086, regarding landscape and walkway on south side of Captiva Villas.

Attached as Exhibit 1 is correspondence to the Town Manager dated September 11, 2006, setting forth the proposed changes. In addition to the revisions to the Bayside, Captiva Villas and White Sands CPD's, there are real estate instruments that need to be approved and be scheduled before the Town Council at the same time as amendment to the CPD's, to include:

- termination of existing pedestrian walkway easement by the Town;
- acceptance of the new pedestrian walkway easement; and
- acceptance of the conveyance of the real estate of an addition of 5' of right-of-way to create a sixty foot (60') right-of-way for Estero Blvd.

Pink Shell has discussed with staff the granting of underground drainage easements within the area designated as scenic on the Bayside CPD. Underground easements are not required to be depicted on the Master Concept Plan.

It is our understanding that the Town's consulting engineer is preparing the plans regarding the extent of the area needed for the underground easement. The timing for granting the underground drainage easement is currently within the Town's agenda to determine. Captiva Villas is currently under construction and is required to build the pedestrian walkway within the existing easement as prerequisite to obtaining a CC/CO, which is anticipated in four months. Either the requests set forth in this application need to be determined within a time frame (1) permitting construction of the walkway that will not affect issuance of the CC/CO for the

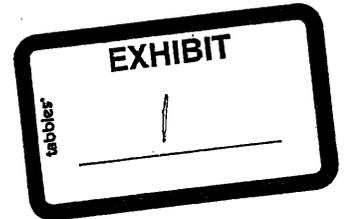
building, or, (2) the walkway construction needs to become a Phase 2 with a time frame that ensures timely construction when a decision has been made on the location of the walkway.

The view corridor on the Captiva Villas/White Sands CPD remains unchanged as to width and type of planting.

The current location of the pedestrian walkway bifurcates the unified recreation area of Captiva Villas/White Sands pools. Due to insurance requirements a fence is required, which separates the two recreation areas and places the public in a fenced corridor between the two recreation areas.

**ROETZEL & ANDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com



September 11, 2006

Rachel Lambert, Town Manager  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

Re: North Estero Boulevard Right-of-Way and Surface Water Management  
Improvements

Dear Ms. Lambert:

Representatives of your staff have contacted and pursued discussions with representatives of Pink Shell over the past months regarding proposed Estero Boulevard roads and drainage improvements at the north end. It seem that it is appropriate to summarize those discussions and set forth items that need to be accomplished if the Town is ready to approve and proceed.

We understand that Estero Boulevard at the north end has serious and ongoing flooding and drainage issue. Commencing at the beginning of Captiva Villas and proceeding North, Estero Boulevard right-of-way narrows from sixty feet (60') to fifty feet (50') making any improvement of drainage and the road tremendously difficult. Even when the right-of-way for Estero Boulevard is expanded to sixty feet (60'), it is our understanding there is additional area needed for storm water management. Therefore, there have been numerous meetings with the Town staff and Town consultants to discuss how to accomplish the improvement of Estero Boulevard and its attendant drainage with the assistance of Pink Shell.

Time has become of the essence due to the construction of Captiva Villas and its approved drainage plan.

To summarize, it is our understanding that the following points have been discussed and are close to agreement, pending review and approval by the Town Council.

- staff has requested the conveyance of five foot of right-of-way (5') from Pink Shell for that portion along the bay side from the location of the existing office north; and
- staff has requested the conveyance of five foot (5') of right-of-way commencing at Captiva Villas north along that property line; and
- in addition staff has requested that a portion of land within Pink Shell on the bay side of Estero Boulevard in the scenic landscaped area provide additional underground stormwater drainage.

Rachel Lambert, Town Manager  
September 11, 2006  
Page 2

Boykin has brought to the attention of the Town's staff, its request for relocation of the pedestrian beach access easement that exists on one side of Captiva Villas to be relocated to the north side of Captiva Villas. There currently exist a view corridor between and on the Captiva Villas parcel and the White Sands parcel and said view corridor would remain in place with no changes.

We have prepared a site plan attached as Exhibit A which reflects the points discussed in this letter and depicts the following:

- 5 feet proposed right-of-way within the property line of Captiva Villas to be dedicated to the Town of Fort Myers Beach for the expansion of Estero Boulevard right-of-way.
- 5 feet along the Bayside portion of Pink Shell to be dedicated to the Town of Fort Myers Beach for expansion of Estero Boulevard right-of-way.
- Depiction of the scenic landscape area on the bayside within which an easement in favor of the Town of Fort Myers Beach for underground drainage (Town still needs to provide information regarding the size of the area needed).
- Depiction of the existing pedestrian beach access and the proposed relocation of the pedestrian beach access on the north side of Captiva Villas.

The current beach access is six feet (6') in width located within the view corridor between White Sands and Captiva Villas. The relocated pedestrian beach access easement would be four and one half feet (4 -1/2') in width for the first eighty feet (80') from Estero Boulevard and six feet (6') in width for the remainder. This reduction to four and one-half feet (4-1/2') is due to the location of existing parking and the existing pilings of the Captiva Villas structure. Representatives of Pink Shell have met with Town staff, and separately with Lee County Community Development and Lee County Parks regarding the relocation of the easement and we are not aware of any issues with regard to the relocation.

To accomplish the above would require the approval of the Town of Fort Myers Beach as to the following:

1. Acceptance of a deed conveying five feet (5') on the northeast side of Estero Boulevard which is currently located within the Bayside CPD of Pink Shell and acceptance of a deed conveying five feet (5') for expansion of Estero Boulevard right-of-way for the area currently located within the Captiva Villas MDP.
2. Acceptance of an easement instrument in favor of the Town of Fort Myers Beach from Pink Shell for underground drainage to be located on the Bayside CPD.
3. An amendment to the planned development zonings as follows:

Rachel Lambert, Town Manager  
September 11, 2006  
Page 3

(a) An amendment to the Bayside CPD to eliminate five feet (5') of property along Estero Boulevard which would eliminate the landscaping depicted in the Bayside CPD

(b) Amend the White Sands CPD to eliminate the pedestrian beach access easement from the White Sands CPD (Note: the view corridor as depicted on the Master Concept Plan would remain).

(c) Amendment to the Captiva Villas MPD to accomplish the following

i. relocation of the beach access easement from the south side to the north side of the Captiva Villas parcel (the view corridor on the south side of then Captiva Villas MPD would be retained).

ii. amend the Captiva Villas MPD to eliminate five feet (5') of the property along Estero Boulevard which would eliminate landscaping.

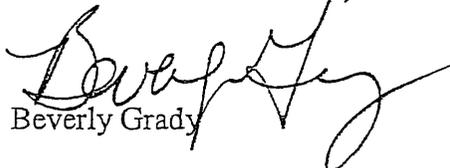
4. (a) A release of easement recorded in Official Records Book 04384 Pages 3212-3222 and acceptance of a new beach access easement located on the north side of Captiva Villas parcel by the Town of Fort Myers Beach

- (b) A release of easement recorded in Official Records Book 04393 at Pages 0474-481 and acceptance of the new beach easement located on the south side of Captiva Villas parcel by Lee County

Pink Shell looks forward to working with the Town. It is important to note that the drainage system for Captiva Villas, which is approved, requires a substantial change in order to effect the dedications contemplated in the negotiations. The five feet (5') within Captiva Villas parcel along Estero Boulevard is approved for drainage facilities for Captiva Villas which would be eliminated by the Town's plan. We would request that staff would schedule a presentation to the Town Council to obtain direction from the Council and advise on appropriate steps if the Town wants to proceed forward.

Very truly yours,

ROETZEL & ANDRESS, LPA

  
Beverly Grady

BG/umr  
Enclosure: Exhibit A - Site Plan

cc: Jack Green, Public Works Director

Rachel Lambert, Town Manager

September 11, 2006

Page 4

Gerald Murphy, Community Development Director

Anne Dalton, Town Attorney

Dennis Boback, Mayor

Don Massucco, Vice Mayor

Garr Reynolds, Councilman

Bill Shenko, Councilman

Charles Meador, Councilman

Robert Boykin

Rich Conti

Gordon Meiers

Andrew Alexander





CIVIL  
AGRICULTURAL  
WATER RESOURCES  
WATER & WASTEWATER  
TRANSPORTATION  
SURVEYING & MAPPING  
GIS

OCTOBER 20, 2006  
JOB NO. 06-7021  
FILE NO. 06-7021SK02rwbay  
SHEET 1 OF 2

**LEGAL DESCRIPTION: ADDITIONAL RIGHT OF WAY**

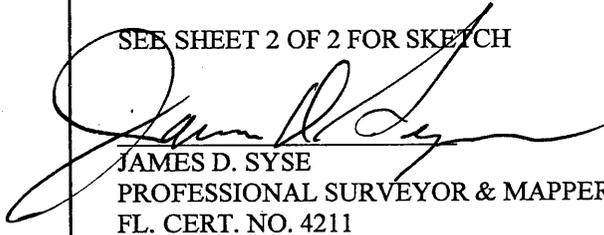
PART OF ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 5.00 FEET OF LOTS 33, 34, 35, 36, 38 AND 39, BLOCK "D" OF SAID ISLAND SHORES CLUB SECTION.

LOT 39 IS SUBJECT TO AN INGRESS-EGRESS AND PARKING EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2116, PAGE 145 OF SAID PUBLIC RECORDS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SEE SHEET 2 OF 2 FOR SKETCH

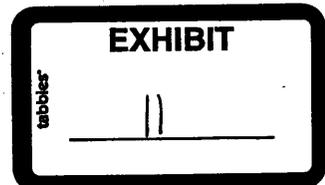


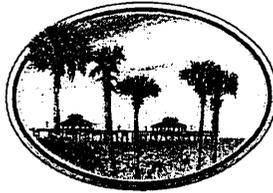
JAMES D. SYSE  
PROFESSIONAL SURVEYOR & MAPPER  
FL. CERT. NO. 4211

"Partners for Results  
Value by Design"

1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907  
(239) 931-0455  
Fax: (239) 931-0456  
www.lbfh.com

P:\06-7021\Survey\Sketch\06-7021SK02rwbay.doc





RECEIVED  
OCT 23 2006

BY:.....

## APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

**Applicant's Name:** Captiva Villas Development LLC c/o Beverly Grady, Roetzel & Andress, LPA

**Project Name:** Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**STRAP Number(s):** 24-46-23-W1-00700.0350

24-46-23-W1-00700.0340

24-46-23-W1-00700.0330

This is the first part of a two-part application. It requests general information required by the Town of Fort Myers Beach for any rezoning, special exception, appeal from an administrative action, or variance. The second part addresses additional information specific to the requested action. [34-201(b)]

### STAFF USE ONLY

Case Number: FMBDCI 2006-00002 Date of Application: Oct. 23, 2006

Planner in charge: Frank Shockey Date found sufficient: \_\_\_\_\_

Public Hearing Dates: LPA: \_\_\_\_\_ Town Council: \_\_\_\_\_

Current Zoning: CPD (formerly MPD Captiva Villas) & CPD (formerly PUD White Sands)

Land Use Category: Mixed Res/Recreation Platted Overlay? \_\_\_\_\_ Yes  No

Comp Plan Density Range: \_\_\_\_\_

### REQUEST FOR

- |   |   |
|---|---|
| <input type="checkbox"/> Special Exception              | <input type="checkbox"/> Extension of Master Concept Plan |
| <input type="checkbox"/> Variance                       | <input type="checkbox"/> DRI - without rezoning           |
| <input type="checkbox"/> Conventional Zoning            | <input type="checkbox"/> DRI - with rezoning              |
| <input checked="" type="checkbox"/> Planned Development | <input type="checkbox"/> Appeal of Administrative action  |

FORT MYERS BEACH  
C/O LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (239) 479-8585

**LETTER OF AUTHORIZATION  
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned does hereby swear or affirm that it is the fee simple titleholder and owner of the property commonly known as 190 Estero Blvd., 24-46-23-W1-00700.0350, legally described in Exhibit A attached hereto.

The undersigned hereby designates **Beverly Grady and K'Shana Haynie on behalf of Roetzel & Andress, a Legal Professional Association,** to be an agent of an application for Planned Development.

**CAPTIVA VILLAS DEVELOPMENT, LLC**

By: New Pink Shell, LLC  
Its: Managing Member

BY:   
(Signature)

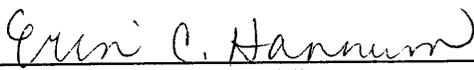
ROBERT W. BOYKIN  
Printed Name

Its: MANAGING MEMBER

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19<sup>th</sup> day of October, 2006, by ROBERT W. BOYKIN, as Manager of New Pink Shell LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

  
Signature of Notary Public

**ERIN C. HANNUM, NOTARY PUBLIC  
STATE OF OHIO, CUYAHOGA COUNTY  
MY COMMISSION EXPIRES 11/17/07**

\_\_\_\_\_  
(Name typed, printed or stamped)

**LETTER OF AUTHORIZATION  
TO CAPTIVA VILLAS DEVELOPMENT, LLC**

The undersigned does hereby swear or affirm that it is the fee simple titleholder and owner of the property commonly known as 200 Estero Blvd., 24-46-23-W1-00700.0330 and 24-46-23-W1-00700.0340, legally described in Exhibit A attached hereto.

The undersigned hereby designates **Captiva Villas Development, LLC** to be an agent of an application for Planned Development.

**NEW PINK SHELL LLC**

BY:   
(Signature)

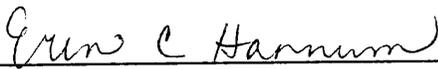
ROBERT W. BOYKIN  
Printed Name

Its: Manager

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19<sup>th</sup> day of October, 2006, by ROBERT W. BOYKIN, as **Manager of New Pink Shell LLC**, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

  
Signature of Notary Public

\_\_\_\_\_  
(Name typed, printed or stamped)

**ERIN C. HANNUM, NOTARY PUBLIC  
STATE OF OHIO, CUYAHOGA COUNTY  
MY COMMISSION EXPIRES 11/17/07**

Case Number: \_\_\_\_\_ Name: Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**PART 1 - NATURE OF REQUEST**

**Action Requested: [check applicable action(s)]**

- \_\_\_\_\_ Special Exception for: \_\_\_\_\_ (Attach Sup. PH - A )
- \_\_\_\_\_ Variance for: \_\_\_\_\_ (Attach Sup. PH - B )
- \_\_\_\_\_ Conventional Rezoning from: \_\_\_\_\_ to: \_\_\_\_\_ (Attach Sup. PH - C )
- Planned Development
- Rezoning from: CPD to: CPD (Attach Sup. PH - D )
- \_\_\_\_\_ Extension of Master Concept Plan (Attach Sup. PH - E )
- \_\_\_\_\_ Public Hearing for DRI
- \_\_\_\_\_ No rezoning is required.
- \_\_\_\_\_ Rezoning is required from: \_\_\_\_\_ to: \_\_\_\_\_ (Attach Sup. PH - D )
- \_\_\_\_\_ Appeal of Administrative action (Attach Sup. PH - F )

**PART 2 - CURRENT CLASSIFICATION OF PROPERTY**

(Please check all appropriate items):

**A. Land Use Category:** (refer to the Comprehensive Plan Future Land Use Map)

- |   |  |
|---|--|
| _____ Low Density                                     | _____ Marina                                   |
| <input checked="" type="checkbox"/> Mixed Residential | <input checked="" type="checkbox"/> Recreation |
| _____ Boulevard                                       | _____ Wetlands                                 |
| _____ Pedestrian Commercial                           | _____ Tidal Water                              |

**B. Platted Overlay?**  No  Yes

**C. Zoning Type** (refer to the Zoning Map to determine current zoning)

- |                                      |  |
|--------------------------------------|--|
| _____ RS - Residential Single-family | _____ CM - Commercial Marina   |
| _____ RC - Residential Conservation  | _____ CO - Commercial Office   |
| _____ RM - Residential Multifamily   | _____ CB - Commercial Boulevard  |
| _____ VILLAGE                        | _____ SANTINI  |
| _____ SANTOS                         | _____ DOWNTOWN   |
| _____ IN - Institutional             | _____ RPD - Residential Planned Development                              |
| _____ CF - Community Facilities      | <input checked="" type="checkbox"/> CPD - Commercial Planned Development |
| _____ CR - Commercial Resort         | _____ EC - Environmentally Critical                                      |
| _____ BB - Bay Beach                 |  |

Case Number: \_\_\_\_\_ Name: Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**PART 3- WAIVERS**

**Waivers from Application Submission Requirements:** Indicate the specific required submittal items that have been waived by the Director. Attach copies of the Directors approval(s) and label them as "Exhibit 3 - 1" [Section 34-202(a)]

Section Number	Name of item
<u>34-212(6) FMB</u>	<u>Traffic Impact Analysis</u>
_____	_____
_____	_____
_____	_____
_____	_____

**PART 4 - APPLICANT INFORMATION**

**A. Name of applicant:** Captiva Villas Development LLC c/o Beverly Grady, Roetzel & Andress, LPA  
Address: Street : 2320 First Street, Suite 1000  
City: Fort Myers State: FL Zip: 33901  
Phone: Area Code: 239 Number: 337-3850 Ext: \_\_\_\_\_  
Fax: Area Code: 239 Number: 337-0970  
E-mail address: bgrady@ralaw.com

**B. Relationship of applicant to property (please check appropriate response below):**

1.      **Owner - (Please indicate form of ownership below)**

- Individual OR husband and wife
- Land trust
- X   Corporation
- Partnership
- Association
- Condominium, timeshare condo. or subdivision

2.   X   **Authorized representative.** Submit authorization as "Exhibit 4 - 1" [34-202(b)(1)b.]

3.      **Contract Purchaser/vendee.** Submit authorization as "Exhibit 4 - 2" [34-202(b)(1)c.]

4.      **Town** Enter the date the action was authorized: \_\_\_\_\_

**Case Number:** \_\_\_\_\_ **Name:** Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**C. Agent authorized to receive all town or county - initiated correspondence regarding this application. [34-202(b)(1)b.]**

**Company Name:** Roetzel & Andress

**Contact Person:** Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: \_\_\_\_\_

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

**PART 5 - OTHER AGENTS**

List the names of other agents that the town or county may contact concerning this application. Use additional sheet if necessary and fasten to this page. [34-202(b)(1)b.]

**A. Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**B. Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Case Number:** \_\_\_\_\_ **Name:** Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**C. Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**D. Company Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**PART 6 - PROPERTY OWNERSHIP**

A. \_\_\_\_\_ **Single owner** (individual or husband & wife only) [34-201(a)(1)].

**Name** \_\_\_\_\_

Address: Street : \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

B.  **Multiple owners (Corporation, partnership, trust, association)** [34-201(a)(1)].

Disclosure Form is attached as "Exhibit 6 - 1." [34-201(b)2]

\_\_\_\_\_ Property owners list is attached as "Exhibit 6 - 2." [34-202(a)(5) and 34-202(b)(1).a.]

\_\_\_\_\_ Property owners map is attached as "Exhibit 6 - 3." [34-202(a)(5)]

Case Number: \_\_\_\_\_ Name: Captiva Villas CPD & White Sands Villas CPD-Walkway Easement

**PART 7 - PROPERTY INFORMATION**

A. STRAP Number(s): 24-46-23-W1-00700.0350 24-46-23-W1-00700.0330  
24-46-23-W1-00700.0340 \_\_\_\_\_

B. Location [34-202(a)(4)]:

Street Address: \_\_\_\_\_

\_\_\_\_\_ An area location map is attached as "Exhibit 7 - 1."

C. Directions to property: From the base of the Sky Bridge proceed to Estero Blvd., turn right,  
heading north. Property is located on the gulf side of Estero Blvd just before the turn around at the Regional park.

D. Property Dimensions:

Area: \_\_\_\_\_ square feet or \_\_\_\_\_ acres

Width along roadway: \_\_\_\_\_ feet

Depth: \_\_\_\_\_ feet

E. Legal Description [34-02(a)(1)]:

X \_\_\_\_\_ Legal description (on 8 1/2" by 11" paper) is attached as "Exhibit 7 - 2."

\_\_\_\_\_ Electronic version of the legal description is attached.

F. Boundary Survey or certified sketch of description [34-202(a)(2)]:

\_\_\_\_\_ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as "Exhibit 7 - 3."

X \_\_\_\_\_ The property is not platted OR consists of one or more divided platted lots in a subdivision recorded in the Official County Plat Books.

X \_\_\_\_\_ A Certified sketch of description is attached as "Exhibit 7 - 4."

\_\_\_\_\_ A Boundary survey is attached as "Exhibit 7 - 5."

G. Property Restrictions [34-202(b)(2)]:

1. X \_\_\_\_\_ There are no deed restrictions/covenants on this property that affect this request.

2. \_\_\_\_\_ Restrictions/covenants are attached as "Exhibit 7 - 6."

3. \_\_\_\_\_ A narrative explanation as to how the deed restrictions or covenants may affect this request is attached as "Exhibit 7 - 7."

H. Surrounding property owners:

1. X \_\_\_\_\_ A list of surrounding property owners is attached as "Exhibit 7 - 8." [34-202(a)(6)]

2. X \_\_\_\_\_ Two sets of mailing labels are attached as "Exhibit 7 - 9." [34-202(a)(6)]

3. X \_\_\_\_\_ A map of surrounding property owners is attached as "Exhibit 7 - 10." [34-202(a)(7)]

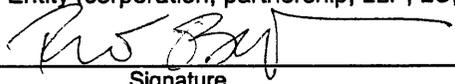
Case Number: \_\_\_\_\_ Name: Captiva Villas CPD & White Sand Villas CPD-Walkway Esmt.

**AFFIDAVIT A2  
AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED  
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, \* ROBERT W. BOYKIN as Manager  
of Captiva Villas Development, LLC, swear or affirm under oath, that I am the owner or the  
authorized representative of the owner(s) of the property and that:

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

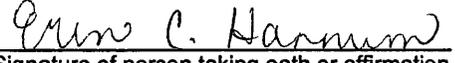
NEW PINK SHELL, LLC, ITS MANAGING MEMBER  
 \*Name of Entity (corporation, partnership, LLP, LC, etc)

<u></u> Signature	<u>ROBERT W. BOYKIN</u> (Type or printed name)
<u>MANAGING MEMBER</u> (title of signatory)	

STATE OF OHIO  
 COUNTY OF CUYAHOGA

The foregoing instrument was sworn to (or affirmed) and subscribed before me this  
10-19-06 by ROBERT W. BOYKIN who is personally  
 (date) (name of person providing oath or affirmation)

known to me or who has produced \_\_\_\_\_ as identification.  
 (type of identification)

<u></u> Signature of person taking oath or affirmation	<u>ERIN C. HANNUM.</u> Name typed, printed or stamped
--	--

- \* Notes:
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
  - If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
  - If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
  - If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
  - If the applicant is a trustee, then they must include their title of "trustee."
  - In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

### PART 9 - SUBMITTAL REQUIREMENTS

If the application is for a rezoning, planned development, special exception or variance, please submit fourteen (14) copies of this application form and all applicable exhibits. If the request is to appeal an administrative action, please submit five (5) copies of this application form and all applicable exhibits.

Copies Submitted	Exhibit Number	Exhibit Description
		<b>SUPPLEMENTAL FORMS</b> (select applicable form)
	<b>SUP A</b>	Special Exception supplement
	<b>SUP B</b>	Variance supplement
	<b>SUP C</b>	Conventional rezoning
14	<b>SUP D</b>	Planned Development Rezoning or DRI with Rezoning requested
	<b>SUP E</b>	Master Concept Plan Extension
	<b>SUP F</b>	Appeal of Administrative Decision.
		<b>Exhibits - All requests</b>
14	<b>3 - 1</b>	Approved Waivers [34-202(a)]
14	<b>4 - 1</b>	Notarized Affidavit Authorizing the applicant. [34-202(b)(1)b.]
	<b>4 - 2</b>	Contract purchaser/vendee authorization (if applicable). [34-202(b)(1)c.]
14	<b>6 - 1</b>	Ownership Interests (Disclosure Form ) [34-202(b)(1)a.]
14	<b>6 - 2</b>	Subject property owners list (if applicable) [34-202(a)(5)]
14	<b>6 - 3</b>	Subject Property Owners map (if applicable) [34-202(a)(5)]
14	<b>7 - 1</b>	Area Location Map on 8 by 11 paper. [34-202(a)(4)]
14	<b>7 - 2</b>	Legal Description [34-202(a)(1)]
14	<b>7 - 3</b>	Plat Book page (if applicable) [34-202(a)(1)]
14	<b>7 - 4</b>	Certified sketch of description (if applicable) [34-202(a)(2)]
	<b>7 - 5</b>	Boundary Survey (if applicable) [34-202(a)(2)]
	<b>7 - 6</b>	Copy of Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
	<b>7 - 7</b>	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
14	<b>7 - 8</b>	List of Surrounding Property Owners [34-202(a)(6)]
2	<b>7 - 9</b>	Two sets of mailing labels [34-202(a)(6)]
14	<b>7 - 10</b>	Map of Surrounding Property Owners [34-202(a)(7)]
	<b>8 - A1</b>	Applicants' affidavit - Individual owner or applicant (if applicable) [34-202(b)(1)b.]
14	<b>8 - A2</b>	Applicants' affidavit - Corp., partnership, trustee, etc.(if applicable) [34-202(b)(1)b.]
		<b>Additional requirements for DRIs</b>
		TIS - Traffic impact statement [34-203(a)]
		Notice of proposed change Substantial Deviations Form RPM-BSP- Proposed Change - 1 pursuant to Section 380.06(19) F.S.
		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
		Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

**EXHIBIT 6 - 1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** 24-46-23-W1-00700.0350      **CASE NO.** \_\_\_\_\_

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, and Office	Percentage of Stock
<u>Captiva Villas Development LLC</u>	<u>100%</u>
<u>45 West Prospect Avenue, Suite 1500</u>	_____
<u>Cleveland, Ohio 44115</u>	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, & Office(if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

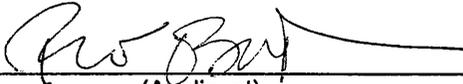
Date of Contract: \_\_\_\_\_

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

Name and Address
_____
_____
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_____

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

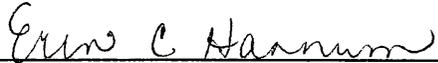
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature:   
(Applicant)

ROBERT W. BOYKIN  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October 2006, by ROBERT W. BOYKIN, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

  
Signature of Notary Public

(SEAL)

\_\_\_\_\_  
Printed Name of Notary Public

**ERIN C. HANNUM, NOTARY PUBLIC  
STATE OF OHIO, CUYAHOGA COUNTY  
MY COMMISSION EXPIRES 11/17/07**

Case Number: \_\_\_\_\_ Name: Captiva Villas CPD & White Sand Villas CPD-Walkway Esmt.

**AFFIDAVIT A2  
AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED  
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, \* ROBERT W. BOYKIN as Manager  
of New Pink Shell LLC, swear or affirm under oath, that I am the owner or the  
authorized representative of the owner(s) of the property and that:

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

NEW PINK SHELL, LLC.  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

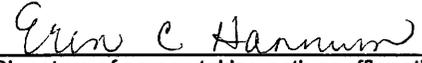
  
Signature  
Manager, New Pink Shell LLC  
(title of signatory)

ROBERT W. BOYKIN  
(Type or printed name)

STATE OF OHIO  
COUNTY OF CUYAHOGA

The foregoing instrument was sworn to (or affirmed) and subscribed before me this  
10-19-06 by ROBERT W. BOYKIN who is personally  
(date) (name of person providing oath or affirmation)

known to me or who has produced \_\_\_\_\_ as identification.  
(type of identification)

  
Signature of person taking oath or affirmation

\_\_\_\_\_  
Name typed, printed or stamped

- \* Notes:
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
  - If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
  - If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
  - If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
  - If the applicant is a trustee, then they must include their title of "trustee."
  - In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

**EXHIBIT 6 - 1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** 24-46-23-W1-00700.0340 & .0330 **CASE NO.** \_\_\_\_\_

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, and Office	Percentage of Stock
<u>New Pink Shell LLC</u>	_____
<u>45 West Prospect Avenue, Suite 1500</u>	_____
<u>Cleveland, Ohio 44115</u>	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address, & Office(if applicable)	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

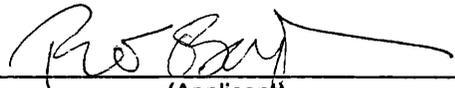
Date of Contract: \_\_\_\_\_

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

Name and Address
_____
_____
_____
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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

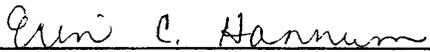
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature:   
(Applicant)

ROBERT W. BOYKIN  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19th day of OCTOBER 2006, by ROBERT W. BOYKIN, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

  
Signature of Notary Public

(SEAL)

**ERIN C. HANNUM, NOTARY PUBLIC**  
**STATE OF OHIO, CUYAHOGA COUNTY**  
**MY COMMISSION EXPIRES 11/17/07**

\_\_\_\_\_  
Printed Name of Notary Public



CIVIL  
 AGRICULTURAL  
 WATER RESOURCES  
 WATER & WASTEWATER  
 TRANSPORTATION  
 SURVEYING & MAPPING  
 GIS

OCTOBER 18, 2006  
 JOB # 05-7070  
 FILE # 0-7021 ZONING B LGL

CAPTIVA VILLAS CPD

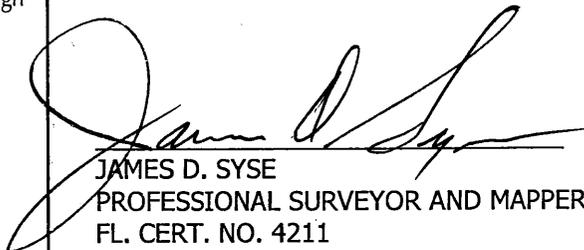
DESCRIPTION:

THAT PART OF LOTS 37 AND 38, ISLAND SHORES CLUB SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT 37; THENCE S.47°52'35"W., ALONG THE SOUTHERLY LINE OF SAID LOT 37, FOR 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.47°52'35"W. ALONG SAID SOUTHERLY LINE FOR 468.50 FEET TO THE EROSION CONTROL LINE OF THE GULF OF MEXICO AS DESCRIBED IN PLAT BOOK 70, PAGE 25 OF SAID PUBLIC RECORDS; THENCE N.34°01'30"W. ALONG SAID EROSION CONTROL LINE FOR 55.71 FEET; THENCE N.32°06'39"W. ALONG SAID EROSION CONTROL LINE FOR 96.31 FEET TO THE NORTHERLY LINE OF SAID LOT 38; THENCE N.47°52'35"E. ALONG SAID NORTHERLY LINE FOR 365.23 FEET; THENCE S.42°07'25"E. FOR 19.50 FEET; THENCE N.47°52'35"E. FOR 78.68 FEET; THENCE S.42°07'25"E. FOR 130.50 FEET TO THE POINT OF BEGINNING.

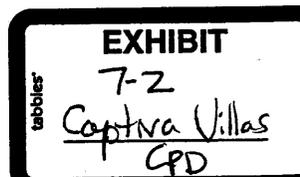
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

"Partners for Results  
 Value by Design"

  
 JAMES D. SYSE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FL. CERT. NO. 4211

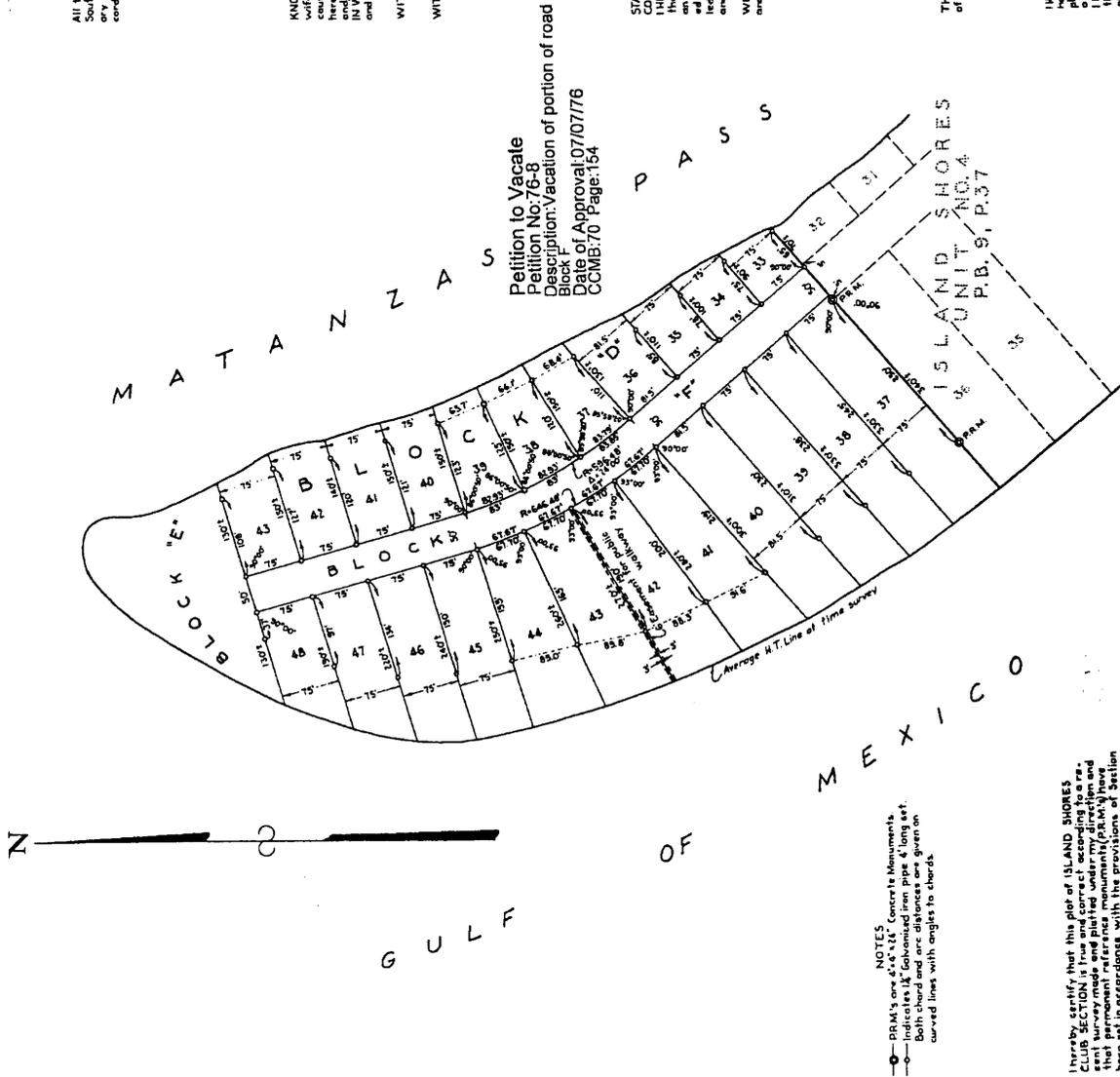
1400 Colonial Blvd., Suite 31  
 Fort Myers, FL 33907  
 (239) 931-0455  
 Fax: (239) 931-0456  
 www.lbfh.com

P:\06-7021\Survey\Sketch\05-7070 ZONING B LGL.doc



# ISLAND SHORES CLUB SECTION

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46 S, R23 E  
 ESTERO ISLAND, LEE COUNTY, FLORIDA  
 March 1952  
 Scale: 1" = 100'



### DESCRIPTION

All that part of U.S. Government Lot 1, Section 24, Township 46 South, Range 23 East lying north and west of the northwesterly boundary of Unit No. 4, Island Shores according to a map or plat thereof recorded in Plat Book 9 of Page 37 of the public records of Lee County.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS that John Wolfman and his wife Doris H. Wolfman, the owners of the herein described lands have caused this plat of ISLAND SHORES CLUB SECTION to be made and do hereby dedicate to the perpetual use of the public all streets, roads and/or boulevards shown hereon. We, the undersigned, have hereunto set their hands and seals this 7th day of March, A. D. 1952.

WITNESS: *John Wolfman*  
*Doris H. Wolfman*  
 My Commission expires *July 28, 1952*

### ACKNOWLEDGMENT

STATE OF FLORIDA  
 COUNTY OF LEE  
 I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared *John Wolfman* and his wife *Doris H. Wolfman*, who acknowledged to me the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this *7th* day of *March*, A. D. 1952.  
*Robert J. [Signature]*  
 Notary Public, State of Florida at large  
 My Commission expires *July 28, 1952*

### APPROVALS

This plat accepted thought by at a meeting of March, A. D. 1952 in open meeting of the Board of County Commissioners, Lee County, Florida.  
 Approved: *[Signature]*  
 Chairman  
*[Signature]*  
 Clerk

I HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination I find that it conforms with the requirements of Chapter 10213, Laws of Florida, Acts of 1935.  
 I FURTHER CERTIFY that said plat was filed for record at 11:41 A.M. this 23rd day of March, A. D. 1952 and duly recorded in Plat Book 9 of Page 37 of the public records of Lee County, Florida.  
*[Signature]*  
 Clerk of the Circuit Court in and for Lee County

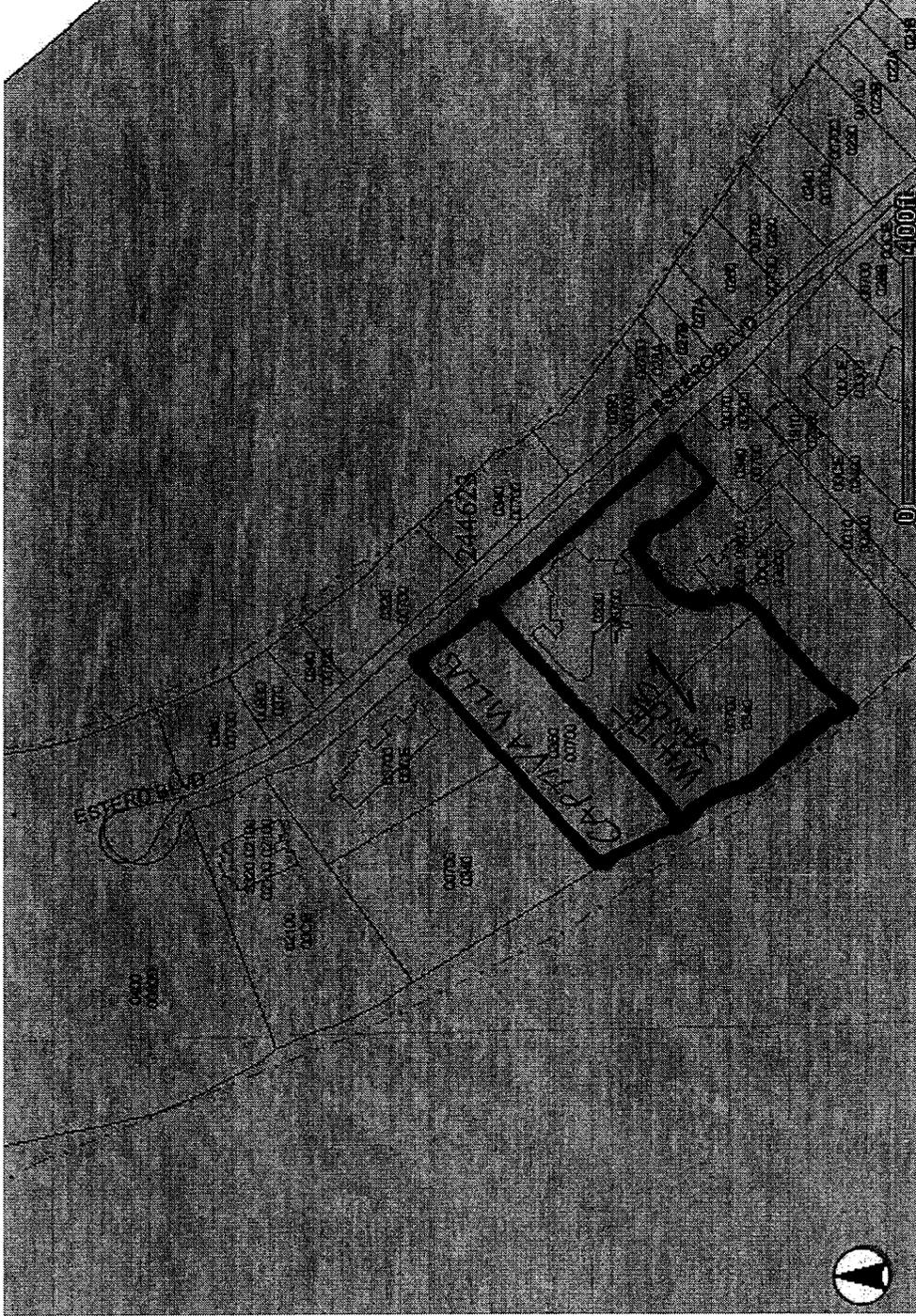
NOTES  
 - DRUM'S are 4" x 4" x 12" Concrete Monuments.  
 - Indicates 1/2" Galvanized Iron pipe 4' long set.  
 - Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a survey made and plotted under my direction and that permanent reference monuments (shown on this plat) have been set in accordance with the provisions of Section 7, Chapter 10213, Laws of Florida, Acts of 1935.  
*[Signature]*  
 Reg. Land Surveyor, Plat Book No. 551  
 Johnson & Gilman, Fort Myers, Fla.

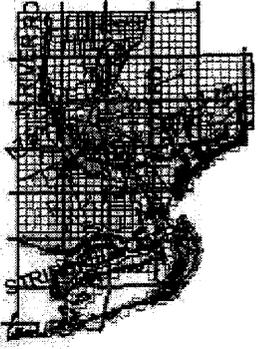
158 267

tabbies' EXHIBIT 7-3

Lee County Map



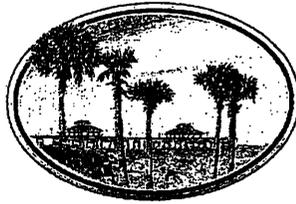
LOCATION MAP  
 CAPTIVA VILLAS + WHITE SANDS



EXHIBIT

71





## APPLICATION FOR WAIVER OF SUBMITTAL REQUIREMENTS FORT MYERS BEACH

A request for a waiver or modification must be submitted to the director prior to submitting the application for public hearing. The request and the director's written response must accompany the application submitted and will become a part of the permanent file. [34-202(a)]

Application for waiver \modification of submittal items required for:

### PUBLIC HEARINGS

- General Requirements
- Additional requirements for:
  - Dev. of Regional Impact
  - Planned Developments
  - Rezoning (Not PD)
  - Special Exception
  - Variances
  - Other

### ADMINISTRATIVE ACTION

- Amendment to PD.
- Commercial antennas
- Consumption-on-premises
- Forced relocation of business
- Interpretation of Land Development Code
- Minimum Use Determination
- Setback Variance
- Tall structures
- Other

### PLEASE PRINT OR TYPE:

STRAP Number(s): 24-46-23-W1-00700.0350; 24-46-23-W1-00700.0340; 24-46-23-W1-00700.0330

Name of Project: Captiva Villas CPD & White Sands CPD-Walkway Easement

Name of Applicant\*: Captiva Villas Development, LLC c/o Beverly Grady, Roetzel & Andress, LPA

Street Address: 2320 First Street

City: Fort Myers State: FL Zip 33901

Phone 337-3850 Fax #: 337-0970 E-mail: bgrady@ralaw.com

\* If applicant is not the owner, a letter of authorization from the owner must be submitted.

### SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

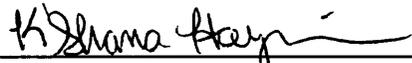
Section Number	Requirement
#1 <u>34-212(6) FMB</u>	<u>Traffic Impact Analysis</u>
#2 _____	_____
#3 _____	_____
#4 _____	_____
#5 _____	_____

**SCOPE OF PROJECT AND REASON(S) FOR REQUEST**

Explain the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary. (Please print or type)

The application to be submitted is to relocate an existing beach walkway easement from the south side of Captiva Villas to the north side of Captiva Villas. There will be no traffic impact by relocation of this easement.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

  
Signature of Applicant: \_\_\_\_\_

10/23/06  
Date

Directors Decision: \_\_\_\_\_ Request Approved \_\_\_\_\_ Request Denied

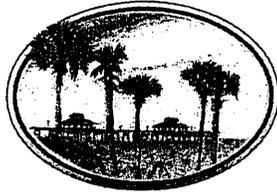
Comments:

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FORT MYERS BEACH  
c/o LEE COUNTY COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585



## SUPPLEMENT PH - D

### ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION FORT MYERS BEACH

Case Number: \_\_\_\_\_

Project Name: Captiva Villas CPD & White Sands Villas CPD- Walkway Easement

Authorized applicant: Captiva Villas Development, LLC, c/o Beverly Grady, Roetzel & Andress, LPA

STRAP Number(s): 24-46-23-W1-00700.0350 \_\_\_\_\_

24-46-23-W1-00700.0340 \_\_\_\_\_

24-46-23-W1-00700.0330 \_\_\_\_\_

#### CURRENT STATUS OF PROPERTY

Current Zoning: CPD (formerly MPD Captiva Villas) & CPD (formerly PUD White Sands)

Land Use Category: Mixed Residential/Recreation Platted Overlay? \_\_\_\_\_ Yes x No

Comprehensive Plan Density: \_\_\_\_\_

#### REQUESTED ACTION

DRI (rezoning required)

Planned Development

\_\_\_\_\_ Rezoning from: \_\_\_\_\_ to \_\_\_\_\_

Amendment to Master Concept Plan







Case Number: \_\_\_\_\_

Name: Captiva Villas CPD & White Sands CPD - Walkway Easement

**G. Administrative amendments to approved master concept plan.** Indicate the specific amendment(s) being requested that could not be approved administratively as set forth in section 34-219. (use additional sheets if needed)

N/A

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**PART 2 - SUBMITTAL REQUIREMENTS**

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

Copies Submitted*	Item
X	<b>Public Hearing Application form</b> [34-212(1)]
X	<b>Evidence of Unified Control</b> [34-212(3)]
X	<b>Master Concept Plan.</b> A clearly legible master concept plan, to be no less than 24 inches by 36 inches in size and at an appropriate scale to adequately show the proposed development in detail, including the information required on section 34-212(4). [34-212(4)]
waiver	<b>Traffic Impact Statement.</b> A traffic impact statement in the same format and to the same degree of detail required for development orders (see § 10-286), unless waived by the director in accordance with section 34-202(a). [34-212(6)]
N/A	<b>Architectural elevations.</b> Architectural elevations or a three-dimensional rendering that show, at a minimum, all building facades adjoining public streets. These drawings may substitute for the sketches required by section 34-202(b)(5) .[34-212(5)]
NA-no change	<b>Schedule of Uses.</b> A list of all proposed principal and accessory land uses. [ 34-933(a)]
	<b>Binding letter of interpretation from DCA or a complete and sufficient ADA REQUIRED FOR DRIs ONLY.</b> [34-213(4)]

\* includes 1 original

## Supplement PH-D

### C-F Narrative

There are two applications. Application #1 requests an amendment to the Master Concept Plan for the Pink Shell Bayside CPD to revise the boundary to reflect the conveyance of five feet (5') of right-of-way to the Town (See Exhibit 10). This Application (#2) requests an amendment to the Master Concept Plan for Captiva Villas/White Sands to eliminate only that portion of the pedestrian walkway easement that meanders onto White Sands (see Composite Exhibit 9 MCP reflecting both White Sands CPD and Captiva Villas CPD). In addition, this Application #2 requests amendment to Captiva Villas Master Concept Plan to reflect: (a) the conveyance of five feet (5') of right-of-way to the Town; and, (b) relocation of the pedestrian walkway from the south side to the north side as depicted on the Composite Exhibit 9 MCP, which reflects both White Sands CPD and Captiva Villas CPD.

Both applications request appropriate revisions to conditions in:

- (a) Resolutions 00-07 (and 7A) and 01-21 regarding landscaping on the Bayside and pedestrian walkway on White Sands; and
- (b) Resolution 01-26 as amended by ADD2003-00086, regarding landscape and walkway on south side of Captiva Villas.

Attached as Exhibit 1 is correspondence to the Town Manager dated September 11, 2006, setting forth the proposed changes. In addition to the revisions to the Bayside, Captiva Villas and White Sands CPD's, there are real estate instruments that need to be approved and be scheduled before the Town Council at the same time as amendment to the CPD's, to include:

- termination of existing pedestrian walkway easement by the Town;
- acceptance of the new pedestrian walkway easement; and
- acceptance of the conveyance of 5' to create additional right-of-way for Estero Blvd. described in Exhibit 3

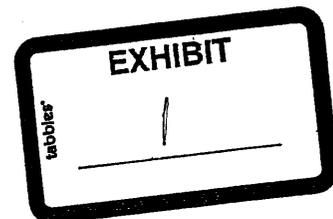
Captiva Villas is currently under construction and is required to build the pedestrian walkway within the existing easement as prerequisite to obtaining a CC/CO, which is anticipated in four months. Either the requests set forth in this application need to be determined within a time frame (1) permitting construction of the walkway that will not affect issuance of the CC/CO for the building, or, (2) the walkway construction would need to become a Phase 2 with a time frame that ensures timely construction when a decision has been made on the location of the walkway.

The view corridor on the Captiva Villas/White Sands CPD remains unchanged as to width and type of planting.

The current location of the pedestrian walkway bifurcates the unified recreation area of Captiva Villas/White Sands pools. Due to insurance requirements a fence is required, which separates the two recreation areas and places the public in a fenced corridor between the two recreation areas.

**ROETZEL & ADDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901-2904  
239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com



September 11, 2006

Rachel Lambert, Town Manager  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

Re: North Estero Boulevard Right-of-Way and Surface Water Management  
Improvements

Dear Ms. Lambert:

Representatives of your staff have contacted and pursued discussions with representatives of Pink Shell over the past months regarding proposed Estero Boulevard roads and drainage improvements at the north end. It seem that it is appropriate to summarize those discussions and set forth items that need to be accomplished if the Town is ready to approve and proceed.

We understand that Estero Boulevard at the north end has serious and ongoing flooding and drainage issue. Commencing at the beginning of Captiva Villas and proceeding North, Estero Boulevard right-of-way narrows from sixty feet (60') to fifty feet (50') making any improvement of drainage and the road tremendously difficult. Even when the right-of-way for Estero Boulevard is expanded to sixty feet (60'), it is our understanding there is additional area needed for storm water management. Therefore, there have been numerous meetings with the Town staff and Town consultants to discuss how to accomplish the improvement of Estero Boulevard and its attendant drainage with the assistance of Pink Shell.

Time has become of the essence due to the construction of Captiva Villas and its approved drainage plan.

To summarize, it is our understanding that the following points have been discussed and are close to agreement, pending review and approval by the Town Council.

- staff has requested the conveyance of five foot of right-of-way (5') from Pink Shell for that portion along the bay side from the location of the existing office north; and
- staff has requested the conveyance of five foot (5') of right-of-way commencing at Captiva Villas north along that property line; and
- in addition staff has requested that a portion of land within Pink Shell on the bay side of Estero Boulevard in the scenic landscaped area provide additional underground stormwater drainage.

Rachel Lambert, Town Manager  
September 11, 2006  
Page 2

Boykin has brought to the attention of the Town's staff, its request for relocation of the pedestrian beach access easement that exists on one side of Captiva Villas to be relocated to the north side of Captiva Villas. There currently exist a view corridor between and on the Captiva Villas parcel and the White Sands parcel and said view corridor would remain in place with no changes.

We have prepared a site plan attached as Exhibit A which reflects the points discussed in this letter and depicts the following:

- 5 feet proposed right-of-way within the property line of Captiva Villas to be dedicated to the Town of Fort Myers Beach for the expansion of Estero Boulevard right-of-way.
- 5 feet along the Bayside portion of Pink Shell to be dedicated to the Town of Fort Myers Beach for expansion of Estero Boulevard right-of-way.
- Depiction of the scenic landscape area on the bayside within which an easement in favor of the Town of Fort Myers Beach for underground drainage (Town still needs to provide information regarding the size of the area needed).
- Depiction of the existing pedestrian beach access and the proposed relocation of the pedestrian beach access on the north side of Captiva Villas.

The current beach access is six feet (6') in width located within the view corridor between White Sands and Captiva Villas. The relocated pedestrian beach access easement would be four and one half feet (4 -1/2') in width for the first eighty feet (80') from Estero Boulevard and six feet (6') in width for the remainder. This reduction to four and one-half feet (4-1/2') is due to the location of existing parking and the existing pilings of the Captiva Villas structure. Representatives of Pink Shell have met with Town staff, and separately with Lee County Community Development and Lee County Parks regarding the relocation of the easement and we are not aware of any issues with regard to the relocation.

To accomplish the above would require the approval of the Town of Fort Myers Beach as to the following:

1. Acceptance of a deed conveying five feet (5') on the northeast side of Estero Boulevard which is currently located within the Bayside CPD of Pink Shell and acceptance of a deed conveying five feet (5') for expansion of Estero Boulevard right-of-way for the area currently located within the Captiva Villas MDP.
2. Acceptance of an easement instrument in favor of the Town of Fort Myers Beach from Pink Shell for underground drainage to be located on the Bayside CPD.
3. An amendment to the planned development zonings as follows:

Rachel Lambert, Town Manager  
September 11, 2006  
Page 3

(a) An amendment to the Bayside CPD to eliminate five feet (5') of property along Estero Boulevard which would eliminate the landscaping depicted in the Bayside CPD

(b) Amend the White Sands CPD to eliminate the pedestrian beach access easement from the White Sands CPD (Note: the view corridor as depicted on the Master Concept Plan would remain).

(c) Amendment to the Captiva Villas MPD to accomplish the following

i. relocation of the beach access easement from the south side to the north side of the Captiva Villas parcel (the view corridor on the south side of then Captiva Villas MPD would be retained).

ii. amend the Captiva Villas MPD to eliminate five feet (5') of the property along Estero Boulevard which would eliminate landscaping.

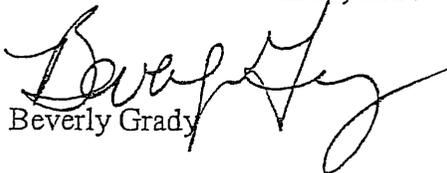
4. (a) A release of easement recorded in Official Records Book 04384 Pages 3212-3222 and acceptance of a new beach access easement located on the north side of Captiva Villas parcel by the Town of Fort Myers Beach

- (b) A release of easement recorded in Official Records Book 04393 at Pages 0474-481 and acceptance of the new beach easement located on the south side of Captiva Villas parcel by Lee County

Pink Shell looks forward to working with the Town. It is important to note that the drainage system for Captiva Villas, which is approved, requires a substantial change in order to effect the dedications contemplated in the negotiations. The five feet (5') within Captiva Villas parcel along Estero Boulevard is approved for drainage facilities for Captiva Villas which would be eliminated by the Town's plan. We would request that staff would schedule a presentation to the Town Council to obtain direction from the Council and advise on appropriate steps if the Town wants to proceed forward.

Very truly yours,

ROETZEL & ANDRESS, LPA

  
Beverly Grady

BG/umr

Enclosure: Exhibit A - Site Plan

cc: Jack Green, Public Works Director

Rachel Lambert, Town Manager  
September 11, 2006  
Page 4

Gerald Murphy, Community Development Director  
Anne Dalton, Town Attorney  
Dennis Boback, Mayor  
Don Massucco, Vice Mayor  
Garr Reynolds, Councilman  
Bill Shenko, Councilman  
Charles Meador, Councilman  
Robert Boykin  
Rich Conti  
Gordon Meiers  
Andrew Alexander





OCTOBER 20, 2006  
 JOB # 04-7019  
 FILE # 04-7019WALKESMT02LGL  
 SHEET 1 OF 2

DESCRIPTION:

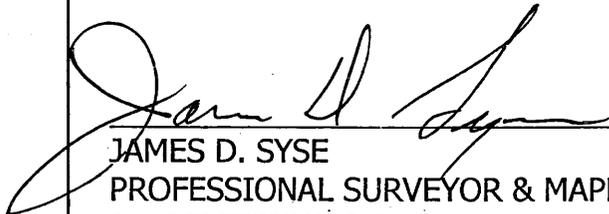
A WALKWAY EASEMENT LYING IN LOT 38, ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SANIBEL VIEW VILLAS, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 3559, PAGE 222 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.42°07'25"E. ALONG THE NORTH LINE OF SAID LOT 38, FOR 4.50 FEET; THENCE S.47°52'35"W., PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID SANIBEL VIEW VILLAS, 88.17 FEET; THENCE N.87°07'25"W., FOR 24.26 FEET; THENCE S.47°52'35"W., FOR 95.59 FEET; THENCE N.42°07'25"W., FOR 6.00 FEET; THENCE N.47°52'35"E., FOR 98.08 FEET; THENCE S.87°07'25"E., FOR 24.26 FEET; THENCE N.47°52'35"E., FOR 2.00 FEET TO THE SOUTHWESTERLY LINE OF SAID SANIBEL VIEW VILLAS; THENCE S.42°07'25"E. ALONG SAID SOUTHWESTERLY LINE, 1.50 FEET TO THE SOUTHEASTERLY LINE OF SAID SANIBEL VIEW VILLAS; THENCE N.47°52'35"E. ALONG SAID SOUTHEASTERLY LINE, 83.68 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

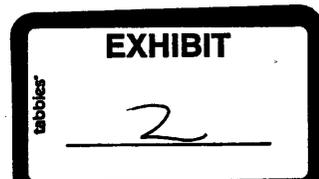
CONTAINING 1123 SQUARE FEET MORE OR LESS

SEE SHEET 2 OF 2 FOR SKETCH.

  
 JAMES D. SYSE  
 PROFESSIONAL SURVEYOR & MAPPER  
 FL. CERTIFICATE # 4211

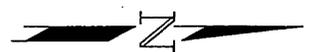
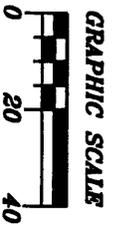
1400 Colonial Blvd., Suite 31  
 Fort Myers, FL 33907  
 (239) 931-0455  
 Fax: (239) 931-0456  
 www.lbfh.com

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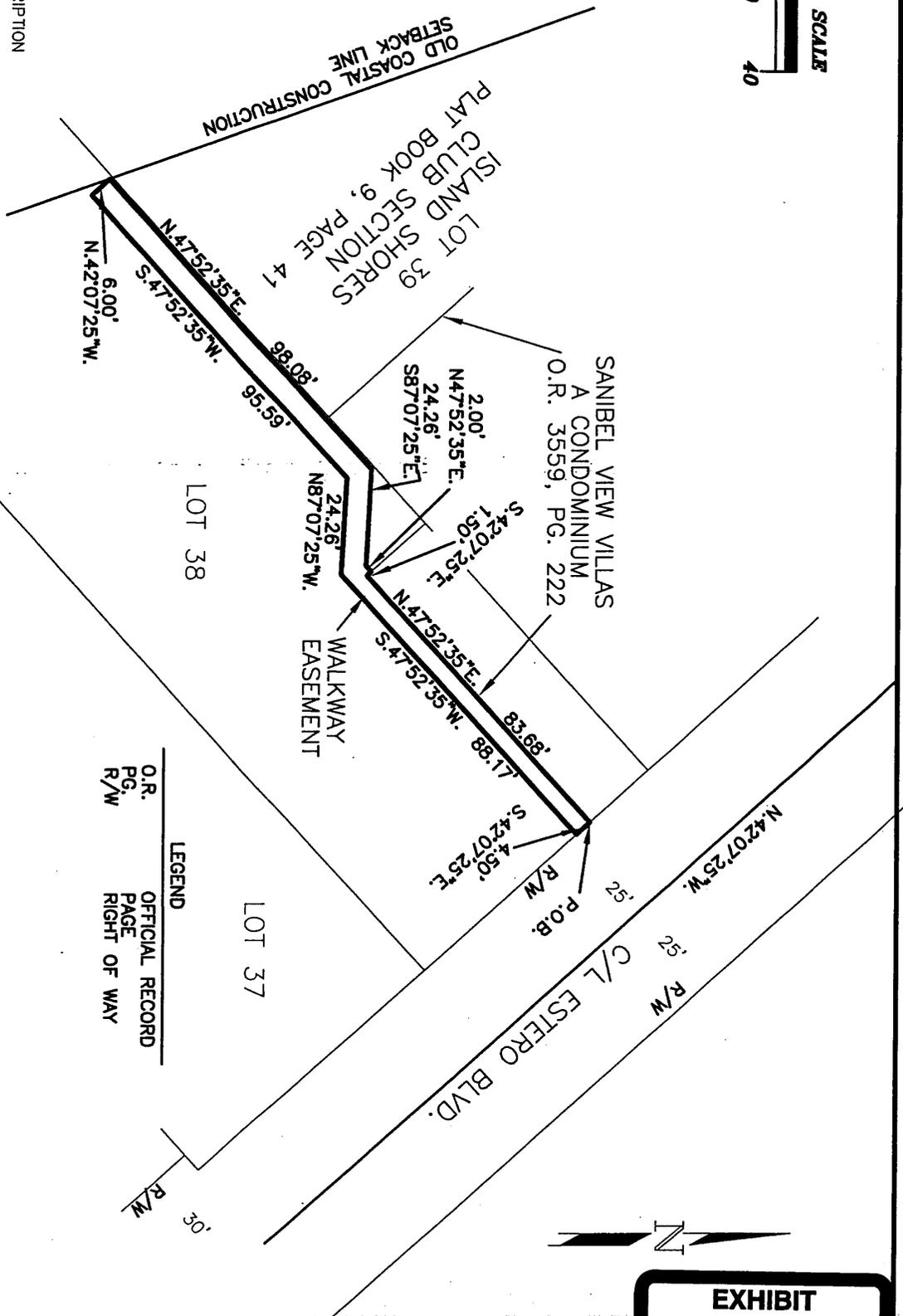


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**EXHIBIT**  
2



**LEGEND**  
O.R. PAGE OFFICIAL RECORD  
PG. PAGE RIGHT OF WAY  
R/W PAGE RIGHT OF WAY

REFER TO ATTACHED DESCRIPTION  
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.  
 BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF ESTERO BOULEVARD BEING N.42°07'25"W

SHEET 2 OF 2

*James D. Syse*  
 JAMES D. SYSE, FOR THE FIRM  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLA. CERTIFICATE NO. 4211

**SKETCH (NOT A SURVEY)**

WALKWAY EASEMENT  
 A PARCEL OF LAND LYING IN  
 SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
 LEE COUNTY, FLORIDA

DATE	3/15/06
SCALE	1"=40'
DRAWN	CP
CHECK	JDS
APPROVED	

**Ink Engineering**  
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04-7019SK02WALK  
 JOB NO.:  
**04-7019**



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SURVEYING & MAPPING  
GIS

October 20, 2006  
JOB NO. 06-7021  
FILE NO. 06-7021SK01rwbch  
SHEET 1 OF 2

**LEGAL DESCRIPTION: ADDITIONAL RIGHT OF WAY**

PART OF ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE NORTHEASTERLY 5.00 FEET OF LOT 37 AND THE SOUTHERLY 55.50 FEET OF THE NORTHEASTERLY 5.00 FEET OF LOT 38 OF SAID ISLAND SHORES CLUB SECTION.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SEE SHEET 2 OF 2 FOR SKETCH

JAMES D. SYSE  
PROFESSIONAL SURVEYOR & MAPPER  
FL. CERT. NO. 4211

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